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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Date of Judgment: 11.10.2012

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CO. PET. No.269/2012

AMAR RUBBER(CHEMICALS) INDIA PVT LTD

..... Petitioner

Through: Mr.Mayank Kumar, Advocate.

versus

REGISTRAR OF COMPANIES

..... Respondent

Through: Mr.K.S.Pradhan, Deputy
Registrar of Companies.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

INDERMEET KAUR, J. (Oral)

1 By way of this petition, the petitioner seeks the restoration of its name in the Register of the Registrar of Companies (ROC) under Section 560(6) of the Companies Act, 1956 (hereinafter referred to as the Act).

2 The petitioner was incorporated under the provisions of the Act as a Private Limited Company with the ROC. The registered office of the company is at 1/11-B, Asaf Ali Road, New Delhi.

3 The authorized, issued, subscribed and paid up capital of the petitioner company as on 31.03.2011 is as follows:

Particulars	Amounts (in Rs.)
Authorized share capital- 50,000 Equity Shares of Rs.10/- each	5,00,000
Issued, subscribed and paid-up share capital- 15,300 Equity Shares of Rs.10/- each	1,53,300

4 The petitioner company has been carrying on the business of manufacturing and trading of rubber chemicals, blowing agent and all kinds of minerals and chemicals used in manufacturing, processing or producing rubber since its incorporation. While carrying out the business and operations of the petitioner company, it came to the knowledge of the existing directors that certain statutory filings were required to be done with the respondent annually as well as upon happening of certain events, which have been inadvertently not being done. Upon further enquiry with the respondent, the petitioner came to know that inadvertently the statutory filing with the respondent has not been done in terms of the provisions of the Act and the name of the petitioner has been struck off from the register of the ROC vide Gazette

Notification No.ROC/Delhi/560(5)/SM/6003/11502 dated April 26-May 2, 2008.

5 The petitioner has filed annual accounts till the financial year 1993-1994. Petitioner company has received no statutory notice as contemplated under Section 560(1) of the Act hence the petitioner could not represent its case before the respondent. The petition is within period of limitation.

6 Reply filed on behalf of Registrar of Companies (ROC) has been perused. It is submitted that the petitioner company has not filed its statutory documents i.e. Annual Returns since 1994 and Balance Sheet since 1993 which is in contravention of Section 159/220 of the Act; the defaulter shall be liable for punishment/penalty. Notice of striking off the name of the petitioner company from the register of the ROC under Section 560(5) of the Act was given and published in the Official Gazette of India on 26.4.2008. The ROC has no objection if the name of the Company is restored in the ROC, however, company be directed to file the pending Annual Returns since 1994 and Balance Sheets since 1993 till date along with the requisite late filing fee as prescribed under the law.

7 Keeping in view the facts and circumstances narrated by the petitioner company herein-above as also the reply filed by the ROC the petitioner company is permitted to file its statutory documents i.e. the Annual Returns since 1994 and Balance Sheet since 1993 till date on payment of the requisite late filing fee. Upon the filing of the aforesaid documents, the ROC is directed to restore the name of the petitioner company in the Register of the Companies. This order is passed subject to payment of cost of Rs.50,000/- to be deposited with the Central Government. Petition disposed of in the above terms.

INDERMEET KAUR, J

OCTOBER 11, 2012

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