

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 12198 OF 2025

M/s Ashwini Promoters And Builders Pvt Ltd	..Petitioner
Versus	
Pandurang Rajram Indamdar	...Respondent

WITH
WRIT PETITION NO. 16727 OF 2025

M/s Ashwini Promoters And Builders Pvt Ltd	..Petitioner
Versus	
Pandurang Rajram Indamdar	...Respondent

ARUN
RAMCHANDRA
SANKPAL

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Mr. R.G. Panchal, with Sarang Gundajwar and K.S. Jadhav, for the
Petitioner in both Petitions.
Mr. Laxman S Deshmukh, for the Respondent in both Petitions.

CORAM: N. J. JAMADAR, J.
DATE : 28th APRIL 2026

ORAL ORDER:

1. Heard the learned Counsel for the parties.
2. The challenge in these Petitions is to the orders dated 29th January 2025, passed by the learned District Judge, Pune, whereby the Applications filed by the Respondent (the original Respondent No.2 in RCA No. 430 of 2016 & RCA No. 2 of 2015) for dismissal of the Appeals preferred by the Appellant on the ground that the Appellant-

company stood dissolved on 18th September 2018 and its name was struck off from the Register of Companies, came to be allowed and the Appeals were dismissed.

3. Mr. Panchal, the learned Counsel for the Petitioner, submits that the NCLT by an order dated 10th February 2020, had allowed the restoration applications filed by the Petitioner and the name of the Petitioner came to be restored in the Register of Companies maintained by Registrar of Companies (RoC). The Petitioner has paid the costs of Rs. 30,000/- which were directed to be deposited on the very next day, i.e. 11th February 2020. Despite the said fact having been brought to the notice of the learned District Judge, by the impugned order the Appeals came to be dismissed.

4. Mr. Deshmukh, the learned Counsel for the Respondent-Respondent No.2 before the Appellate Court, submits that the Petitioner-company has not complied with the requirements under the Companies Act, and therefore, the Petitioner-company's name was not restored in the Register of Companies maintained by the RoC and thus the Appellate Court was justified in dismissing the Appeals.

5. Joining the issue, Mr. Panchal, the learned Counsel for the Petitioner, submitted that the Registrar of Companies delayed the restoration of the name of the Petitioner company in the Register. Eventually the name of the Petitioner-company came to be restored in

the Register of Companies. An extract of company information maintained by the Ministry of Corporate Affairs dated 30th May 2025 is tendered for the perusal of the Court which indicates that, the company was active.

6. The NCLT, Mumbai has passed the following order on 10th February 2020.

“

14. Accordingly, this Petition/Application is allowed. The restoration of the Petitioner Company's name to the Register of Companies maintained by the RoC, is hereby ordered, with a direction that the Company shall comply with the Provisions of the Act. And further it will be subject to payment of costs of Rs.30,000/- to be paid by way of Demand Draft in favour of “Pay and Accounts Officer, Ministry of Corporate Affairs, Mumbai”, within 7 days from the receipt of the duly certified copy of this Order, to this office.

15. This Petition bearing No. 1172/252/NCLT/MB/2019 is, therefore, disposed of on the terms directed above. The learned RoC shall give effect of this order only after perusal of the Compliance report of cost imposed. The Company is directed to file all the required documents and shall fulfill other relevant statutory compliances within 30 days from the Restoration of its name in the Register of Companies maintained by RoC.”

7. The Petitioner has placed on record a copy of the receipt dated 11th February 2020, which indicates that an amount of Rs.30,000/-was deposited, pursuant to the aforesaid order passed by the NCLT, Mumbai.

8. The record of the Company tendered for the perusal of the Court by Mr. Panchal indicates that the Petitioner-company was shown to be an active company.

9. The question that wrenches to the fore is, whether the Courts should decide the matter on merits or dispose of the matter on technicalities. There is *prima facie* material to indicate that the Petitioner-company had complied with the directions of the NCLT and deposited the amount of costs of Rs.30,000/-. There was delay in restoring the name of the Petitioner-company in the Register of companies, may be on account of delay in compliance by the Petitioner-company. Now the fact remains that the name of the Petitioner-company has been restored in the Register of Companies. Thus, the Petitioner-company deserves an opportunity to prosecute its Appeals before the District Court on merits. The impugned orders, therefore, deserve to be quashed and set aside and the Appeals restored to the file of the learned District Judge for decision on merits.

10. Hence, the following order:

(i) The impugned orders stand quashed and set aside.

(ii) RCA No. 430 of 2016 and RCA No. 2 of 2015 stand restored to the file of the District Court for hearing and disposal in accordance

with law, as expeditiously as possible and,
preferably, within a period of eight months from
the date of communication of this order.

Petition disposed.

[N. J. JAMADAR, J.]