

**The power to restore the name of a struck-off company under section 252 of the Companies Act cannot be exercised suo moto by the NCLT**

The National Company Law Tribunal (NCLT), New Delhi, in the case of **Dhirendra Pratap Singh vs Dook Consulting [CA/442/ND/2021 IN C.P. No. 54/ND/2014]** dated July 15, 2025, has held that the power to restore a name of the struck company under section 252 of the Companies Act, 2013 cannot be exercised suo moto. A company's name can be restored only 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.

The NCLT observed that its power to restore the name of a struck-off company under section 252 of the Companies Act cannot be exercised suo moto, and it can only 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.

Referring to the decision in *Chaitanya Manohar v. All Square Realtors India P. Ltd* [(2019) SCC OnLine NCLT 35807], where the NCLT Bengaluru held that the petition under sections 397/398 for Oppression and Mismanagement of the Companies Act, 1956 cannot be maintained unless the company is first restored under section 252 of the Companies Act, the Tribunal found that the Applicant has failed to justify the delay or show diligence, and also failed to cooperate with the valuer as well as failed to assist in assessing the financial status of the Respondent, therefore, dismissed the application.