

**IN THE NATIONAL COMPANY LAW TRIBUNAL
DIVISION BENCH, COURT NO. I
KOLKATA**

Company Petition No. 149/KB/2024

An application seeking restoration of the name of the company under Section 252(3) and other applicable provisions of the Companies Act, 2013 and the provisions of the National Company Law Tribunal (procedure for Company Petition Application) Rules, 2016

IN THE MATTER OF:

**M/s. M-Real (Nominees) (OPC) Pvt. Ltd.
(CIN: U74999WB2021OPC243474)**

... Applicant/Petitioner

Versus

Registrar of Companies, Kolkata

... Respondent

Date of Pronouncement: 27th of August 2025

CORAM:

SMT. BIDISHA BANERJEE, MEMBER (JUDICIAL)

CMDE SIDDHARTH MISHRA, MEMBER (TECHNICAL)

APPEARANCE:

Ms. Trisha Lahiri, Adv.

]

For the Petitioner

**Mr. Vadithya Shasikanth Naik,
AROC, WB**

]

**For the Registrar of
Companies, West Bengal**

ORDER

Per: Bidisha Banerjee, Member (Judicial):

- 1.** The court convened in physical mode.
- 2.** Heard Ld. Counsels for the parties.
- 3.** This company petition has been filed under Section 252(3) and other applicable provisions of the Companies Act, 2013 and the provisions

**Case Citation: (2025) ibclaw.in 1668 NCLT
IN THE NATIONAL COMPANY LAW TRIBUNAL
DIVISION BENCH, COURT NO. I
KOLKATA**

C. P. No. 149/KB/2024

of the National Company Law Tribunal (procedure for Company Petition Application) Rules, 2016 by **M/s. M-Real (Nominees) (OPC) Pvt. Ltd.** (hereinafter referred as “**Applicant/Petitioner**”) against **Registrar of Companies, Kolkata** (hereinafter referred as “**Respondent**”) seeking following reliefs:

- “a) The petitioner requests from the Hon’ble NCLT Bench in Kolkata that instructions be granted to the Ministry of Finance, the Registrar of Companies, and the Government of India to restore M/s. M-Real (Nominees) (OPC) Pvt. Ltd. and to provide the company’s petitioner or applicant with an opportunity to resume business operations.*
- b) In accordance with Section 252(3) of the Companies Act of 2013, issue a suitable order compelling the respondent to permit the restoration of the Company’s name in the register with retroactive effect.*
- c) In accordance with Section 252(3) of the Companies Act, 2013, to make a fair and reasonable order that places the Company and all other parties in the same situation as closely as possible as if the Company’s name had not been removed.”*

4. Ld. Counsel for petitioner submits that on **1st March 2021**, M/s. M-Real (Nominees) (OPC) Pvt. Ltd. with CIN: U74999WB2021OPC243474 having registered office at 12, Old Post Office, 2nd Floor, Kolkata – 700 001, whose sole director, Mr. Ashok Sancheti, incorporated under Section 3(1)(c) of the Companies Act, 2013 as a One Person Company. Its primary activity is dealing in real estate commercial activities. The petitioner opened its own bank account with State Bank of India, with account number 4044598209 in the year 2021 and a minimum balance amount, with the intention of starting its own business.

5. Ld. Counsel for the petitioner submits that the company is engaged in the business of dealing in real estate business activities.

Case Citation: (2025) ibclaw.in 1668 NCLT
IN THE NATIONAL COMPANY LAW TRIBUNAL
DIVISION BENCH, COURT NO. I
KOLKATA

C. P. No. 149/KB/2024

- 6.** Ld. Counsel for petitioner submits that despite opening an account with the aforementioned State Bank of India, the petitioner was unable to begin conducting business because of the global economic disruptions brought on by the Covid-19 pandemic's second wave. As the single subscriber (OPC Director), Mr. Ashok Sancheti made multiple attempts to infuse the subscription capital equal of Rs. 1 Lakh from overseas through State Bank of India within the allotted time, but the IFSC system failure prevented the money from being credited.
 - 7.** Ld. Counsel for petitioner submits that following the aforementioned failure, the petitioner visited the SBI, it was discovered that the branch's swift code was malfunctioning due to certain technological problems. The concerned SBI personnel recommended to the petitioner that they utilize the Swift Code of SBI, Ballygunge, rather than the Alipore Branch's Swift Code, which is SBININBB328. Finally, the director of the aforementioned petitioner company transferred money from its Barclays Banks on December 24, 2021, totalling 1025 GBP, or INR 1,00,439.75.
 - 8.** Ld. Counsel for petitioner submits that in accordance with Section 248 (1) of the Companies Act, 2013, the Respondent (RoC Kolkata) sent a show cause notice to the petitioner on August 17, 2022. The notice stated that because the subscription required at the time of the company's incorporation had not been paid in accordance with the undertaking and that no declaration to that effect had been filed within 180 days, the petitioner was also given 30 days to file a reply to the said show cause notice.
 - 9.** Ld. Counsel for petitioner submits that on September 3, 2022, the petitioner sent a formal response to the aforementioned show cause
-

Case Citation: (2025) ibclaw.in 1668 NCLT
IN THE NATIONAL COMPANY LAW TRIBUNAL
DIVISION BENCH, COURT NO. I
KOLKATA

C. P. No. 149/KB/2024

notice. In that response, the petitioner stated that the subscription amount of Rs. 1 lakh had already been paid on February 22, 2022, and further requested that the respondent take the aforementioned payment into consideration as the subscription committed to paying at the time the petitioner company was listed on the aforementioned register of companies.

- 10.** Ld. Counsel submits that the respondent struck the name of the petitioner firm under Section 248(5) of the Companies Act, 2013 from the register of the companies as per **From STK-7**, despite the companies made by the petitioner in response to the show cause notice dated **August 17, 2022** issued by the respondent.
- 11.** The petitioner humbly requests this Tribunal to grant the respondent the necessary instructions to restore the petitioner company's name and another opportunity to deposit the subscription amount in accordance with the order or instruction of the RoC. The petitioner further states that it is eager to launch its own business and is prepared to pay all necessary taxes to the Government of India.
- 12.** Notices were issued to the Registrar of Companies, West Bengal. The Registrar of Companies, Bengal has submitted a report. It was stated in the report that only after the compliance of requirements to be met under Section 248 of the Companies Act, 2013, the Registrar of Companies, West Bengal has struck off the name of the Company from the register.
- 13.** Registrar of Companies, West Bengal has not objected to this application for restoration of the name of the petitioner company. On perusal of documents, we are also satisfied that the petitioner

Case Citation: (2025) ibclaw.in 1668 NCLT
IN THE NATIONAL COMPANY LAW TRIBUNAL
DIVISION BENCH, COURT NO. I
KOLKATA

C. P. No. 149/KB/2024

was a going concern and doing business on the date of striking off its name. Therefore, the plea raised in the Company Petition deserves consideration. Accordingly, we allow the Company Petition upon payment of cost of **Rs.40,000/- (Rupees Forty Thousand only)**, which would meet ends of justice in the peculiar nature and circumstances of the case in hand.

14. Accordingly, in exercise of the powers conferred on the Tribunal under Section 252 of the Companies Act, 2013, the petition is allowed upon the following:

(a) The Registrar of Companies, West Bengal, the respondent herein, is directed to restore the original status of the petitioner Company as if the name of the Company had not been struck off from the register of Companies with the resultant and consequential actions like changing status of petitioner Company from '**struck off**' to '**Active**'.

(b) The petitioner Company is directed to file all pending statutory document(s) including Annual Accounts, Balance Sheets and Annual Returns for the **Financial Years 2020-2021, 2021-2022, 2022-2023, 2023-2024** along with prescribed fees/additional fee/fine as decided by Registrar of Companies, Jharkhand within 45 days from the date on which its name is restored on the register of companies maintained by the Registrar of Companies, West Bengal;

(c) The restoration of the Company's name is also subject to the payment of cost of **Rs.40,000/- (Rupees Forty Thousand only)** through online payment in www.mca.gov.in under miscellaneous fee by mentioning particulars as "*Payment of cost*

**Case Citation: (2025) ibclaw.in 1668 NCLT
IN THE NATIONAL COMPANY LAW TRIBUNAL
DIVISION BENCH, COURT NO. I
KOLKATA**

C. P. No. 149/KB/2024

for revival of company pursuant to orders of NCLT, Kolkata Bench in Company Petition No. 149/KB/2024”;

(d) The Petitioner is directed to deliver a certified copy of this order with Registrar of Companies, West Bengal within thirty days of the receipt of this order; On such delivery and after due compliance with the above directions, the Registrar of Companies, West Bengal is directed to publish the order in the Official Gazette under his office name and seal;

(e) This order is confined to the violations, which ultimately led to the impugned action of striking off the name of the Company, and it will not come in the way of Registrar of Companies, West Bengal to take appropriate action(s) in accordance with law, for any other violations/offences, if any, committed by the petitioner company prior to or during the period the name of the Company remained struck off.

15. Accordingly, with the above directions the **Company Petition No. 149/KB/2024** is **disposed of**. The Registry is directed to send e-mail copies of the order forthwith to all the parties inclusive of the Counsel.

15. Certified copy of this order, if applied for with the Registry be supplied to the parties in compliance with all requisite formalities.

**Siddharth Mishra
Member (Technical)**

**Bidisha Banerjee
Member (Judicial)**

Signed on this, the 27th day of August, 2025.

PH[PS]