



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

C.P. No. 125/KB/2022

A petition under section. 252(3) of the Companies Act, 2013;

In the Matter of:

RANLY MOUSY VENTURE PRIVATE LIMITED (CIN: U74999WB2012PTC175141),
a Company incorporated under the Companies Act, 2013, and having its Registered Office at
76A, A. P. C. ROY ROAD, AMHERST STREET KOLKATA- 700009.

....Struck off

And

SUBHASIS CHATTERJEE, Son of RAMA PRASAD CHATTERJEE, residing at 76/1C, A.
P. C. ROAD, VTC, RAJA RAMMOHAN SARANI, DISTRICT-KOLKATA, WEST
BENGAL, PIN CODE-700009;

...Petitioner

Versus

In the Matter of:

The Registrar of Companies, West Bengal, having its office at Nizam Palace, 2nd MSO
Building, 2nd Floor, 234/4, A. J. C. Bose Road, Kolkata-700020, West Bengal.

...Respondent

Date of Hearing: 14/06/2022

Date of Pronouncement: 17/06/2022

Coram:

Mr. Rajasekhar V. K., Hon'ble Member (Judicial)

Mr. Balraj Joshi, Hon'ble Member (Technical)

Counsel appeared through Video Conference

Ms. Swarnali Das, [PCS] ...For the Petitioner



ORDER

Rajasekhar V. K., Member (Judicial):

1. This Company Petition has been filed by one of the Shareholders of the petitioner company, Ranly Mousy Venture Private Limited (Struck Off) U/s. 252(3) of the Companies Act, 2013 for restoration of name of the struck off company in the register of companies, maintained in the office of the Registrar of Companies, West Bengal. It is stated that the name of the Company was Struck Off **on 03.02.2022**.
2. It is contended that “due to an irresponsible person who suddenly left the job of the company and who had been authorized to look after the filing of the same”, the petitioner could not file annual returns and financial statements for the financial years 2018-19, 2019-20 & 2020-21 and has produced copies of the said Financial Statements; Statement of Bank Accounts as well as the IT returns have also been produced.
3. It is further contended that the Company has Current Liabilities of Rs. 12,313,942.63/- & Current Assets amounting to Rs. 10,470,331.90/- for the Financial year 2020-21 and it will be unfair to the Company and its stakeholders, if the company is remained struck-off. Upon the said contentions, the Ld. Authorised Representative for the petitioner prayed for passing of an order for restoration of the name of the appellant company.
4. Notices were issued to the Registrar of Companies, West Bengal. The Registrar of Companies, West Bengal has submitted its report at the Registry with copy to the petitioner. It was stated in the report that only after compliance of the requirements to be met under Section 248 of the Companies Act, 2013, Registrar of Companies, West Bengal has struck off the name of the petitioner company from the register maintained by the Registrar of Companies, West Bengal.
5. On perusal of documents, we are also satisfied that the petitioner company was a going concern and doing business on the date of striking off its name. ROC, West Bengal has not objected to this application for restoration of the name of the petitioner company. Therefore, the Company Petition deserves consideration. Accordingly, the Company Petition is to be allowed upon payment of cost of Rs. 30,000/- (Rupees Thirty Thousand Only), which would meet ends of justice in the peculiar nature and circumstances of



the case in hand. Accordingly, in exercise of the powers conferred on the Tribunal under Section 252 of the Companies Act, 2013, the petition is allowed upon the following: -

- a. The Registrar of Companies, West Bengal, the respondent herein, is directed to restore the original status of the petitioner Company as if the name of the Company had not been struck off from the register of Companies with the resultant and consequential actions like changing status of petitioner Company from '**Struck off**' to '**Active**';
- b. The petitioner Company is directed to file all pending statutory document(s) including Annual Accounts and Annual returns for the years 2018-19, 2019-20 and 2020-2021 along with prescribed fees/ additional fee/fine as decided by Registrar of Companies, West Bengal within 45 days from the date on which its name is restored on the register of companies maintained by the Registrar of Companies, West Bengal;
- c. The restoration of the Company's name is also subject to the payment of cost of **Rs. 30,000/- (Rupees Thirty Thousand Only)** through online payment in www.mca.gov.in under miscellaneous fee by mentioning particulars as "Payment of cost for revival of company pursuant to orders of NCLT, Kolkata Bench-I in **C.P. No. 125/KB/2022**;
- d. The Petitioner is directed to deliver a certified copy of this order with Registrar of Companies, West Bengal within thirty days of the receipt of this order;
- e. On such delivery and after due compliance with the above directions, the Registrar of Companies, West Bengal is directed to publish the order in the Official Gazette under his office name and seal;
- f. This order is confined to the violations, which ultimately led to the impugned action of striking off the name of the Company, and it will not come in the way of Registrar of Companies, West Bengal to take appropriate action(s) in accordance with law, for any other violations /offences, if any, committed by the petitioner company prior to or during the period the name of the Company remained struck off.



6. The **C.P. No. 125/KB/2022** is disposed of accordingly.
7. The Registry is directed to send e-mail copies of the order forthwith to all the parties inclusive of the Counsel.
8. Urgent certified copy of this order, if applied for be issued upon compliance with all requisite formalities.

**BALRAJ
JOSHI**

Digitally signed by
BALRAJ JOSHI
Date: 2022.06.17
22:19:14 +05'30'

**Balraj Joshi
Member (Technical)**

**Rajasekhar V.K.
Member (Judicial)**

Signed on this, the 17th day of June, 2022