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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of Decision: 18th January, 2021
+ **W.P.(C) 152/2021 & CM APPL. 451/2021**
BALWAN SINGH & ANR. Petitioners
Through: Mr. Ashish Middha, Advocate
(M-9810057257)

versus

MINISTRY OF CORPORATE AFFAIRS & ANR. Respondents
Through: Mr. Chiranjivi Kumar & Mr. Mukesh
Sachdeva, Advocates for UOI.

CORAM:
JUSTICE PRATHIBA M. SINGH

Prathiba M. Singh, J. (Oral)

1. This hearing has been done by video conferencing.
2. The Petitioners were the directors of a company, namely, Patanjali Buildcon Private Limited having CIN U70109DL2012PTC243704. The said company was struck off from the Register of Companies vide notice dated 8th August, 2018. The Petitioners were disqualified as directors under Section 164(2) of the Companies Act, 2013 with effect from 1st November, 2017 to 31st October, 2022 and their DIN/DSC have been deactivated.
3. Ld. counsel for the Petitioners submits that the company has been restored vide order dated 21st December, 2020 passed by the NCLT, Delhi. The operative portion of the said order reads as under:

“10. In view of the above, we are inclined to allow the Appeal. The Appeal is allowed subject to payment of costs of Rs.50,000 (Fifty Thousand) only to the Prime Minister’s Relief Fund, the proof of which will be

furnished by the Appellant to the Registry of this Tribunal within 07 days. The Registrar of this Tribunal shall maintain the information about such deposits in a separate E-register. The restoration of the Appellant Company's name in the Register will be subject to their filing all outstanding documents for the defaulting years as required by law and completion of all formalities, including payment of any late fee or other charges which are leviable by the respondents for the late filing of statutory returns. The name of the Appellant Company shall then stand restored in the Register of the RoC, as if its name of the Appellant Company had not been struck off.

11. The direction for freezing the Bank Account(s) of the Appellant Company, if on this ground, shall consequently be also set aside immediately to enable the Company to carry out its business operation. Compliance of this order for restoration shall be made by the Respondent with all its consequential effects within one week of all compliances made by the Appellant."

4. The Registrar of Companies has now published a 'Scheme for condonation of delay for companies restored on the Register of Companies between 1st December, 2020 and 31st December, 2020' under Section 252 of the Companies Act, 2013, dated 15th January, 2021. As per the said Scheme, considering that various NCLT benches have restored a number of companies which were struck off, during the period 1st December to 31st December 2020, but the said companies were unable to avail of the benefit of the Companies Fresh Start Scheme, 2020 and file their documents in time, the time for filing any overdue forms has been extended till 31st March 2021. As per the Scheme, no additional fees would be payable for all such companies to whom the scheme is applicable.

5. In view of the above, the following directions are issued:

- i) The DINs and DSCs of the Petitioners be reactivated within a period of one week in order to enable the Directors to file the relevant documents *qua* the restored company.
 - ii) The Company is permitted to file the documents in terms of the Scheme dated 15th January, 2021 before the concerned ROC.
6. No further orders are called for in this petition. The same is disposed of in the above terms. All pending applications are also disposed of.
7. The digitally signed copy of the order shall be treated as the certified copy of the order for being filed before the ROC.

JANUARY 18, 2021
Rahul/C

PRATHIBA M. SINGH
JUDGE

