

HONOURABLE SRI JUSTICE RAJA ELANGO

COMPANY PETITION NO.167 OF 2016

ORDER:

This petition is filed seeking a direction to the Registrar of Companies, Andhra Pradesh and Telangana, to restore the name of the petitioner-company in the registers.

In the counter-affidavit filed by the respondent, no serious objections were raised for the relief sought in this petition. In the counter-affidavit, it is stated that the petitioner company is a defunct company as the company failed to file its statutory returns continuously for several years and hence, the respondent initiated striking off action as per Section 560 of the Companies Act and now, the petitioner-company wants to continue the business and wants to file all the due statutory returns also. It is submitted that Sub-section (6) of Section 560 gives power to the company Court to order restoration of the name of the company if it finds that such a course was just.

As per Section 560(6) of the Companies Act, if a company or any member or creditor thereof, feels aggrieved by the company having been struck off the register, the Tribunal on an application made by the company, member or creditor before the expiry of twenty years from the publication in the Official Gazette of the notice aforesaid, may, if satisfied that the company was, at the time of the striking off, carrying on business or in operation or otherwise that it is just that the company be restored to the register, order the name of the company to be restored to the register and the Tribunal may, by the order, give such directions and make such provisions as seem just for placing the company and all other persons in the same position as nearly as may be as if the name of the company had not been struck off.

Considering the facts and circumstances of the case and the proviso to Section 560(6) of the Companies Act, this Court is of the view that it is just and proper to direct the Registrar of Companies, Andhra Pradesh and Telangana to restore the name of the petitioner-company.

Accordingly, the Company Petition is allowed directing the Registrar of Companies, Andhra Pradesh and Telangana to restore the name of the petitioner-company in the registers being maintained by them. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

Justice Raja Elango

Dated: 31.1.2017.
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