

**IN THE NATIONAL COMPANY LAW TRIBUNAL
KOLKATA BENCH -I, KOLKATA**

In the matter of:

An application under section 252(1) of the Companies act, 2013 read with rule 87A of the National Company Law Tribunal Rules, 2016 and rule 3(1)(ix) of the Companies (removal of names of Companies) Rules, 2016.

Appeal No. 57/KB/2022

In the matter of:

Registrar of Companies, Bihar	...	<i>Appellant</i>
	<i>Versus</i>	

Begampur Cold Storage Private Limited		
[CIN:U63022BR1968PTC000816]	...	<i>Respondent</i> <i>(Struck off)</i>

Appeal No. 59/KB/2022

In the matter of:

Registrar of Companies, Bihar	...	<i>Appellant</i>
	<i>Versus</i>	

Aryan Laboratories Private Limited		
[CIN:U51397BR1999PTC009074]	...	<i>Respondent</i> <i>(Struck off)</i>

Appeal No. 61/KB/2022

In the matter of:

Registrar of Companies, Bihar	...	<i>Appellant</i>
	<i>Versus</i>	

Magadh Enterprises Private Limited		
[CIN:U33110BR1990PTC003825]	...	<i>Respondent</i> <i>(Struck off)</i>

Appeal No. 63/KB/2022

In the matter of:

Registrar of Companies, Bihar	...	<i>Appellant</i>
	<i>Versus</i>	

ABS Eliza Lifesciences Private Limited		
[CIN:U51397BR2008PTC013893]	...	<i>Respondent</i> <i>(Struck off)</i>

Appeal No. 65/KB/2022

In the matter of:

Registrar of Companies, Bihar	...	<i>Appellant</i>
	<i>Versus</i>	

Prem Re-Rolling Mills Private Limited		
[CIN:U27104BR1987PTC002715]	...	<i>Respondent</i> <i>(Struck off)</i>

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Appeal No. 67/KB/2022

In the matter of:

Registrar of Companies, Bihar ... *Appellant*

Versus

Sandali Hospital Private Limited
[CIN:U85110BR2005PTC011210] ... *Respondent*
(Struck off)

Appeal No. 69/KB/2022

In the matter of:

Registrar of Companies, Bihar ... *Appellant*

Versus

Fesaw Solutions Private Limited
[CIN:U72900BR2011PTC016867] ... *Respondent*
(Struck off)

Appeal No. 71/KB/2022

In the matter of:

Registrar of Companies, Bihar ... *Appellant*

Versus

Patna Advance MRI Centre Private Limited
[CIN:U85195BR2013PTC019800] ... *Respondent*
(Struck off)

Appeal No. 73/KB/2022

In the matter of:

Registrar of Companies, Bihar ... *Appellant*

Versus

Brahmeshwarnath Enterprises Private Limited
[CIN:U45200BR2009PTC014261] ... *Respondent*
(Struck off)

Appeal No. 75/KB/2022

In the matter of:

Registrar of Companies, Bihar ... *Appellant*

Versus

Ripal Energy (India) Private Limited
[CIN:U40105BR2011PTC016543] ... *Respondent*
(Struck off)

Appeal No. 77/KB/2022

In the matter of:

Registrar of Companies, Bihar ... *Appellant*

Versus

Kuldeepika Infra Private Limited
[CIN:U45200BR2011PTC017244] ... *Respondent*
(Struck off)

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Appeal No. 79/KB/2022

In the matter of:

Registrar of Companies, Bihar ... *Appellant*

Versus

Chitra Electrodes Private Limited
[CIN:U27106BR1988PTC003091] ... *Respondent*
(Struck off)

Appeal No. 81/KB/2022

In the matter of:

Registrar of Companies, Bihar .. *Appellant*

Versus

Supersonic Engineering Private Limited
[CIN:U51109BR2005PTC011100] ... *Respondent*
(Struck off)

Appeal No. 83/KB/2022

In the matter of:

Registrar of Companies, Bihar ... *Appellant*

Versus

Takshak Engineering Private Limited
[CIN:U45200BR2007PTCO13185] ... *Respondent*
(Struck off)

Appeal No. 85/KB/2022

In the matter of:

Registrar of Companies, Bihar ... *Appellant*

Versus

Swagat Interiors Private Limited
[CIN: U45200BR2010PTC016100] ... *Respondent*
(Struck off)

Appeal No. 87/KB/2022

In the matter of:

Registrar of Companies, Bihar ... *Appellant*

Versus

Viewnet Infrastructure and Telecommunication Private Limited
[CIN:U45200BR2010PTC01S335] ... *Respondent*
(Struck off)

Appeal No. 89/KB/2022

In the matter of:

Registrar of Companies, Bihar ... *Appellant*

Versus

Sypon Pharma Private Limited
[CIN: U242308BR1986PTC00232] ... *Respondent*
(Struck off)

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Appeal No. 91/KB/2022

In the matter of:

Registrar of Companies, Bihar

...

Appellant

Versus

Srijan Materials and Engineering Private Limited

[CIN: U452008BR2010PTC016335]

...

*Respondent
(Struck off)*

Appeal No. 93/KB/2022

In the matter of:

Registrar of Companies, Bihar

...

Appellant

Versus

Dina Saraswati Enterprises Private Limited

[CIN: U452008BR2010PTC016335]

...

*Respondent
(Struck off)*

Appeal No. 95/KB/2022

In the matter of:

Registrar of Companies, Bihar

...

Appellant

Versus

Shobha Coir Foam Private Limited

[CIN:U3610BR1989PTC003657]

...

*Respondent
(Struck off)*

Appeal No. 97/KB/2022

In the matter of:

Registrar of Companies, Bihar

...

Appellant

Versus

Maple Paints & Chemicals Private Limited

[CIN:U51434BR1995PTC006639]

...

*Respondent
(Struck off)*

Appeal No. 99/KB/2022

In the matter of:

Registrar of Companies, Bihar

...

Appellant

Versus

Vidya Sagar Construction & Cables Private Limited

[CIN: U32202BR1999PTC009065]

...

*Respondent
(Struck off)*

Appeal No. 101/KB/2022

In the matter of:

Registrar of Companies, Bihar

...

Appellant

Versus

Infinity Compusystems Private Limited

[CIN: U72200BR2009PTC014935]

...

*Respondent
(Struck off)*

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Appeal No. 103/KB/2022

In the matter of:

Registrar of Companies, Bihar

...

Appellant

Versus

Raja Mechanised Bricks Private Limited

[CIN: U26933BR1988PTC002954] ...

*Respondent
(Struck off)*

Appeal No. 105/KB/2022

In the matter of:

Registrar of Companies, Bihar

...

Appellant

Versus

Kabir Cement Industries Private Limited

[CIN: U26940BR1987PTC002569] ...

*Respondent
(Struck off)*

Appeal No. 107/KB/2022

In the matter of:

Registrar of Companies, Bihar

...

Appellant

Versus

Dhankuwar Cold Storage Private Limited

[CIN: U63022BR2008PTC013621] ...

*Respondent
(Struck off)*

Order reserved on: 21 April, 2022

Order pronounced on: 26 April, 2022

Coram:

Shri Rajasekhar V.K.

:

Member (Judicial)

Shri Balraj Joshi

:

Member (Technical)

Appearances (through video conferencing):

For the Appellant in each Appeal

:

Mr. Aparajit Barua, RoC-cum-OL

For the Respondent in each Appeal

:

None, in spite of court notice given

COMMON ORDER

Balraj Joshi, Member (Technical)

1. This Court convened through videoconferencing.
2. The present set of application has been filed by the Registrar of Companies-Cum-Official Liquidator, Patna, seeking restoration of the name of the respective respondent companies to the Registrar of Companies, in terms of the second proviso to sub-section (1) of section 252 of the Companies Act, 2013.

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3. It is the case of the applicant that the RoC has proceeded to strike off the name of the Companies in question from the Registrar of Companies due to defaults in filing its statutory returns for a period of at least two years preceding the striking-off date.
4. Thereafter it was noticed that these Companies had charges which were still open. Therefore, it was necessary to restore the name of the struck-off companies back to the Register to prevent any legal complications later.
5. In these circumstances, the RoC has prayed for appropriate orders to be passed restoring the name of the Companies in question to the register maintained by the RoC, as the names were struck off inadvertently.
6. Court notices as required in terms of first proviso to sub-section (1) of Section 252 has been duly given to each of the Companies as per details given in the table below: -

Sl. No	Name of the Company and CIN	Date of striking off	Court notice and return date
1.	Begampur Cold Storage Private Limited [CIN:U63022BR1968PTC000816]	29 June 2017	21 February 2022 Return date: 26 February 2022
2.	Aryan Laboratories Private Limited [CIN:U51397BR1999PTC009074]	11 September 2018	21 February 2022 Delivery date: 26 February 2022
3.	Magadh Enterprises Private Limited [CIN:U33110BR1990PTC003825]	11 September 2018	21 February 2022 Return date: 28 February 2022
4.	ABS Eliza Life Sciences Private Limited [CIN:U51397BR2008PTC013893]	11 September 2018	21 February 2022 Return date: 26 February 2022
5.	Prem Re-Rolling Mills Private Limited [CIN:U27104BR1987PTC002715]	11 September 2018	21 February 2022 Delivery date: 26 February 2022
6.	Sandali Hospital Private Limited [CIN:U85110BR2005PTC011210]	11 September 2018	21 February 2022 Return date: 26 February 2022
7.	Fesaw Solutions Private Limited [CIN:U72900BR2011PTC016867]	11 September 2018	21 February 2022 Delivery date: 26 February 2022

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Sl. No	Name of the Company and CIN	Date of striking off	Court notice and return date
8.	Patna Advance MRI Centre Private Limited [CIN:U85195BR2013PTC019800]	11 September 2018	21 February 2022 Return date: 26 February 2022
9.	Brahmeshwarnath Enterprises Private Limited [CIN:U45200BR2009PTC014261]	29 June 2017	21 February 2022 Return date: 28 February 2022
10.	Ripal Energy (India) Private Limited [CIN:U40105BR2011PTC016543]	11 September 2018	21 February 2022 Return date: 26 February 2022
11.	Kuldeepika Infra Private Limited [CIN:U45200BR2011PTC017244]	11 September 2018	21 February 2022 Delivery date: 07 March 2022
12.	Chitra Electrodes Private Limited [CIN:U27106BR1988PTC003091]	11 September 2018	21 February 2022 Return date: 28 February 2022
13.	Supersonic Engineering Private Limited [CIN:U51109BR2005PTC011100]	11 September 2018	21 February 2022 Delivery date: 26 February 2022
14.	Takshak Engineering Private Limited [CIN:U45200BR2007PTC013185]	11 September 2018	21 February 2022 Return date: 26 February 2022
15.	Swagat Interiors Private Limited [CIN: U45200BR2010PTC016100]	11 September 2018	21 February 2022 Return date: 26 February 2022
16.	Viewnet Infrastructure and Telecommunication Private Limited [CIN:U45200BR2010PTC01S335]	11 September 2018	21 February 2022 Return date: 26 February 2022
17.	Sypon Pharma Private Limited [CIN: U242308BR1986PTC00232]	11 September 2018	21 February 2022 Delivery date: 26 February 2022
18.	Srijan Materials And Engineering Private Limited [CIN: U452008BR2010PTC016335]	11 September 2018	21 February 2022 Return date: 26 February 2022
19.	Dina Saraswati Enterprises Private Limited [CIN: U452008BR2010PTC016335]	11 September 2018	21 February 2022 Delivery date: 26 February 2022
20.	Shobha Coir Foam Private Limited [CIN:U3610BR1989PTC003657]	11 September 2018	21 February 2022 Return date: 26 February 2022
21.	Maple Paints & Chemicals Private Limited	29 June 2017	21 February 2022 Return date: 26

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Sl. No	Name of the Company and CIN	Date of striking off	Court notice and return date
	[CIN:U51434BR1995PTC006639]		February 2022
22.	Vidya Sagar Construction & Cables Private Limited [CIN: U32202BR1999PTC009065]	11 September 2018	21 February 2022 Return date: 26 February 2022
23.	Infinity Compusystems Private Limited [CIN: U72200BR2009PTC014935]	14 July 2019	21 February 2022 Return date: 26 February 2022
24.	Raja Mechanised Bricks Private Limited [CIN: U26933BR1988PTC002954]	11 September 2018	21 February 2022 Delivery date: 26 February 2022
25.	Kabir Cement Industries Private Limited [CIN: U26940BR1987PTC002569]	11 September 2018	21 February 2022 Return date: 26 February 2022
26.	Dhankuwar Cold Storage Private Limited [CIN: U63022BR2008PTC013621]	11 September 2018	21 February 2022 Return date: 26 February 2022

7. However, despite receipt of notice, there is no appearance on behalf of the Respondent Companies. In these circumstances we have proceeded to pass the orders *ex parte*.
8. We have considered the totality of circumstances mentioned by the RoC and the reasons given for seeking restoration on the names of the said Companies to the Register. We are satisfied with the reasons given. Accordingly, the following orders are passed: -
- The Registrar of Companies shall restore the name of the respective Companies to the Register with immediate effect.
 - Necessary gazette notification in this regard restoring the name shall be published in the official gazette.
 - The companies concerned shall file the outstanding Annual Returns and Balance Sheets for all the defaulted years with the RoC.
 - There shall be no orders as to cost.

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9. In terms of these directions, each of the Appeals mentioned above shall stand disposed of.
10. The Registry is hereby directed to communicate this order to the parties concerned by post and email, not later than two days from the date of this order.
11. Certified Copy of this order may be issued, if applied for, upon compliance of all requisite formalities.

BALRAJ
JOSHI

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by BALRAJ JOSHI
Date: 2022.04.26
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Balraj Joshi
Member (Technical)

Rajasekhar
V K

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Rajasekhar V K
Date: 2022.04.26
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Rajasekhar V.K.
Member (Judicial)

Order signed on 26 April, 2022.

VC[PS]/GGRB[LRA]