



IN THE NATIONAL COMPANY LAW TRIBUNAL
NEW DELHI BENCH
COURT-IV

CA/442/ND/2021
IN
C.P. No. 54/ND/2014

IN THE MATTER OF:

Dhirendra Pratap Singh & Anr.

.... Applicants

Versus

Dook Consulting Pvt. Ltd. & Ors.

... Respondents

CORAM:

SHRI MANNI SANKARIAH SHANMUGA SUNDARAM,
HON'BLE MEMBER (JUDICIAL)

SHRI ATUL CHATURVEDI
HON'BLE MEMBER (TECHNICAL)

Order Delivered on: 15.07.2025

PRESENT:

For the Applicant : Mr. Rupesh Sinha,

Ms. Arti Rathore, Advs

For the Respondent : Mr. Ajay Brahme, Adv. (for R2 to R6)



ORDER

PER: ATUL CHATURVEDI, MEMBER (TECHNICAL)

1. Under consideration is an application CA/442/ND/2021 filed for restoration of C.P. No. 54/ND/2014 which was dismissed on the ground of non-prosecution and has sought the following reliefs:

“(a) Allow the present application for restoration of C.P. No. 54 of 2014 titled as "Dhirendra Pratap Singh & Anr. vs Dook Consulting Pvt. Ltd. & Ors." and decide the Petition on merit;

(b) Pass such other and further order as this Hon'ble Tribunal may deem fit and proper in the interest of Justice.”

2. As per the averments made in the application, the applicant is seeking restoration of C.P. No. 54/ND/2014, which was dismissed by this Tribunal vide order dated 01.07.2021 for non-prosecution.
3. The Applicant submitted that applicant was not aware of the said order of dismissal for non-prosecution and came to know about it very recently while checking the status of case on the web portal of this Tribunal. On becoming aware about the said order, the applicant has instantly moved the present application
4. It is submitted that the present matter was transferred from Bench No. 2 after being released as part-heard, and in accordance with the order of the Hon'ble Principal Bench, the matter was listed before this Bench on 17.12.2019. That on 17.12.2019, learned counsel for the Applicant appeared and apprised this Tribunal of the appointment of Mr. Nitish



Kumar Chugh as the valuer by the erstwhile Bench, and also submitted that the valuation of the assets of the Respondent Company was yet to be undertaken. As none appeared on behalf of the Respondents on 17.12.2019, this Bench directed the counsel for the Petitioner to serve a copy of the order dated 17.12.2019 upon all the Respondents (i.e., Respondent Nos. 1 to 7) through email. Further, Respondent Nos. 1 to 7 were directed to appear either in person or through an authorized representative on the next date of hearing, failing which the matter would proceed ex-parte. The matter was then listed for further hearing on 12.03.2020.

5. That in compliance of order dated 17.12.2019, the counsel for the applicant had sent email on 07.03.2020 to all respondents apprising them about last date of order i.e. 17.12.2019 along with the copy of order dated 17.12.2019
6. That on 12.03.2020, counsel for the applicant and counsel for respondent no. 2 to 6 except respondent no. 1 appeared and the matter was further listed before the regular bench on 31.03.2020. The matter could not, thereafter, be taken up on 31.03.2020, 22.06.2020, 08.07.2020, 24.07.2020, 19.08.2020, 20.08.2020, 27.08.2020 & 16.11.2020 due to lock down and the matter was further listed for 08.12.2020.
7. The Applicant has submitted that the counsel for the Applicant was unable to appear on 08.12.2020 as the date was inadvertently not updated by the clerk in the daily case diary maintained in the counsel's



office. As a result, the matter remained unattended and was subsequently listed for 01.03.2021. On 01.03.2021, the counsel for the Applicant was again unable to appear, as a total of 14 matters were listed before various courts on the same day. While managing appearances in all the listed matters, the present case regrettably remained unattended, and by the time the counsel attempted to join, the proceedings had already concluded. The matter was thereafter listed for 28.04.2021.

8. It is submitted that due to the sudden surge in COVID-19 cases and multiple fatalities across the country, the functioning of all offices, including that of the Applicant's counsel, came to a standstill after 20th April 2021. The present matter was thereafter listed for 01.07.2021. The counsel for the Applicant was unable to keep track of the status of the case, including the next date of hearing, as his office was not functioning properly. In fact, the office remained closed until the first week of July 2021, as several associates had contracted COVID-19, and the closure was necessitated as a precautionary measure. The counsel's office resumed partial operations only in the latter half of July 2021, and it was during this period that the counsel became aware of the dismissal order passed in the present matter.

**REPLY ON BEHALF OF RESPONDENT NOS. 2 TO 6 TO THE
RESTORATION APPLICATION**

9. It is submitted that the Petitioners themselves have formed a new company after having abandoned Respondent No. 1. It is further



noteworthy that Respondent No. 7, who is the brother of Petitioner No. 1 and the son of Petitioner No. 2, has, in collusion with the Petitioners, siphoned off the assets and business structure of Respondent No. 1 following internal disputes among its shareholders and directors. Respondent No. 7 has also established a new company using the diverted assets of Respondent No. 1, thereby causing serious prejudice to the interests of the original company and its stakeholders.

10. Respondent No. 1 has ceased operations for a considerable time following its abandonment by the Petitioners and currently has no employees. Despite the appointment of a valuer by this Hon'ble Tribunal to assess the company's financials, the Petitioners neither cooperated nor participated in the process, thereby obstructing an accurate assessment. Their persistent inaction and failure to engage with the valuer reflect a lack of seriousness in prosecuting the petition, and their explanation appears to be an unconvincing afterthought.
11. It is submitted that while numerous lawyers continued to appear before courts and this Hon'ble Tribunal remained functional, there was no valid reason for the Petitioners or their counsel to be casual in attending to the instant matter. The contradictory plea that 15 matters were being handled, yet this one was neglected due to COVID-19, exposes the falsity of the Petitioners' claims, which are bogus, sham, and devoid of merit. The judgment cited is inapplicable, as that case involved a judicial obligation to appoint an amicus-curiae, no such obligation existed in the present matter, where dismissal was rightly ordered for



default. The Petitioners lack of seriousness is further evident as Respondent No. 1 no longer retains any operational structure or substance.

ANALYSIS AND FINDINGS

- 12.** On perusal of the record, it is noted that the Petitioner remained absent on 08.12.2020, 01.03.2021, and the subsequent hearing. As recorded in the order dated 01.07.2021, none appeared on behalf of either of the parties. Earlier, by order dated 17.12.2019, a valuer was appointed and directions were issued to the Petitioner to serve copies to the Respondents, who were also directed to remain present. However, for over one and a half years, no progress was reported before this Tribunal. Considering the prolonged inaction and continued absence of the parties, this Tribunal vide order dated 01.07.2021 dismissed the matter for non-prosecution.
- 13.** On perusal of the Master Data of the Corporate Debtor, we observe that the name of the Corporate Debtor has been “Struck off” from the register of Company by the Registrar of Companies. The extract of the Master Data of the Corporate Debtor as available on MCA Portal is extracted over-leaf:-



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|---|--|
| CIN | U74140DL2010PTC205586 |
| Company Name | DOOK CONSULTING SERVICES PRIVATE LIMITED |
| ROC Name | ROC Delhi |
| Registration Number | 205586 |
| Date of Incorporation | 09/07/2010 |
| Email Id | sandeep_gupta78@yahoo.com |
| Registered Address | 423 GOLDEN HEIGHTS APARTMENT POCKET 8, SECTOR -12, DWARKA, NEW DELHI, Delhi, India, 110075 |
| Address at which the books of account are to be maintained | 609 , 610 PEARLS BEST HEIGHT-II NSP, PITAMPURA, NEW DELHI, Delhi, India, 110034 |
| Listed in Stock Exchange(s) (Y/N) | No |
| Category of Company | Company limited by shares |
| Subcategory of the Company | Non-government company |
| Class of Company | Private |
| ACTIVE compliance | - |
| Authorised Capital (Rs) | 5,00,000 |
| Paid up Capital (Rs) | 1,00,000 |
| Date of last AGM | 29/09/2012 |
| Date of Balance Sheet | 31/03/2012 |
| Company Status | Strike Off |

| | |
|-----------------------|-----------|
| Jurisdiction | |
| ROC (name and office) | ROC Delhi |

14. The term “Striking off” means an act by which the name of the company is removed or struck off from the register of companies which is maintained by the Registrar of Companies. The consequences of



Striking off the “name of company” is that the business entity has been removed from the official Register of Companies and is no longer legally recognized as a valid business or capable to hold any asset in its name. The legal recognition of the Company pursuant to strike off is lost, the certificate of incorporation is deemed to be cancelled and the Company stands dissolved under Section 248(5) of the Companies Act, 2013 subject to the discharge of liability towards its outstanding debt by its members, directors, managers in terms of Section 248(7) of the Companies Act, 2013.

15. The power of the Tribunal to restore the name of a struck off company under Section 252 of the Companies Act, 2013 is not a suo motu power, but is to be exercised either on the basis of an appeal filed by any aggrieved person under Section 252 (1) or to be exercised on an application filed by the Companies, its members or creditors or workmen aggrieved by the order of striking off under Section 252(3) of the Companies Act, 2013.
16. Moreover, in an Order passed by coordinate bench of this Tribunal i.e. NCLT Bengaluru in the case of **Chaitanya Manohar v. All Square Realtors India P. Ltd.** reported in (2019) SCC OnLine NCLT 35807 wherein a Petition of oppression and mismanagement was filed against a Company under Sections 397 and 398 of the Companies Act, 1956 and such a Company was struck off by the ROC, the Petition was held to be not maintainable unless the Company was restored back to the Register of the ROC u/s 252 of the Companies Act, 2013. In view of the



orders, it is abundantly clear that a Restoration application filed in Section 397-398 of Companies Act, 1956 cannot be maintained against a Company which has been struck-off by the ROC, since there is no legal existence of such a Company.

17. Further we also note that the Petitioner has failed to present any cogent or satisfactory explanation for the delay in prosecuting the matter. The Petitioners has also displayed continued lack of diligence, having failed to cooperate with the appointed valuer or assist in assessing the financial status of Respondent No. 1, which is now non-operational. Their conduct suggests lack of seriousness, and the restoration appears to be an afterthought. In view of the above-mentioned the present application i.e. **CA/442/ND/2021 in CP. No 54/ND/2014 stands dismissed.**

Sd/-
ATUL CHATURVEDI
MEMBER (TECHNICAL)

Sd/-
MANNI SANKARIAH SHANMUGA SUNDARAM
MEMBER (JUDICIAL)