

IN THE HIGH COURT OF JUDICATURE AT PATNA

Company Petition No.3 of 2015

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Samta Cold Storage Private Limited having its registered office at Dumra Court,
P.S- Dumra, Sitamarhi-843301 (Bihar) through its Director, Amitabh Singh.

.... Petitioner/s

Versus

The Union of India through the Registrar of Companies, Bihar, Patna, having its
office at A-Block, 4th Floor, Mauryalok Complex, Dakbunglow Road, Patna-
800001

..... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar, Adv.

For the Respondent/s : Mr. S.D. Sanjay, ASG
Mr. Tuhin Shankar, CGC

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 09-10-2015

Heard learned counsel for the petitioner and learned
counsel representing the Official Liquidator.

This application has been filed for restoration of the
name of petitioner company in the register of company maintained by
the Registrar of Company after setting aside the order passed by the
Registrar of the Companies, Bihar, Patna dated 20.09.2007 notified in
the Gazette of India, vide Notification no. 40 dated 6th October 2007
by which the Registrar of the Companies, in exercise of power u/s 560
of the Companies Act, has struck off the name of the petitioner
Company, namely, Samta Cold Storage Private Ltd. from its register.

As it appears, the Company has not complied with
the provisions of the Companies Act by filing returns, the Registrar of

the Companies has arrived to a conclusion that as the Company has become non-functional, issued the notice to the Company on different dates. When a positive response was not received only thereafter, the Registrar of Companies passed the impugned order.

During the course of argument, the counsel for the Registrar of the Companies has fairly accepted that the Registrar of the Companies will have no any objection, if this Court restores the name of Company.

In view of the submission of the parties, there is no need to enter into the merit of the case. The Company has to survive to its own strength if it is still doing business. The counsel for the petitioner submits that the Company is ready to comply the different provisions of the Companies Act.

In such view of the matter, it will not be useful, the name of the Company should remain struck off.

In such view of the matter, the impugned order is set aside. It will be treated the name of the Company is restored in the register maintained by the Registrar of the Companies. Accordingly, the Registrar of the Companies will pass the order showing the restoration of the Company.

The counsel for the appellant undertakes to file Annual Return, Balance Sheet and is ready to comply other provisions

of law within 60 days. If petitioner Company fails to comply, the order that has been passed by this Court in favour of the Company, will be treated to have been withdrawn.

Accordingly, this petition is disposed of.

(Shivaji Pandey, J)

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