NATIONAL COMPANY LAW TRIBUNAL,
MUMBAI BENCH COURT III

Item No. 203
C.P.1232/2020

CORAM:

SH. HARIHARAN NEELAKANTA IYER
Member (Technical)

Ms. LAKSHMI GURUNG
Member (Judicial)

ORDER SHEET OF THE HEARING ON **04.11.2026**
(HEARING THROUGH: HYBRID MODE)

NAME OF THE PARTIES: Sunil Khandelwal (Praddum Trading Company Private Limited

Vs.

Registrar of Companies, Mumbai

Appearance

For Petitioner : Adv. Prashant Thakre a/w Kanishk Garg

SECTION 252 (3) OF THE COMPANIES ACT, 2013

ORDER

This application is listed for pronouncement of order. The same is pronounced in open court, vide a separate order.

Sd/-
HARIHARAN NEELAKANTA IYER
Member (Technical)

Sd/-
LAKSHMI GURUNG
Member (Judicial)

---Shrinivas---

IN THE NATIONAL COMPANY LAW TRIBUNAL,
MUMBAI BENCH- COURT III

Company Petition No.: 1232/2020

[Under section 252 (3) of the Companies Act, 2013]

In the matter of

M/s Praddum Trading Company Private Limited
Through its Director
Sunil Khandelwal,
Having its registered office at:
201, A-2 Wing, Kailash Complex,
LBS Marg, Bhandup (West),
Mumbai City, Mumbai,
Maharashtra- 400078.
[CIN: U51909MH2007PTC169411]

…Petitioner

Versus

The Registrar of Companies, Mumbai
Having its registered office at:
100, Everest Building, Marine Lines,
Mumbai - 400002

…. Respondent

Order pronounced on: 04.11.2026

Coram:
Sh. Hariharan Neelakanta Iyer
Member (Technical)

Ms. Lakshmi Gurung,
Member (Judicial)

Appearance:

For Applicant : Adv. Prashant Thakre (PH)

For RoC : Mr. Shivraj C. Ranjeri, DRoC, Mumbai-1 (VC)

Per Lakshmi Gurung, Member (Judicial)

1. This Company Petition has been filed under Section 252(1) of the Companies Act, 2013 (hereinafter referred to as **'the Act'**) by M/s Praddum Trading Company Limited (hereinafter referred to as **'the Company'**) which was struck off by the Registrar of Companies, Mumbai (hereinafter referred to as **'RoC'**) under Section 248 of the Companies Act, 2013, through its Director Shri Sunil Khandelwal, seeking following prayers:

   i) It is prayed that directions may please be given, in the facts and circumstances stated above, it is humbly prayed that this Hon'ble Tribunal may graciously be pleased to issue notice to the Respondent or the Opposite Party, the Registrar of Companies, Mumbai (Maharashtra) and after hearing the parties allow the Company Petition directing the Registrar of Companies, Mumbai, Maharashtra, the Respondent Party to restore the name of the Petitioner Company on the Register of Companies maintained by the Registrar of Companies as if its name had not been struck off from the rolls of the Register.

   ii) Pass such other order/orders direction/directions as may deem just and proper in terms of Section 252(3) of the Companies Act, 2013

About the Company

2. M/s Praddum Trading Company Private Limited was incorporated on 30.03.2007 with the RoC, Mumbai, under the Companies Act, 1956. As per the information available on the Company Master, the registered office of the Company is situated at 201, A-2 Wing, Kailash Complex, L.B.S. Marg, Bhandup (West), Mumbai City, Maharashtra 400078. Copy of Company Master data is annexed as *'Annexure-5'*.

3. It is submitted that RoC has struck off the name of the Company from the Register of Companies by issuing Public Notice No. ROC/Mumbai/Sec.248/Drive-2/STK-7 /7254 dated 12.09.2018. The name

of the Petitioner Company appears in the said notice at Serial No. 7403. Copy of Form STK-7 is annexed as *'Annexure-4'*.

4. As per the Memorandum of Association, the main object for which the company was established is:

> *carrying on the business of exporters, Importers, distributors, merchants, traders, stockiest, buy, sell, distribute or otherwise deal in commodities, goods, articles, materials and things of every description and kind such as computers, its parts and peripherals, laboratory, equipment, cosmetics and toiletries, all types of beverages, chemicals and mixtures, cigarettes, electronics and electrical goods, plastics products, fertilizers, food (canned or otherwise), Glasses, liquor, iron and steel, machineries and equipment, building construction materials, Packing materials, Papers and Pulp products, Photographic film and paper, PVC and Resins, Rubber goods, cement, engineering and scientific instruments, oil of all kinds, Motor cars and other vehicles and accessories, coal, timber, cotton wool, jute, yarn, seed grains, rice, wheat, fruits, vegetables, tea, coffee, sugar, gum, tobacco, spices, silk, art silk, oil cakes, paints, varnishes, dyes, matches, cutlery, Jewellery, diamonds, precious metals, groceries, all types of household articles and appliances, medicines, drugs, medical and pharmaceutical products and appliances, live stocks, hider, skin leather and good made there from, hosiery, textiles of all kinds, products, ready-made garments.*

5. At the time of strike-off, the Company was engaged in the business of trading and distribution of FMCG and other types of goods.

6. It is submitted that the Company has authorised Share Capital of Rs. 5,00,000/- (Rupees Five Lakh Only) divided into 50,000 (Fifty Thousand) equity shares of Rs.10/- (Rupees Ten) each. The Paid-up Share Capital of the Company is Rs.5,00,000/- (Rupees Five Lakh Only) divided into 50,000 (Fifty Thousand) equity shares of Rs.10/- (Rupees Ten) each.

7. It is submitted that the Company has 7 (seven) Shareholders; the list of shareholders and percentage of holding is as under:

Sr.No.	Name of Shareholder	No. of Shares held as on 31.03.2020	% Holding
i.	Ajay Ramesh Khandelwal	5,600	11.20
ii.	Ajay Ramesh Khandelwal HUF	5,600	11.20
iii.	Chandrabhan HUF	4,800	9.60
iv.	Radha Ramesh Khandelwal	4,000	8.00
v.	Ramesh Khandelwal	12,000	24.00
vi.	Ramesh Khandelwal HUF	11,600	23.20
vii.	Sunita Ajay Khandelwal	6,400	12.80
	Total	**50,000**	**100.00**

8. It is submitted that the RoC struck off the Company's name from the register maintained by it due to defaults in statutory compliances, namely, failure to file Financial Statements and Annual Returns for a period of two years immediately preceding the financial year 2017-2018.

Submission of the Petitioner

9. It is admitted that the Company has not filed its Financial Statements and Annual Returns since 2016. However, it is submitted that the Company was in operations and has not made any application for obtaining the status of dormant company under Section 455. It is further submitted that the Company has also prepared its Financial Statements from 31.03.2016 to 31.03.2020 and Annual Returns made up to 2020; therefore, the striking off the name of the Company from the Register maintained by the Respondent is unjustified. Copies of the Annual Returns for the Financial Year 2014-2015 to 2018-2019 are annexed as *'Annexure 3A – 3E'* of the additional affidavit dated 08.07.2026 and the Annual Return for the Financial Year 2019-2020 is annexed as *'Annexure – 6'* to the company petition.

10. It is also submitted that the Company has been active since incorporation and has been filing the Income Tax Returns for every year since incorporation. To substantiate such submission, copies of Income Tax Return acknowledgements for A.Y. 2015-16 and 2019-20 are annexed and marked as '*Annexure–10'* and '*Annexure-11'* respectively.

11. Ld. Counsel for the Petitioner has referred to the Audited Balance Sheet as at 31.03.2020 annexed as *'Annexure-6* to contend that the Company has substantial Reserves and Surplus which is reflected by Non-Current Investments in various companies. It is submitted that these investments constitute valuable assets of the Company and continue to subsist despite the striking off of the Company's name but the strike-off status of the Company is impacting the shareholding of these companies. The details of the shareholding of M/s Praddum Trading Company Private Limited in these companies are given below:

S.N.	Company Name	% of Shareholding
1.	Emerald Commerce Pvt Ltd.	5.96
2.	Laurels Ventures Pvt Ltd.	83.51
3.	SMTC Power and Industries Pvt Ltd	47.37
4.	SMTC Projects Pvt Ltd	41.67
5.	Vidhi Minerals & Alloys Pvt Ltd	25.21

12. It is submitted that the present petition is within the limitation period stipulated by Section 252 (1) of the Companies Act, 2013, i.e. 20 years from the date of the strike off on 11.09.2018.

13. Finally it is submitted that in the event of restoration of the name of the Company in the Register maintained by the Respondent, the Company undertakes that it shall file immediately all outstanding requisite statutory documents i.e. Audited financial statements and Annual Returns and other relevant documents for the pending period/years along with filing fees and the additional fees, as the case may be applicable on the date of actual filing and also file the certified copy of order of the Hon'ble Tribunal for the restoration of the name of the company in the Register maintained by the Respondent.

ROC Report:

14. The RoC, Mumbai has filed its report dated 25.10.2024. Its submissions can be summarised as follows:

i. That admittedly, the Company failed to comply with the statutory compliances under the Companies Act, 2013, by not filing its statutory returns for a continuous period from 2016, hence the aforesaid company has been considered for strike off by the RoC, Mumbai in exercise of its powers under Section 248(1)(c) of the Companies Act, 2013, initiated *suo-moto* proceedings for the removal of the name of the company from the Register of Companies.

ii. That the non-compliance of statutory provisions persisted for a period that justifies the initiation of the strike-off process under Section 248 of the Companies Act, 2013. It is further submitted that prior to the strike off, the RoC followed the procedure and issued a notice to the Company and its directors under Section 248(1) of the Companies Act, 2013. RoC had issued a Public Notice in Form No. STK-5 dated 19.07.2018 proposing striking off the name of the Company and inviting objections, if any. In the absence of any representation against the proposed strike-off action, the Registrar struck off the name of the Company on 11.09.2018 and the striking-off order was published on the website of the Ministry vide STTK-7 on 12.09.2018.

iii. The Petitioner's averment that the Company was in operational status and its admission of filing Income Tax Department returns further strengthens the argument that the failure to file the Annual Returns and Balance Sheets was not due to any operational constraint, but rather due to the Petitioner's neglect of statutory duties.

iv. The present petition is not maintainable and is an abuse of the process of law and should be dismissed with costs. Further, disqualification of Directors under Section 164(2)(a) of the Companies Act, 2013 may not be removed in this petition. Therefore, this Tribunal may reject the petition.

v. However, if this Hon'ble Tribunal is inclined to allow revival of the Company under Section 252 of the Companies Act, 2013, the Hon'ble Tribunal may impose exemplary costs and give directions to the Petitioner to:

a) Pay maximum cost of the total fine for the defaults of various sections of the Companies Act, 2013 violated by the Company.
b) File an order of the Hon'ble Tribunal with the Registrar of Companies within 30 days from the date of order.
c) File all the pending statutory returns/ compliances electronically as provided under various provisions of the Companies Act, 1956/ Companies Act, 2013 within a specified time span as may be prescribed or fixed by this Hon'ble Tribunal.
d) Make good the offences arising out of non-compliances of sections 92 & 137 etc. of the Companies Act, 2013 (section 159 to 162 & 220 etc., Companies Act, 1956) and also make application under Section 441/454 of the Companies Act, 2013 for compounding/ adjudication of the offences committed, in the interest of justice.

Discussions

15. Heard Ld. Counsel for the Petitioner and the representative of the RoC and perused the record.

16. The RoC has filed a report dated 25.10.2024 stating that the Company was not carrying out any business and also failed to file its Financial Statements and Annual Report from F.Y. 2016 onwards. Therefore, RoC had issued a Public Notice in Form No. STK-5 dated 19.07.2018 to the Company and its directors proposing striking off the name of the Company and inviting objections, if any. In the absence of any representation, RoC struck off the Company's name from the Register of Companies vide STK-7 dated 11.09.2018. It is thus submitted that RoC has complied with the due process of law. RoC has also submitted that non-compliance with statutory filings by the company shows its neglect of statutory duties and therefore if this Tribunal is inclined to allow revival of the Company, then exemplary costs may be imposed.

17. We note that the present petition has been filed under Section 252 (1) of the Companies Act, 2013 and as per the averments in the petition, the company was in operation at the time of strike-off.

18. However, during the course of hearing on different dates, upon seeking details of how the company was in operation, Ld. Counsel for the Company has candidly admitted that the company was not in operation at the time of strike-off, but the company has valuable investment and therefore earnestly submitted that the present petition be treated under Section 252 (3) of the Act instead of 252(1) of the Act as mentioned in the petition.

19. We note the conduct of the Company and the falsity in the averments which are made in a very casual manner without placing on record substantiating documents. It is only during interaction with the Bench that the Company has admitted that it was not in operation and the petition be treated under section 252(3) of the Act. A wrong or incorrect citation of a section or sub-section in the pleading will not be fatal in outcome of the petition and may be accommodated, as the technicality is mere handmaid to substantial justice. However, what worries this Tribunal is that in the path of discovery of truth, much judicial time is consumed. If the counsel/professionals would take serious efforts in proper drafting to focus on correct and true averments in a particular case without any copy & paste material (available on shelf), then it would be a great service to the judiciary by saving valuable judicial time.

20. Admittedly, the Company has defaulted in filing Financial Statements and Annual Returns from F.Y. 2017-18 onward, which has led to the strike-off of the company's name from the Register of Companies maintained by the RoC.

21. This Tribunal can order for restoration of the Company's name to the register of companies under section 252(3) of the Companies Act, 2013 on the grounds mentioned therein. Section 252(3) is reproduced below for ease of reference:

> *"(3) If a company, or any member or creditor or workman thereof feels aggrieved by the company having its name struck off from the register of companies, the Tribunal on an application made by the company, member, creditor or workman before the expiry of* ***twenty years*** *from the publication in the Official Gazette of the notice under sub-section (5) of section 248 may, if satisfied that the company was, at the time of its name being struck off, carrying on business or in operation or* ***otherwise it is just that the name of the company be restored to the register of companies, order the name of the company to be restored to the register of companies,*** *and the Tribunal may, by the order, give such other directions and make such provisions as deemed just for placing the company and all other persons in the same position as nearly as may be as if the name of the company had not been struck off from the register of companies.."*

22. As the Petitioner was not carrying on business or in operation at the time of strike-off, therefore, the issue that is required to be examined is whether the Company has made out a case for restoration of its name on the *just* ground. The Petitioner has submitted that there is substantial non- current investment made by the company, which is valuable property of the company.

23. In response to the daily order dated 28.07.2026, the company has filed an affidavit dated 08.08.2026, placing on record a certificate issued on 27.07.2026 by a Chartered Accountant furnishing details of investments made in different companies aggregating to Rs. 68,78,000/- as per the following details:

(Amount in Rupees)

Sr. No	**Name of Investee Company**	**CIN**	**Total Investment**
1	Emerald Commerce Pvt.Ltd.	U51909WB1996PTC076924	7,26,000
2	Laurels Ventures Pvt.Ltd.	U51909MH2008PTC179762	20,52,000

3	SMTC Power and Industries Pvt.Ltd.	U40108MH2008PTC187498	29,00,000
4	SMTC Projects Pvt.Ltd.	U45400MH2008PTC185935	2,00,000
5	Vidhi Minerals & Alloys Pvt.Ltd.	U10300MH2007PTC169017	10,00,000
Total			**68,78,000**

24. The RoC had also sought time to examine the above affidavit which was served on RoC on 10.06.2026 RoC has examined the same and has no observations on the said affidavit.

25. It is a settled law that in case a struck-off company has valuable property (movable or immovable), such property belongs to the stakeholders of the company and strike-off status would deprive the stakeholders of such property. Therefore, it would be otherwise ***just*** that the name of the company be restored to the register of companies. Accordingly, this Tribunal directs the order in the following terms.

ORDER

a. The Tribunal directs the concerned Registrar of Companies to restore the name of the Petitioner Company i.e. Praddum Trading Company Private Limited in the register of companies maintained by it as if the name of the Company had not been struck off, with all consequential and incidental actions, including changing the status of the Company from “Struck Off” to “Active”.

b. This Tribunal agrees with the submission of the RoC that the non-filing of Financial Statements and Annual Return from F.Y. 2016 indicates negligence and blatant disregard to the compliance provisions of the Companies Act, 2013. Further, considering the judicial time consumed in this case with repeated clarifications from the Company, the restoration of the name of the Petitioner Company shall be subject to payment of costs of **Rs. 5,00,000/-,** which shall be paid to the Pay and Accounts Officer, Ministry of Corporate Affairs.

Proof of payment shall be submitted to the Registrar of Companies, Mumbai, within two weeks from the date of this order.

c. The Petitioner Company is directed to file a certified copy of this order with the Registrar of Companies within 30 days from the date of uploading of this order. The Registrar of Companies shall give effect to this order only after verification of compliance with payment of costs.

d. The Company is directed to comply with all pending statutory filings/ returns electronically as provided under the Companies Act, 2013, with applicable fees, additional fees within 60 (Sixty) days of restoration.

e. This order is confined to the violations, which ultimately led to the action of striking off the Company and it will not come in the way of RoC to take appropriate action(s) for other violations like loan from directors in breach of public deposit rules etc., in accordance with the law. The Petitioner Company shall make good the offences, if any, arising out of non-compliance with various sections under the Companies Act, 2013.

f. Urgent certified copy of this order, if applied for, be issued upon compliance with all requisite formalities.

g. Company Petition No. 1232/2020 stands allowed in the above terms and stands disposed of.

"File to be consigned to Record"

Sd/-
HARIHARAN NEELAKANTA IYER
Member (Technical)

Sd/-
LAKSHMI GURUNG
Member (Judicial)

--Shrinivas-- P.S.