

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CP NO.64 OF 2015
Date of decision: 02.09.2016**

Sukhjit Singh Sarkaria

.....Petitioner

Vs.

Registrar of Companies, Punjab and Chandigarh

.....Respondent

CORAM: HON'BE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr.Deepak Suri, Advocate for the petitioner.

Mr.Piyush Khanna, Advocate for the respondent.

RAKESH KUMAR JAIN, J.

This petition is filed under Section 560(6) of the Companies Act (for short, 'the Act 1956') for restoration of the name of the Company i.e. Suraj Bus Service Pvt.Ltd.

The case set up by the petitioner namely Sukhjit Singh Sarkaria is that the above named Company i.e. Suraj Bus Service Pvt. Ltd. was reregistered with the Registrar of Companies, Punjab and Chandigarh on 08.02.1938 under the Act as a Company limited by share. The registered office of the Company is situated Outside Gandhi Gate, Amritsar, Punjab. It is averred in the petition that due to circumstances beyond the control of the Management as globally the business scenario suffered unprecedented recession, the said business could not materialized and remained on papers. Therefore, the Registrar of Companies declared the Company as defunct

under Section 560(5) of the Act and struck off its name from the register of Companies on 01.01.2000.

It is further averred in the petition that due to change in the business scenario in the country, the Directors and the Shareholders of the Company want to revive the Company and to do the business. Since the Company was declared defunct by the Registrar of the Companies, it is imperative to revive the same to do its business. Hence, the petition has been filed for restoration of name of the Company.

Notice of the petition was issued to the Registrar of Companies, Punjab and Chandigarh for 21.07.2015 and Mr.Piyush Khanna, Advocate had put in appearance on behalf of the respondent and filed reply dated 03.9.2015. In the reply, it has been submitted that if the name of the Company is restored on the register of Companies by the Court under Section 560(6) of the Act, the petitioner be directed to submit a list of present Directors and Shareholders of the Company and also undertake on behalf of the Board of Directors of the Company to file all due Balance Sheet, Annual Returns and other statutory forms as required under the provisions of Companies Act, 1956/2013 with prescribed fee and to ensure future compliance as well. The respondent has also prayed that cost may be imposed on the petitioner and be awarded to the Registrar of Companies under Rule 94 of the Companies (Courts) Rules, 1959.

In the rejoinder to the reply filed by the respondent, the petitioner has averred that he shall comply with all the statutory compliances under the provisions of the Companies Act, 1956 and 2013 and shall file the balance sheet and annual returns of the Company.

I have heard learned counsel for the counsel for the parties and

Section 560(6) of the Act, 1956 enables the petitioner-creditor to file an application for restoration of the name of the company which has been struck off from the Register of Registrar of Companies if the dues of the said creditors has not been paid.

Keeping in view the facts and circumstances of the case and the averments made by the Registrar of Companies and undertaking given by the petitioner in his rejoinder, the present petition is hereby allowed. Name of the Company i.e. Suraj Bus Service Private Limited is ordered to be registered in the Register of Registrar of Companies subject to the petitioner complying with and discharging all statutory obligations.

02.09.2016

Vivek

**[RAKESH KUMAR JAIN]
JUDGE**