

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

CP-6-2016

CA-443-2016

Date of Decision : 19.05.2017

M/s Paul Tanneries Pvt. Ltd.

.....Petitioner

versus

Registrar of Companies, Punjab

....Respondent

CORAM : HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Ms. Monika Jalota , Advocate
for the petitioner.

Mr. Piyush Khanna, Advocate
for the respondent.

M.M.S. BEDI, JUDGE (ORAL)

The petitioner – Company has filed this petition under Section 560 (6) of the Companies Act, 1956 seeking direction for restoration of the name of the Company in the Register of the Companies. The name of the petitioner – Company was struck off from the Register of Companies by the Assistant Registrar of Companies after publishing notice under Section 560 (5) of the Companies Act, 1956 and was ordered to be dissolved.

The petitioner claims that the Company acquired the knowledge about the name of the Company having been struck off through the website of Ministry of Corporate Affairs (Annexure P-2).

A perusal of the petition indicates that the petitioner - Company has not specifically mentioned that at the time of striking off, the petitioner had been carrying on the business or was in operation.

However, by CA-443-2016, balance sheets with Auditor's Reports (Annexure P-3 to P-7) from year 2002 to 2015 have been submitted.

The Auditor's reports placed on the record are sufficient enough to enable this Court to arrive at a conclusion that the Company, at the time of striking off, was in operation. The name of the Company can be ordered to be restored to the Register of Companies even otherwise no objection is to be raised by the restoration.

It is ordered for placing the Company and other persons in the same position as nearly as may be, as if the name of the Company having never been struck off.

The petition is allowed subject to the compliance of the statutory requirement under the Companies Act as amended.

(M.M.S. BEDI)
JUDGE

19.05.2017
Neha

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No