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# Revival of Companies u/s 252 of Companies Act, 2013



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## Revival of Companies

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Section 248 -Power of Registrar to remove the name of the company from register of companies

A company struck-off under Section 248 of the Companies Act, 2013 can be restored in the Register of Companies by an order of the National Company Law Tribunal (NCLT).

#### Who can file an Application? Where to file an Application?

- Application under Section 252 (1) :- Any person aggrieved by an order of the Registrar, notifying a company as dissolved under section 248, may file an appeal to the Tribunal within a period of three years from the date of the order of the Registrar.
- Application under Section 252 (3) :- 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 can file application before the expiry of twenty years from the publication in the Official Gazette of the notice under sub-section (5) of section 248.

#### Process of Filing an Application with NCLT

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Petition is to be filed with NCLT with various other documents and details as mentioned below:-

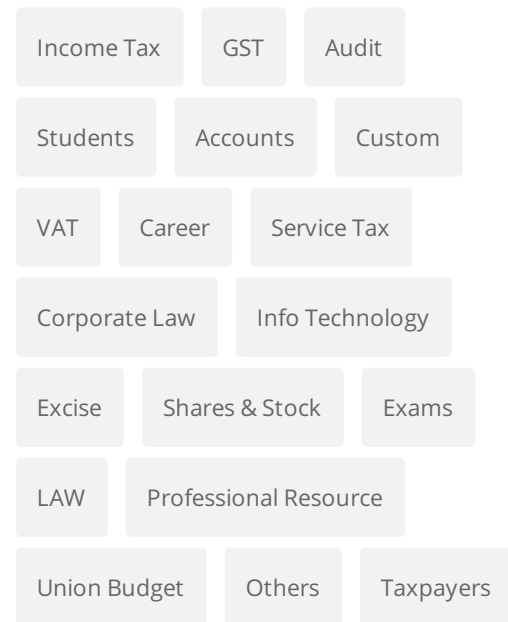
- Petition in Form No. NCLT-9
- General Affidavit verifying petition in Form No. NCLT-6
- Synopsis of the Case
- List of dates (Date of Strike-off, Date of Notices, Date of Incorporation etc.)
- Notice of Admission in Form No. NCLT-2
- Copy of Certificate of Incorporation, Memorandum and Article of Association
- Copy of Audited Accounts with Directors report of last three Financial Years
- Copy of PAN card and Income Tax Return Acknowledgement filed with Income Tax Department (if filed)
- Copy of Bank Statements of the Company
- Master Data of the Company
- Copy of Notice STK-1, STK-5 and STK-7
- Copy of land deed (in case any land is in the name of the Company and it is reflecting on the Balance Sheet)
- Demand Draft of Rs.1,000/- (to be submitted along with the documents when filed with NCLT)

**All the document should be properly stitched and is to submit the following departments:-**

- Registrar of Companies (One Set-Xerox)
- Regional Director (One Set-Xerox)
- Income Tax Department (One Set-Xerox)
- National Company Law Tribunal (Three Sets-One Original and two copy Xerox)

After Submission of the documents the Tribunal shall hear the Petitioner and Respondent i.e. ROC and take note of the observations/objections. After the hearing, the Tribunal will

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pass appropriate order i.e. either revival of the name of the company or dismiss the application, as it deems fit.

Order- Where the Tribunal makes an order restoring the name of a company in the register of companies, the order shall direct that:-

The appellant shall deliver a certified copy of the said order to the ROC within 30 days from the date of the order.

The Company shall file Form INC-28. After all the process the Company's status will change from "Strike-off" to "Active" and then necessary filing is to be done i.e. Filing of Annual Returns (MGT-7, AOC-4 and other e-forms which is applicable).

\*\* All the above information is for Private Limited Companies, documents may differ in case of NBFC Companies, unlisted Public Companies and Listed Companies.

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