

IN THE HIGH COURT OF JUDICATURE AT PATNA
Company Petition No.3 of 2014

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M/s Co-ordination Specialists (SABER) Private Limited, its changed name - M/s Co-ordination Specialists (India) Pvt. Ltd. Having its registered office at 283, Grand Apartment, Frazer Road, Patna - 800001, Bihar, Represented through its Directors Sarita Prasad Wife of Late Sudhir Prasad Resident of 283, Grand Apartment, Frazer Road, Patna-800001, Bihar, Presently residing at N.C.-10-A, Gaytri Mandir Road, Kankarbagh, Patna-800020, Police Station - Kankarbagh, District - Patna

.... Petitioner/s

Versus

1. The Union of India through the Registrar of Companies, Bihar and Jharkhand
2. The Registrar of Companies, Bihar and Jharkhand, Maurya Lok Complex, A-Block, 4th Floor, Western Wing, Dakbunglow Road, Patna-800001, Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Surendra Singh, Adv.
Mr. Vivek Kumar Singh, Adv.
For the Respondent/s : Mr. Awadesh Kumar Pandey, SCGC
Mr. RAVinder Kumar Sharma, CGC

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

4 15-01-2015

Heard learned counsel for the parties.

The prayer of the petitioner in this application reads as follows:-

- "1. *That this application is preferred for restoring the name of the petitioner company to the register of the companies after setting aside part of Gazette Notification No.-ROC/PAT/560/3090 dated 31.07.2007 by which the name of the petitioner company figuring at serial no.7 bearing Registration no. 2126 has been struck off from the register and the petitioner company has been dissolved.*

This Notification dated 31.07.2007 had

been published in the weekly Gazette of India bearing Gazette Notification No.33 dated August 18, August 24, 2007.

Further it is also for declaration that the petitioner company at the time of issuance of the Gazette Notification was carrying on its business and is in operation as on date.

It is also for issuance of an appropriate direction to the Registrar of the Companies, Bihar and Jharkhand to place the petitioner company and it's existing Director at the same position since no notice mandated under section 560(1)(2) and (3) were ever served upon the petitioner company."

While learned counsel for the petitioner, with reference to the document on record, would submit that subsequent to the decision taken by the Registrar of the Company, steps have been taken which would enable the petitioner Company to be restored back in the register of the Company.

There is no opposition to such prayer by the learned counsel for the respondents and the Registrar of the Company present in the Court submits that if the petitioner Company fulfills the requirement under the Companies Act including submission of the periodical returns, he will have no objection for restoration of the name of the petitioner Company in the register of the companies.

By now, it is well settled that every company in order to remain in the register of the companies has to abide by the

norms laid down under the Companies Act and the rules framed there under and one of them is submission of periodical returns as also furnishing the statement of account and balance-sheet.

Now, when the petitioner company in paragraph no.6 of the Company Petition has undertaken to do the needful and in fact has also led some proof as with regard to fulfillment of the terms and conditions for remaining in the register of the company, this Court will have no difficulty in directing the petitioner company to be restored back in the register of the companies.

This Court would, accordingly, direct that the name of the petitioner company would be restored in the register of the companies and the petitioner is hereby directed to file Form No.28 along with the copy of this order whereafter the Registrar of the company will do the needful.

Before parting with, this much is made clear that if there would be any fresh violation of the requirement either by way of default in submission of the periodical returns or submission of the annual balance-sheet, the Registrar of the company will be at liberty to initiate a fresh proceeding for delisting the name of the petitioner company from the register of the company.

With the aforementioned observation and direction,

this application is disposed of.

(Mihir Kumar Jha, J)

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