

# Removal of Names of Companies From the Register of Companies Strike Off [Sec 248-252]

## Q1 Introduction

Chapter XVIII + Sec 248-252 + Co. (Removal) Rules, 2016 + 26<sup>th</sup> Dec, 2016 (notified).

F-20A to ROC in 180 days

## Q2 Power of ROC to remove name of Co.

① Form STK-1 (ROC to Company) = No bus in 1 yr of COI & Declaration of Commencement of Bus not filed & No business in last 2 fy (no status of DC) & No bus revealed by physical verification.   
 Directors   
 INC-22 in 30 days

② Representation to ROC in 30 days

③ Notice to Public [STK-5 in NIOA & STK-5A in Newspaper (E+V)]

④ ROC shall satisfy itself regarding sufficient finances with Co.

⑤ Notice by ROC to Govt Authorities.

⑥ Strike Off + Notice [STK-7 in NIOA]

⑦ Liabilities continued.

⑧ NCLT may order w. l.p.

## Q3 Removal of Name of Company on Company's Application

Company (except Sec 8)

SR/75/ approval in paid up Value

STK-2

(After Extinguishment of Liabilities)

+ NOC of Regulator

+ STK-3 (Indemnity Bond)

+ STK-4 (Affidavit)

+ List of Pending Litigations

+ Resolution Copy

+ Statement of A/Cs (Certified by CA)

Not older than 30 days

ROC

Pub Notice - STK-6

+ Website

+ Newspaper

notice STK-5A

+ Finances

Satisfy

+ Intimate other authorities

+ STK-7 Notice of Dissol<sup>n</sup>

+ Liab-Continue

+ NCLT may dissolve

Q1 [Sec 249] - Restriction on Companies making an application u/s 248

Co ~~STK-2~~ ROC (Name change or RO Shift outside State or New Bus Engage)  
If in last 3 months (or Pending applic<sup>n</sup> CAA or Disposal of Value/rights)  
If still filed an applic<sup>n</sup> - fine upto ₹ 1 Lacs on Co.

Q5 [Sec 250] - Effect of Co. notified as Dissolved

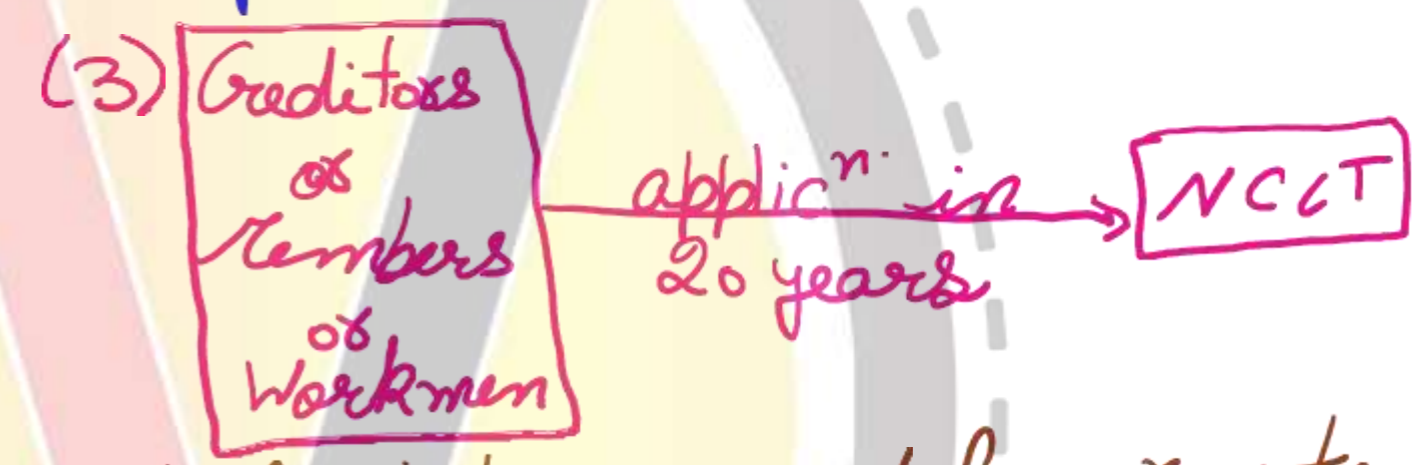
Ceased to Carry + Cancelled COI = Continue (Liability to pay + Obligations).

Q6 [Sec 251] - Fraudulent application by Company for removal of name

To Evade Liability + Deceive Creditors = Person in Charge (Liable for Damage/Loss + Fraud u/s 447)

Q7 [Sec 252] - Appeal to NCLT for restoration

(1) - Appeal by any Person in 3 years of order u/s 248.



Q8 [Rule 3] - List of Companies which shall not be removed from register

Listed Co. + Delisted Co. + Vanishing Co. (ROX, Dis X, 2 yrs returns X, Forms) + Pending (206-229) + Lis Penders + Pending Deposits + Pending Charge + Sec 8 Companies + List of Sections

- STK-1 = Notice by ROC to Co
- STK-2 = Applic<sup>n</sup> by Co. to ROC
- STK-3 = Indemnity Bond
- STK-4 = Affidavit
- STK-5 = Public Notice u/s 248(1) - NIOh
- STK-5A = Public Notice [Newspaper]
- STK-6 = Public Notice u/s 248(2) - NIOh
- STK-7 = Notice of Strike off  
Dissolution

- Sec 248 = Removal of name
- Sec 249 = Restric<sup>n</sup> on making applic<sup>n</sup>
- Sec 250 = Effect of removal
- Sec 251 = Fraudulent Applic<sup>n</sup> by Co.
- Sec 252 = Restoration Appeal
- Rule 3 = List of Co. which shall not be removed.