

IN THE NATIONAL COMPANY LAW TRIBUNAL
HYDERABAD BENCH, HYDERABAD.

C.A. No.180/252/HDB/2017
U/s 252(3) of the Companies Act, 2013

In the Matter of

M/s Mackel Components Private Limited
S-3, Dwarakamayee 3-Hindinagar,
Hyderabad-500 034,
Telangana.

.... Applicant

Versus

Registrar of Companies, Hyderabad,
2nd Floor, Corporate Bhawan, GSI Post,
Tattiannaram, Nagole, Bandlaguda,
Hyderabad-500068.
Telangana.

...Respondent

Date of Order: 05.03.2018

C O R A M:

Hon'ble Shri Bikki Raveendra Babu, Member Judicial

Parties/Counsels Present:

For the Applicants : Mr. L.Dhanamjay Reddy,
PCS
For Respondent : Mr. R.C.Mishra,
Registrar of Companies.



Per: Shri Bikki Raveendra Babu, Member Judicial

ORDER

1. M/s. Mackel Components Private Limited, through its Director Mr. R.Sreenivasulu Reddi, filed this Application under Section 252(3) of Companies Act, 2013, seeking restoration of the name of M/s. Mackel Components Private Limited, in the Register of Companies maintained by Registrar of the Companies, Hyderabad.
2. The facts in brief that are necessary for the disposal of this Application are as follows:
 - a. M/s. Mackel Components Private Limited, was incorporated on 7th March, 1989 as a Private Company limited by shares with the Register of Companies, Andhra Pradesh.

The Issued , Subscribed & Paid up Capital is Rs. 10,00,000/- (Rupees Ten Lakh Only) divided into Rs.1,00,000/- (Rupees One Lakh Only) number of equity shares of Rs. 10/- each.
 - c. There are three Directors in the Company: Mr.R.Sreenivasulu Reddi, Mr. Channa Chinthamani Reddy, and Mr. RamaKrishna Reddy Pulimamidi.
3. The Registrar of Companies, Andhra Pradesh and Telangana i.e. the Respondent herein, struck off the Applicant Company's name from the Register maintained by him under Section 248 of the Companies Act, 2013 due to non filing of Statutory Returns for the financial years. 2014-15 and 2015-16.
4. The Board of Directors of M/s.Mackel Components Pvt Ltd in its meeting held on 29.09.2017 authorized Mr.R.Sreenivasulu Reddi, Director of the



Company to file this Application before NCLT , Hyderabad Bench for the purpose of restoring the name of the Company U/s 252 of Companies Act, 2013.

5. It is stated in the petition that due to lack of guidance the Company could not file the Balance Sheets and Annual Returns for the Financial Year 2014-15 & 2015-16.
6. The management of the Company got knowledge of non-filing of statutory returns for the years 2014-15& 2015-16 only in August, 2017.
7. Applicant filed audited Balance sheet, as on 31.03.2016 and 31.03.2017 along with the reports of Auditors and Directors. The Applicant filed Affidavit stating that the Company had not received nor deposited any huge amount of cash in violation of Income Tax Act/Rules or any other Banking Rules and Regulations in post demonetisation period i.e.08.11.2016 to 31.12.2016. It is further stated in the affidavit that there are five employees working in the Company and the Company is ongoing Concern.
8. The Registrar of Companies in his representation stated that the Company has started its business operations and continuing the same. The RoC also stated that the Company is filing its Income Tax Returns every year including Financial year 2016. RoC further stated that the applicant may be directed to file all pending Returns, namely Balance sheets with fees and additional fees as prescribed in the Companies Act. RoC further requested to award cost of the proceedings in favour of the Respondent.
9. Sec 252(3) enables the Company to seek for restoration of the Company by the Company on two grounds :
 - a. Carrying on business or in operation on the date on which the Company was struck off.



b. Otherwise, it is just, that the name of the Company be restored to the Register of Companies.

10. In the instant case the Audited Balance Sheet for the years 2014-15 and 2015-16 clearly indicate that the Company was carrying on business on the date that it was struck off.

11. This Application is filed within the time. In view of the fact that the Company is a going concern on the date that was struck off, the Company name can be restored in the Register of Companies maintained by Registrar of the Companies Hyderabad.

12. This Application is disposed off with the following directions:

1. The Registrar of Companies, the respondent herein, is ordered to restore the original status of the Applicant Company as if the name of the company has not been struck off from the Register of Companies and take all consequential actions like change of company's status from 'strike off' to Active (for e-filing), to restore and activate the DINs, to intimate the bankers about restoration of the name of the company so as to defreeze its accounts.
2. The Applicant company is directed to file all the statutory document(s) along with prescribed fees/additional fee/fine as decided by RoC within 30 days from the date on which its name is restored on the Register of companies by the RoC;
3. The restoration of the Company's name is also subject to the payment of cost of Rs 30,000/- (Rupees Thirty thousand only) through online payment in www.mca.gov.in under miscellaneous fee by mentioning particulars as "payment of cost for revival of company pursuant to orders of Hon'ble NCLT in CA No.180/252/HDB/2017".
4. The applicant is permitted to deliver a certified copy of this order with ROC within thirty days of the receipt of this order.
5. On such delivery and after duly complying with above directions,



the Registrar of Companies, Hyderabad is directed to, on his office name and seal, publish the order in the official Gazette;



6. The Appellant shall publish a Notice in leading newspapers circulating in the District as well as in the Official Gazette of the Government of India with regard to the restoration of the name of the Company in the Register of Companies maintained by the Office of the Registrar of Companies, as per the draft notice approved by the Register of Companies at the expenses of the Appellant.

sd/-

BIKKI RAVEENDRA BABU
MEMBER JUDICIAL

G. Ananthasankar
For Dy. Regr./Asst. Regr./Court Officer/
National Company Law Tribunal, Hyderabad Bench

प्रमाणित प्रति
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केस संख्या
CASE NUMBER *C.A. No. 180/2017/HDR/2017*
निर्णय का तारीख
DATE OF JUDGEMENT *5.3.2018*
प्रति तैयार किया गया तारीख
COPY MADE READY ON *5.3.2018*