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* IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of Decision: 22nd March, 2021

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W.P.(C) 3730/2021

RAVINDRA KUMAR MISHRA & ORS. Petitioners

Through: Ms. Bhawna Piplani, Advocate.

versus

UNION OF INDIA & ANR. Respondents

Through: Ms. Saroj Bidawat, Sr. Panel Counsel
for UOI. (M:9810340866)

CORAM:

JUSTICE PRATHIBA M. SINGH

Prathiba M. Singh, J.(Oral)

CM APPL.11271/2021 (for exemption)

1. Allowed, subject to all just exceptions. Application is disposed of.

W.P.(C) 3730/2021 & CM APPL.11270/2021 (for stay)

2. The Petitioners are Directors in the companies as listed below in the following tables.

i. Petitioner No. 1 is a Director in the following companies:

<i>CIN/FCRN</i>	<i>Company/LLP Name</i>	<i>Date of Directorship</i>	<i>Status</i>
U45204DL2011PTC215365	ARK STRUCTURAL TECHNOLOGIES PRIVATE LIMITED	08/03/2011	STRIKE-OFF
U45201UP2013PTC061524	SARAN ENTERPRISES PRIVATE LIMITED	26/12/2013	STRIKE-OFF
U70102DL2014PTC272972	SARAN PROMOTERS AND DEVELOPERS	07/11/2014	STRIKE-OFF

	<i>PRIVATE LIMITED</i>		
<i>U36900DL2013PTC249834</i>	<i>SSPK BUSINESS SOLUTIONS PRIVATE LIMITED</i>	<i>26/03/2013</i>	<i>STRIKE-OFF</i>

ii. Petitioner No. 2 is a Director in the following companies:

<i>CIN/FCRN</i>	<i>Company/LLP Name</i>	<i>Date of Directorship</i>	<i>Status</i>
<i>U45204DL2011PTC215365</i>	<i>ARK STRUCTURAL TECHNOLOGIES PRIVATE LIMITED</i>	<i>08/03/2011</i>	<i>STRIKE-OFF</i>
<i>U45201UP2013PTC061524</i>	<i>SARAN ENTERPRISES PRIVATE LIMITED</i>	<i>26/12/2013</i>	<i>STRIKE-OFF</i>
<i>U70102DL2014PTC272972</i>	<i>SARAN PROMOTERS AND DEVELOPERS PRIVATE LIMITED</i>	<i>07/11/2014</i>	<i>STRIKE-OFF</i>

iii. Petitioner No. 3 is a Director in the following company:

<i>CIN/FCRN</i>	<i>Company/LLP Name</i>	<i>Date of Directorship</i>	<i>Status</i>
<i>U45204DL2011PTC215365</i>	<i>ARK STRUCTURAL TECHNOLOGIES PRIVATE LIMITED</i>	<i>08/03/2011</i>	<i>STRIKE-OFF</i>

3. M/s. ARK Structural Technologies Private Limited was struck off from the Register of Companies due to non-filing of balance sheets and annual returns. The said company had approached the National Company Law Tribunal (*hereinafter "NCLT"*) and vide order dated 23rd December, 2020 by

the NCLT, the company has been restored in the following terms:

“11. In view of the above, the Appeal is allowed subject to payment of cost of Rs.25,000/- (Twenty-Five Thousand only) to the credit of Ministry of Corporate Affairs (Registrar of Companies, Delhi & Haryana), the proof of which will be furnished by the Appellant to the Registry of this Tribunal within 15 days of this order. The Registrar of this Tribunal shall maintain the information about such deposits in a separate E-register.

12. The restoration of the Appellant Company's name in the Register will be subject to their filing of all outstanding financial statements 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 RoC for the late filing of statutory returns. Compliance of this order for restoration shall be made by the RoC with all its consequential effects within one week of all compliances made by the Appellant. The name of the Appellant Company shall then stand restored in the Register of the Registrar of Companies (RoC), as if its name of the Company had not been struck off.”

4. Ld. Counsel for the Petitioner submits that the Petitioner wishes to file the compliances in respect of this company and prays that the disqualification of the Petitioners under Section 164(2)(a) of the Companies Act, 2013 may be set aside.

5. In view of the fact that restoration of the company has taken place on 23rd December, 2020 already, the company would be entitled to avail of the Condonation of Delay Scheme for Companies restored by NCLT between 1st December, 2020 to 31st December, 2020 under Section 252 of the Companies

Act, 2013 and file all the requisite documents of compliances. The said Scheme was brought about on 15th January by the Ministry of Corporate Affairs vide General Circular No. 03/2021, and has been in operation since 1st February, 2021 and will be available for filing of over-due returns of companies till 31st March, 2021.

6. Considering the fact that the NCLT has already restored the company, the disqualification of the Petitioners is set aside and the Petitioners' DINs/DSCs are directed to be re-activated within a period of one week from the date when the present order is communicated by email to the Registrar of Companies by the Petitioner.

7. The petition along with all pending applications is disposed of in the above terms.

PRATHIBA M. SINGH
JUDGE

MARCH 22, 2021/dk/Ap