

**IN THE NATIONAL COMPANY LAW TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD**

C.A No. 124/252/HDB/2017

U/s 252 of the Companies of the Act, 2013  
R/w Rule 87A of NCLT Rules 2016

**In the matter of:**

Komoli Craft Venture Private Limited,  
Plot No. 37, Durganagar Colony,  
Punjagutta, Hyderabad-500082,  
Telangana.

...Appellant

**Versus**

Registrar of Companies,  
For Andhra Pradesh and Telangana,  
2<sup>nd</sup> Floor, Corporate Bhawan,  
GSI Post, Bandlaguda,  
Nagole, Hyderabad-500068,  
Telangana.

...Respondent

**Order Pronounced on: 01.03.2018**

**CORAM:**

Hon'ble Shri. Rajeswara Rao Vittanala, Member (Judicial)

Hon'ble Shri. Ravikumar Duraisamy, Member (Technical)

**Parties/Counsels Present:**

For the Petitioner : Shri Ashish Kumar Gaggar, Adv.

Shri Mahadev Tirunagari (PCS)

For the Respondent : None

**Per: Ravikumar Duraisamy, Member (Technical)**

**ORDER**

1. The Company Application bearing No. 124/252/HDB/2017 is filed by M/s. Komoli Craft Venture Private Limited U/s 252 of the Companies Act, 2013, on 29.09.2017 by inter-alia, seeking following reliefs:
  - a. Since the company is carrying out its business operations since incorporation and is complying with the filings of the Income Tax returns, we request the lordship to take a lenient view in the inadvertent non-filings with RoC and to pass appropriate order by allowing the Company to comply with all statutory filings with Registrar of Companies.
  - b. To pass appropriate order for restoration of the name of the Applicant in the Registrar of Companies, Andhra Pradesh and Telangana.
  - c. To pass appropriate order for the placing the Applicant as nearly as may be as if the name of the Applicant has not been struck off.



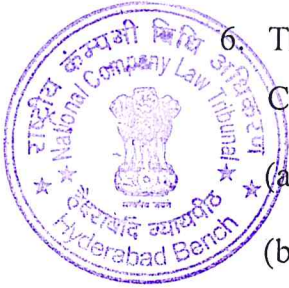
**Brief facts mentioned in Application:**

2. The Applicant Company was incorporated as a Komoli Craft Venture Private Limited in the state of Telangana, on 13.01.2012. The Authorized share capital of the Company is Rs.1,00,000 /- (Rupees One Lakh only) divided into 10,000/- (Ten Thousand) Equity shares of Rs. 10/- each. The issued, subscribed and paid-up capital of the Company is Rs.1,00,000 /- (Rupees One Lakh only) divided into 10,000/- (Ten Thousand) Equity shares of Rs. 10/- each.
3. The main objects for which the company was incorporated, as given in the Memorandum of Association are as under:

To carry on trade, wholesale or retail, import or export of all kinds of arts and crafts involving but not limited to wood, glass,

rubber, paper, canvas, steel, textiles, stones, metals, ivory, leather, ceramics and sponge ware, plastics dyes and paints, flora in India or outside India etc.

4. It is stated that on receipt of notice, the Directors have assigned the responsibility of completing the filings of the Annual returns and Financial Statement for the year ending 31<sup>st</sup> March 2014, 31<sup>st</sup> March 2015 & 31<sup>st</sup> March 2016 to the Accounts Officer, but he failed to file the same.
5. It is also stated that the Appellant Company has a revenue from operation for financial year ended 31.03.2016 of Rs. 38,41,951/- and for the financial year ended 31.03.2015 of Rs. 17,18,360. The Appellant further states that they filed Income Tax returns up to 31.03.2016.



6. The case was listed on 23.10.2017, Shri Ashish Kumar Gaggar, Ld. Counsel for the Appellant requested for the Interim Relief to:
  - (a) To grant Interim Reliefs for allowing the pending annual filings.
  - (b) To instruct the concerned authorities for allowing the filings along with additional fees.
7. Vide Order dated 23.10.2017, the Bench has granted the aforesaid Interim Reliefs sought by the Appellant and directed to pay the necessary fees including compounding fees, if any, and to confirm filing of Annual Returns for the Financial Years as mentioned in the notice issued by the RoC, to the Registry and directed to submit proof of filing of Annual Returns and compounding fee to RoC. The RoC was also directed to submit his report within two weeks and posted the case on 14.11.2017
8. The RoC submitted its report vide Letter ROCH/LEGAL/-SEC252/078552/Komoli/STACK/2017/2674 dated 29.11.2017 has filed its Report reiterating the averments made in the Application and submitted that the Company was marked strike off in MCA portal and STK-7 notice was also published in the Official Gazette on

19.08.2017. RoC also submitted that the Appellant Company shall be directed to file all pending returns, namely Annual Returns/ Balance Sheet with fees/ additional fees as prescribed under the provisions of the Companies Act, 2013.

9. On 22.12.2017, the Ld. Counsel Shri Mahadev Tirunagari (PCS), filed a memo stating that based on the directions to the Company in the Financial Statements i.e. Balance Sheets and Annual Returns for the pending years i.e., from the Financial Year ending 31.03.2014 till Financial Year ending 31.03.2017 along with additional filing fee.

10. We have carefully perused all the facts, circumstances, revenue generated by the Appellant Company during last few years, RoC Report, Memo and the company is in operation and has been generating revenue from operations as stated supra.

11. In view of the above submissions and undertaking given by the Appellant Company, we are of the considered view that it would be just and proper to order restoration of the name of the Appellant Company in the Register of Registrar of Companies. Accordingly CA No. 124/252/HDB/2017 is allowed subject to:

- a. Completion of all formalities including payment of late fee or any other charges which can be levied by the Respondent for the late deposit of statutory documents.
- b. The Appellant Company to file an affidavit submitting the company would follow all the provisions of the Companies Act, 2013, and Rules framed therein within the stipulated time.
- c. Payment of costs of Rs. 50,000/- (Fifty Thousand) through online payment in [www.mca.gov.in](http://www.mca.gov.in) under miscellaneous fee by mentioning particular as "Payment of Cost for revival of Company pursuant to orders of Hon'ble NCLT in CA. No. 124/252/HDB/2017" within 2 weeks from the date of receipt of copy of this Order.



- d. The Applicant to submit a copy of this order to RoC within two weeks from date of receipt of copy of this order.
- e. The name of the Appellant Company, shall stand restored to the Register of RoC as if the name of the Company had not been struck off in accordance with Section 252 of the Companies Act, 2013.



Liberty is granted to the RoC to proceed with penal action against the Appellant, if so advised, on account of the Appellant's alleged defaults in compliance with any other provisions of the Companies Act, 2013.

*Sd/-*  
**RAVIKUMAR DURAISAMY**  
MEMBER (TECHNICAL)

*Sd/-*  
**RAJESWARA RAO VITTANALA**  
MEMBER (JUDICIAL)

*G. Anantha Kumar*  
Dy. Regr./Asst. Regr./Court Officer  
National Company Law Tribunal, Hyderabad Bench

प्रमाणित प्रति  
**CERTIFIED TRUE COPY**  
केस संख्या  
CASE NUMBER... *CA.No.: 124/252/HDB/2017*  
निर्णय का तारीख  
DATE OF JUDGEMENT... *1.3.2018*  
प्रति तैयार किया गया तारीख  
COPY MADE READY ON... *6.3.2018*