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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 11302/2023**

Date of decision: **29.04.2026.**

IN THE MATTER OF:

PAWAN KUMAR JAIN

.....Petitioner

Through: Mr. Rishabh Jain, Adv. [9999004468]

versus

UNION OF INDIA

.....Respondent

Through: Mr. Amit Tiwari, CGSC, Mr. Chaitanya Puri, Ms. Ayushi Srivastava, Mr. Ayush Tanwar, Mr. Arpan Narwal, Mr. Kushagra Malik, Mr. Ujjwal Tyagi, Advocates.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

J U D G E M E N T

PURUSHAINDRA KUMAR KAURAV, J. (ORAL)

1. The instant petition is for the following reliefs:-

“(a) Issue an appropriate writ/order/direction to facilitate change of the status of the company from “struck off” in order to fix the error in the register and to make “active” in the register of companies status of corporate entity M/s Aggi Exports Pvt. Ltd. [Company Identification No. U51900DL1990PTC039734].

(b) Pass such other and further orders that this Hon'ble Court may deem fit in the facts and circumstances of the present case.”

2. The petitioner, Shri Pawan Kumar Jain, is one of the directors and a



member of M/s Aggi Exports Pvt. Ltd., a company incorporated under the Companies Act, 1956 having its registered office in Delhi. The petitioner has approached this Court aggrieved by the status of the company being reflected as 'struck off' in the register of companies maintained by the respondent, i.e., the Union of India through the Registrar of Companies, NCT of Delhi & Haryana.

3. Learned counsel appearing for the petitioner submits that before striking off the name of the petitioner's company, the mandatory procedure under Section 560 of the Companies Act, 1956 ('the Act') was completely disregarded. He points out that the Registrar of Companies never issued the first letter of inquiry under Section 560(1), nor the second notice by registered post under Section 560(2). No notice was published in the Official Gazette under Section 560(3), and consequently the final action under Section 560(5) was never validly taken. He argues that the striking off is, therefore, illegal and *void ab initio*.

4. On notice, the respondents have filed their reply relying on a Gazette Notification dated 23.06.2007, claiming that the name of the petitioner's company was struck off. Learned counsel for the respondents also raises various objections. The primary objections are that the petition is barred by delay as the striking off occurred in 2007 and the petition was filed in 2023, and that the petitioner should have availed the alternative remedy before the National Company Law Tribunal (NCLT) under Section 252 of the Companies Act, 2013.

5. The Gazette Notification dated 23.06.2007, heavily relied upon by the respondent, does not pertain to the Petitioner's company. The company listed at Serial No. 6719 bears Corporate Identification Number (CIN)



U99999DL1990PTC039734. The petitioner's company, however, has a distinct and different CIN, i.e., U51900DL1990PTC039734. This Court is of the considered opinion that a notice or notification issued for a different CIN is, in the eyes of law is a fatal discrepancy that renders the impugned action *void ab initio*.

6. Regarding the objection of delay, Section 560(6) of the Act expressly permits a company, its member or creditor to apply for restoration before the expiry of twenty years from the date of publication in the Official Gazette. The present petition, filed in 2023, is well within this 20-year period computed from 2007. The Bombay High Court in ***Purushottamdass and Another v. Registrar of Companies***¹, has held that a restoration petition filed within 20 years is maintainable, and that the Court can order restoration even if the company was not carrying on business at the time of striking off, if it is otherwise just to do so. The Supreme Court in ***Ajit Singh Thakur Singh v. State of Gujarat***² has further held that a party is entitled to wait until the last day of limitation to avail a legal remedy. Hence, the objection of delay is rejected.

7. The respondent's contention that the Petitioner should have availed the alternative statutory remedy before the National Company Law Tribunal (NCLT) is found to be without merit. Since this Court has held that no valid Gazette Notification was ever published for the petitioner's company, the period of limitation for filing an application under Section 252(3) of the Companies Act, 2013 has never commenced, and the said statutory remedy is not available to the Petitioner. The respondent's objection is also answered

¹1984 SCC OnLine Bom 342

²(1981) 1 SCC 495



by the Division Bench judgment of the Madras High Court in ***AGD. P. Ltd. v. Registrar of Companies***³, where the Court held that when no formal order of striking off is passed, the consequential publication is not valid, and that the existence of a statutory remedy does not bar the High Court's constitutional powers under Articles 226 and 227. Therefore, the availability of statutory remedy is not an absolute bar.

8. In light of the above discussion, this Court finds that the objections raised by the respondents are without merit.

9. In view of the aforesaid, the instant petition stands allowed. The name of the petitioner's company is directed to be restored.

(PURUSHAINDRA KUMAR KAURAV)
JUDGE

APRIL 29, 2026

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³2018 SCC OnLine Mad 13818