



2026:DHC:7157



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

% **Date of Decision: 24th August, 2026**

CNR No. DLHC010270002026

+ **CONT.CAS(C) 1083/2026 & CM APPL. 55427/2026**

PAWAN KUMAR JAIN

.....Petitioner

Through: Mr. Rishabh Jain, Adv.
Mob: 99990044608
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versus

**MS. SEEMA RATH, REGISTRAR OF COMPANIES - 1, DELHI
(SOUTH)** Respondent

Through: Mr. Amit Tiwari, CGSC with Mr.
Chetanya Puri, Ms. Ayushi Srivastava,
Mr. Arpan Narwal, Mr. Ujjwal Tyagi
and Mr. Kushagra Malik, Advs.
Mob: 9990980316
Email: tiwariamit22@yahoo.com
Ms. Meghana N., Assistant Registrar
of Company, Delhi-01 (Through VC)
Mob: 9949185903
Email:
meghana.nandiraju@mca.gov.in

**CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA**

MINI PUSHKARNA, J (ORAL):

1. The present contempt petition has been filed alleging wilful disobedience of the judgment dated 29th April, 2026, passed in *W.P.(C)*



11302/2023.

2. By way of the said judgment, this Court has held as follows:

“xxx xxx xxx

3. Learned counsel appearing for the petitioner submits that before striking off the name of the petitioner's company, the mandatory procedure under Section 560 of the Companies Act, 1956 ('the Act') was completely disregarded. He points out that the Registrar of Companies never issued the first letter of inquiry under Section 560(1), nor the second notice by registered post under Section 560(2). No notice was published in the Official Gazette under Section 560(3), and consequently the final action under Section 560(5) was never validly taken. He argues that the striking off is, therefore, illegal and *void ab initio*.

4. On notice, the respondents have filed their reply relying on a Gazette Notification dated 23.06.2007, claiming that the name of the petitioner's company was struck off. Learned counsel for the respondents also raises various objections. The primary objections are that the petition is barred by delay as the striking off occurred in 2007 and the petition was filed in 2023, and that the petitioner should have availed the alternative remedy before the National Company Law Tribunal (NCLT) under Section 252 of the Companies Act, 2013.

5. The Gazette Notification dated 23.06.2007, heavily relied upon by the respondent, does not pertain to the Petitioner's company. The company listed Serial No. 6719 bears Corporate Identification Number (CIN) U99999DL1990PTC039734. The petitioner's company, however, has a distinct and different CIN, i.e., U51900DL1990PTC039734. This Court is of the considered opinion that a notice or notification issued for a different CIN is, in the eyes of law is a fatal discrepancy that renders the impugned action *void ab initio*.



6. Regarding the objection of delay, Section 560(6) of the Act expressly permits a company, its member or creditor to apply for restoration before the expiry of twenty years from the date of publication in the Official Gazette. The present petition, filed in 2023, is well within this 20-year period computed from 2007. The Bombay High Court in *Purushottamdass and Another v. Registrar of Companies*¹, has held that a restoration petition filed within 20 years is maintainable, and that the Court can order restoration even if the company was not carrying on business at the time of striking off, if it is otherwise just to do so. The Supreme Court in *Ajit Singh Thakur Singh v. State of Gujarat*² has further held that a party is entitled to wait until the last day of limitation to avail a legal remedy. Hence, the objection of delay is rejected.

7. The respondent's contention that the Petitioner should have availed the alternative statutory remedy before the National Company Law Tribunal (NCLT) is found to be without merit. Since this Court has held that no valid Gazette Notification was ever published for the petitioner's company, the period of limitation for filing an application under Section 252(3) of the Companies Act, 2013 has never commenced, and the said statutory remedy is not available to the Petitioner. The respondent's objection is also answered by the Division Bench judgment of the Madras High Court in *AGD. P. Ltd. v. Registrar of Companies*³, where the Court held that when no formal order of striking off is passed, the consequential publication is not valid, and that the existence of a statutory remedy does not bar the High Court's constitutional powers under Articles 226 and 227. Therefore, the availability of statutory remedy is not an absolute bar.

8. In light of the above discussion, this Court finds that the objections raised by the respondents are without merit.

9. In view of the aforesaid, the instant petition stands allowed. The name of the petitioner's company is directed to be restored.

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3. Accordingly, by way of the aforesaid judgment, it was observed that the action of the Registrar of Companies (“ROC”) in striking of the name of the petitioner-company from its website, was *void ab initio* on account of the fact that the notification issued by the respondent bore a different Company Identification Number (“CIN”) than that of the petitioner-company.
4. Thus, it was been held that striking of the names of the petitioner-company from the website of the ROC was not proper.
5. Since, the name of the petitioner-company has still not been restored by the Registrar of Companies, the present petition has come to be filed.
6. This Court notes the submission made by learned counsel appearing for the respondent that the appeal filed by the respondent before the Division Bench of this Court has been withdrawn today, i.e., 24th August, 2026, with liberty to file a Review Petition against the aforesaid judgment dated 29th April, 2026.
7. At this stage, learned counsel appearing for the petitioner draws the attention of this Court to the Circular dated 24th February, 2026, issued by the Ministry of Corporate Affairs, Government of India (“MCA”) and submits that there are certain compliances, which need to be done by the petitioner-company, in terms of the aforesaid circular.
8. In addition, he submits that such compliances can only be done by the petitioner-company, if the name of the petitioner-company is shown as an active company on the website of the MCA.
9. He further submits that such compliances have to be done latest by 31st August, 2026.
10. Thus, learned counsel appearing for the petitioner submits that in view of the judgment dated 29th April, 2026, the name of the petitioner-company



ought to be restored in the ROC and be shown as an active company on the website of the MCA.

11. In response, learned counsel appearing for the respondent submits that since Review Petition is being filed against the judgement dated 29th April, 2026, therefore the said action cannot be done.

12. On direction of this Court, Ms. Meghana N., Assistant Registrar of Companies, Delhi-01, is present before this Court through Video Conferencing (“VC”). She submits that various approvals would have to be taken at different levels, before the requisite compliance can be done.

13. Having heard learned counsels appearing for the parties, this Court is of the view that once there is a subsisting judgment by the Court of law, the concerned Ministry and other parties involved, are required to comply with the same. The mere fact that the respondent seeks to file a review petition is no ground for non-compliance of a Court order.

14. Accordingly, the respondent is directed to forthwith restore the petitioner-company’s name in the ROC and show the status of the petitioner-company as an active company on the website of the MCA.

15. In order to safeguard the interest of the respondent, it is directed that such action shall be done, subject to any order that may be passed in the review application, which may be filed on behalf of the respondent, if so deemed appropriate and if so advised.

16. Accordingly, let the needful be done forthwith.

17. This Court notes the submission made by learned counsel appearing for the petitioner, that in case of any glitch at the time of uploading of documents and for updating of Master Data, he may be allowed to coordinate with the concerned officials of the ROC.



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18. Accordingly, Ms. Meghana N., Assistant ROC, Delhi-01, whose details are reflected in today's order, is requested to cooperate with the learned counsel appearing for the petitioner in this regard.

19. Accordingly, no further orders are required to be passed in the present petition.

20. The present petition along with the pending application is accordingly, disposed of.

21. The next date of hearing, i.e., 21st December, 2026, also stands cancelled.

MINI PUSHKARNA, J

AUGUST 24, 2026/SK