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***IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CO.PET.528/2014

M/S. BARVEE COMPUTER AND SOFTTOYS PRIVATE
LIMITED

..... Petitioner
Through: Mr. Alok Kumar
Kuchhal, Advocate.

Versus

THE REGISTRAR OF COMPANIES

..... Respondent
Through: Mr. Atma Sah, Asst. ROC

CORAM:
HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER
22.12.2014

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1. The present petition has been filed under Section 560(6) of the Companies Act, 1956 for restoration of the name of the company Barvee Computer and Softtoys Private Limited (hereinafter referred to as Petitioner Company) in the register of the Registrar of Companies.
 2. The Petitioner Company was incorporated vide certificate of incorporation dated 13.03.1996, as a private limited company.

3. Learned Counsel for the Petitioner Company submits that the objects of the Petitioner Company are to carry on the business of sale, purchase, import, export of Computers and Soft toys.
4. Learned Counsel for the Petitioner Company submits that Petitioner Company in order to file certain statutory documents with the office of the Registrar of Companies, the respondent, was shocked to know that no documents of the Petitioner Company are being uploaded on the MCA Portal. Thereafter, the Petitioner Company searched the web portal of the Ministry of Corporate Affairs, and found that the status of the Company has been shown as strike off in the Company master details including several other discrepancies.
5. Further, learned Counsel for the Petitioner Company submits that thereafter, the Petitioner Company through their Authorized Representative inspected the official record on the MCA Portal and was able to inspect only few of the documents. The Petitioner Company was informed by the officials of the Registrar of Companies, that the name of Petitioner Company has been struck off and has been declared defunct for which a list of defunct companies was produced in

which the name of the petitioner company figured. It is submitted that it was only then that the fact of non-filing of the returns and other documents with the respondent, as well as the fact that the Petitioner Company's name had been struck off the Register maintained by the respondent, was known to the Petitioner Company. It is submitted that the Petitioner Company had no knowledge of the said removal.

6. It is stated that the shareholders and directors have passed a Resolution seeking revival of the Petitioner Company as in the present business scenario there is a possibility of doing good business and procuring good business in construction segment.
7. Further, it is submitted that the name of the Petitioner Company was struck off from the register of the Registrar of Companies and was published in the Gazette of India dated June 23- June 29, 2007.
8. Notice was issued to the Registrar of Companies who has filed a reply disputing that procedure was not followed. It is contented that the procedure was duly followed and due intimation and notice was given to the Petitioner Company prior to striking off the name

of the Petitioner Company.

9. The Registrar of Companies has submitted that the Petitioner Company has not filed its statutory documents i.e. Annual Returns from 1997 to 2014 and Balance Sheets as at 1997 to 2014. Further, it submits that as per the record maintained by the office of the answering respondent, Mrs. Meenu Singh and Mrs. Kalawati were the directors and after incorporation form 32 was filed by Petitioner Company with the office of answering respondent on 10.04.1996 for change in directorship of company.
10. In view of the Affidavit filed by the Respondent Company, the Registrar of Companies does not have any objection with the restoration of the name of the Petitioner Company subject to the filing of all statutory documents i.e., Annual Returns from the years 1997 to 2014 and Balance Sheets as on 1997 to 2014 and also the other documents with the requisite fee as well as additional fee as applicable on the date of actual filing of the documents.
11. In view of the above, the petition is allowed. Subject to payment of costs of Rs. 75,000/-, the name of the

Petitioner Company is restored on the Register of the Registrar of Companies and further subject to the Company filling all the statutory documents and returns for the outstanding period along with the prescribed fees in accordance with the law.

12. Accordingly, upon payment of costs of Rs.75,000/- within a period of two weeks from today, name of the Petitioner Company shall stand restored.
13. On receipt of the cost, the Registrar of Companies shall change the status of the company as "Active". The petitioner shall thereafter make the necessary statutory compliances and file the statutory documents with the requisite fee and additional fee as applicable.
14. The petition is, accordingly, disposed of.
15. Copy of order be given Dasti under Signature of the Court Master

SANJEEV SACHDEVA, J

DECEMBER 22, 2014

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