



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

CP No. 45/KB/2022

An application under Section 252(3) of the Companies Act, 2013.

In the matter of:

KRISHNA BUILDERS AND DEVELOPERS PRIVATE LIMITED (CIN: 45400WB2011PTC168112), a company incorporated under the provisions of Companies Act, 1956 and having its registered office at , Ground Floor, 44, Ezra Street Kolkata- 700001, in the state of West Bengal.

..... Struck Off

In the matter of:

Deepak Badiyani, by occupation Businessman and working for gain, residing at, Flat No. 603, Buttercup Building, Pokhran Road No.2, Hiranandani Meadows, Thane, Apna Bazar, Thane - 400610, Maharashtra.

....Appellant/Petitioner

And

THE REGISTRAR OF COMPANIES, KOLKATA, having its office at Nizam Palace, 2nd MSO building, 2nd Floor, 234/4, Acharya Jagdish Chandra Bose Road, Kolkata 700 020;

.....Respondent

Date of Hearing: 13/06/2022

Date of Pronouncement: 15/06/2022

CORAM:

Shri Rajasekhar V.K., Member (Judicial)

Shri Balraj Joshi, Member (Technical)

For the Petitioners:

1. Ms. Anisha Sharma, CS



KRISHNA BUILDERS AND DEVELOPERS PRIVATE LIMITED

ORDER

Balraj Joshi, Member (Technical):

1. This Company Petition has been filed by Mr. Deepak Badiyani, one of the shareholders of Krishna Builders and Developers Private Limited, u/s 252(3) of the Companies Act, 2013 for restoration of name of the Struck off company in the registrar 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 **30.10.2019**.
2. It is contended that the company has not filed the financial Statements for the financial years 2015-16, 2016-17, 2017-18, 2018-19, 2019-20 & 2020-21 and Annual Returns of the Company for the financial years ended 2015-16, 2016-17, 2017-18, 2018-19, 2019-20 & 2020-21, due to communication gap between the directors and professionals concerned and also due to Covid-19 pandemic and has produced copies of the said financial statements.
3. It is further contended that the Company has Long Term Loans & Advance of Rs. 18,775,052/-, Other current assets of Rs. 5,00,000/- and Cash & Cash Equivalents of Rs. 6,99,746.50/- for the Financial Year ended on 31.03.2020 and it will be unfair to company if the company is struck-off. Upon the said contentions, the Ld. Counsel 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 a report. It was stated in the report that only after the compliance of requirements to be met under Section 248 of the Companies Act, 2013, Registrar of Companies, West Bengal has struck off the name of the Company from the register.
5. On perusal of documents, we are satisfied that the Company was a going concern and doing business on the date of striking off its name. The Registrar of Companies, West Bengal has not objected to this application for restoration of the name of the company. Therefore, the Company Petition deserves favourable consideration. Accordingly, in



KRISHNA BUILDERS AND DEVELOPERS PRIVATE LIMITED

exercise of the powers conferred on the Tribunal under Section 252 of the Companies Act, 2013, the petition is allowed on the Following terms:

- 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 for the period of 2015-16, 2016-17, 2017-18, 2018-19, 2019-20 & 2020-21 and Annual returns for the period 2015-16, 2016-17, 2017-18, 2018-19, 2019-20 & 2020-21 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. 60,000/- (Rupees Sixty Thousand only) through online payment in www.mca.gov.in under miscellaneous fee by mentioning particulars as “Payment of cost for restoration of company pursuant to orders of NCLT in C.P. No. 45/KB/2022.”
- d) The petitioner is directed to deliver a certified copy of the 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 the law, for any other violations/offences, if any, confirmed by



KRISHNA BUILDERS AND DEVELOPERS PRIVATE LIMITED

the Appellant company prior to or during the period the name of the Company remained Struck off.

6. The Company Petition being **C.P. No. 45/KB/2022 is disposed** off 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 copies of this order, if applied for be issued upon compliance with all requisite formalities.

BALRAJ
JOSHI

Digitally signed by
BALRAJ JOSHI
Date: 2022.06.15
15:58:49 +05'30'

Balraj Joshi
Member (Technical)

Rajasekhar
V K

Digitally signed by Rajasekhar V K
DN: c=IN, o=Personal, title=0005,
pseudonym=490a45134c9d966e22365dbf53b7504ee4
3a6491-cbe8ba8a657ba0f6a65cc, postalCode=600018,
st=Tamil Nadu,
serialNumber=85120aee9b707b7f4f18a3ac75eb59805
4036c9a850593b5c6edc8a6c7396, cn=Rajasekhar V K
Date: 2022.06.15 15:16:09 +05'30'
Adobe Acrobat Reader version: 2022.001.20117

Rajasekhar V.K.
Member (Judicial)

Signed on this, the 15th day of June, 2022

M_Jana_Steno