

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CP No. 3 of 2017

Date of Decision: 02.07.2019

M/s Longowal Cold Storage Private Limited

...Petitioner

Vs.

The Registrar of Companies, Punjab.

...Respondent

CORAM:- HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

Present: Mr. Swarn Sandhir, Advocate
for the petitioner.

RAJIV NARAIN RAINA, J. (Oral)

1. This is a petition filed under Section 560 (6) of the Companies Act, 1956 seeking directions for restoration of the name of the company in the register of companies in the interest of company, its shareholders and persons directly and indirectly associated with it. It is further prayed that the petitioner may be granted rights and liabilities of the company during the interim period, namely, from the date of striking off till date of restoration be ordered to be deemed as if the name of the company was never struck off from the register of companies.

2. Notice of the petition was issued to the Registrar of Companies on 30.01.2017.

3. On appearance, learned counsel for the respondent was asked to inform whether Registrar of Companies has any objections for the restoration of the name of the company under Section 560 (6) of the Companies Act, 1956. The instructions received by the counsel have been filed in writing. It is submitted by the Registrar of Companies that the name of M/s Longowal

Cold Storage Private Limited was struck off by the notification dated 07.04.2014 under Section 560 (5) of the Act. It has been stated in response that the office of the Registrar has no objection in revival of the company, if the company agrees to file all due/statutory returns with filing fee and additional fee as per the provisions of the Companies Act, 2013 and Rules made thereunder. Since the Registrar has no objection to the revival of the petitioner company, the petition is accepted. The petitioner company and its Directors are directed to complete all the formalities of the Companies Act 1956 and Companies Act, 2013 by filing pending statutory documents i.e. balance sheets and annual returns along with the requisite fee as prescribed by the Rules.

4. The conditions precedent for revival of the petitioner-company shall be fulfilled expeditiously preferable within a period of two months by moving an application through the authorised Director, Ms. Shikha Khanduja. The prayer of the Registrar of Companies for award of cost under Rule 94 of the Companies (Courts) Rules 1959 is accepted and an amount of Rs. 20,000/- is assessed to be paid to the Registrar of Companies, Punjab & Chandigarh.

5. With the above observations and directions, the petition is disposed of.

(RAJIV NARAIN RAINA)
JUDGE

02.07.2019
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Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*