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**NATIONAL COMPANY LAW TRIBUNAL  
HYDERABAD BENCH**

**PRESENT: HON'BLE SHR K. ANANTHA PADMANABHA SWAMY – MEMBER JUDICIAL**

**ATTENDANCE-CUM-ORDER SHEET OF THE HEARING HELD ON 10.10.2018 AT 10.30 AM**

TRANSFER PETITION NO.	
COMPANY PETITION/APPLICATION NO.	CA NO. 326/252/HDB/2018
NAME OF THE COMPANY	3S Investment Consultants Pvt Ltd
NAME OF THE PETITIONER(S)	3S Investment Consultants Pvt Ltd
NAME OF THE RESPONDENT(S)	Registrar Of Companies , Hyderabad
UNDER SECTION	252

**Counsel for Petitioner(s):**

Name of the Counsel(s)	Designation	E-mail & Telephone No.	Signature

**Counsel for Respondent(s):**

Name of the Counsel(s)	Designation	E-mail & Telephone No.	Signature

**ORDER**

Order pronounced in open court. Application is allowed vide separate order.

MEMBER JUDICIAL

Rk

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

**CA 326/252/HDB/2018  
Under Section 252 of the  
Companies Act, 2013.**

**Order delivered on: 10.09.2018.**

**In the matter of**

**M/s. 3S INVESTMENT CONSULTANTS PRIVATE LIMITED,**

Regd. Office: 6-2-913/914,

IInd Floor, Progressive Towers,

Khairatabad,

Hyderabad – 500 004

Telangana.

(Represented by through its  
Shareholder-cum-Director  
Ms. Srimani Mathukumilli)

**... Appellant Company**

**Versus**

The Registrar of Companies, Hyderabad,

For Andhra Pradesh and Telangana,

Corporate Bhavan, 2<sup>nd</sup> Floor,

GSI Post, Tattiannaram,

Bandlaguda, Hyderabad,

Telangana – 500 068.

**... Respondent**

*For the Appellant Company* : Mr. E. Satish Kumar  
Advocate

*For the Respondent* : Mr. T.Sujan Kumar Reddy,  
For RoC. Advocate

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**Per: K.ANANTHA PADMANABHA SWAMY,  
MEMBER (Judicial)**

1. This is a Company Application No.326/252/2018 is filed Under Section 252 of the Companies Act, 2013 (hereinafter called as the Act) by M/s **3S INVESTMENT CONSULTANTS PRIVATE LIMITED,(hereinafter called as the Appellant Company)** seeking a direction to the Registrar of Companies, Hyderabad (the RoC) to restore the name of Company in the Register of Companies, by way of Board Resolution dated 22.01.2018 authorising Ms.Srimani Mathukumilli, Shareholder-cum-Director of the Company to file this Company Application.
2. Brief averments of the Application are that the Appellant Company was incorporated on 04.05.2010 vide CIN: (U67190TG2010PTC068247) under the Companies Act, 1956 in the State of Telangana.
3. The Authorised Share Capital of the Company is Rs.1,00,000/- divided into 10,000 equity share of Rs.10/- each and the Issued Subscribed & Paid up Capital of the Company is Rs.1,00,000/- divided into 10,000 equity shares of Rs.10/- each.
4. The main objects of the Appellant Company are specified in the Memorandum of Association (in short MOA)



5. The Appellant Company has failed to file the Annual Returns as well as Financial Statements for the financial years from 2013-14 onwards. The reason given by the Appellant Company for non-filing of returns was occurred inadvertently and was neither deliberate nor wanton on the part of the Appellant Company. Further stated that the Appellant Company has held its Annual General Meeting for the years ended in 31.03.2017 on 29.09.2017. The Appellant Company undertook to file all outstanding statutory documents along with fine as per the provisions of the Act.
6. The Appellant Company filed an Affidavit stating reasons for non-filing of IT Returns for the Financial Years from 2013-14 to 2016-17. As a measure of proof Appellant Company submitted copies of the Annual Returns and Financial Statements for the period from 2013-14 to 2016-17 together with the statement of Bank Account.
7. The Appellant Company filed an Affidavit declaring that there was no cash deposit into the said Company Bank account during demonetisation period.
8. In view of the above circumstances the Appellant Company prayed this Tribunal to direct the Respondent (ROC) forthwith to restore the name of Company in the Register of Companies U/s 252(3) of the Companies Act, 2013 and to effect restoration in the Official website

maintained by the Ministry of Corporate Affairs, Govt. of India.

9. The Directors of the Applicant Company now decided to gear up the operations of the Company by seeking restoration of the name of the Company in the Register of Companies maintained by the Registrar of Companies. Applicant Company undertook to file the outstanding statutory returns.
10. It is submitted that respondent has therefore initiated action under Section 248 of the Companies Act, 2013 (hereinafter referred to as 'the Act') for striking off the name of the Company from the Register of Companies and consequently the name of the Applicant company was struck off from the Register of Companies vide Order No. **ROC/(H)/248(5)/STK-7/2017 dated 21.07.2017** and was published in the Gazette of India on 27.05.2017 & 03.06.2017 at S.No.11206. The Company is still carrying on its business and its activities and therefore the present application is filed for restoration of the name of the company in the Register of Companies.
11. The ROC, Hyderabad, who is respondent herein, has filed Counter Affidavit wherein the details of the Company such as date of incorporation, address of the registered office and its main objects as per memorandum of

association are mentioned. While submitting the above facts the ROC has stated that the application may be considered on merits and to direct the applicant to file all pending Financial Statements and Annual Returns and pass orders imposing costs on the applicant. The ROC has inter-alia mentioned in the counter statement that the Company be directed to file an undertaking stating that the accounts of the Company were not used as means to transact tainted money during the period of demonetisation.

12. Heard. Perused pleadings and the documents filed in support of the contention of both the parties.

### ORDER

1. Having satisfied with the reasons as mentioned in the Application, the Tribunal is of the opinion that it would be just and proper to order **restoration of the name of the Appellant Company in the Register of Companies.**
2. The Appellant Company shall file all the pending Financial Statements and Annual Returns with ROC as per the Act and Rules made thereunder. The Company has filed an affidavit stating that the Company was not involved in money laundering activities during the



demonetization period or any unlawful activities during the relevant period.

3. Further the Appellant Company is directed to pay **the cost of Rs.10,000/- (Rupees Ten Thousand only)** to the ROC while submitting the documents. This is for the expenses to be incurred by ROC for publication in the Official Gazette and for other related expenses. Accordingly the **Application is allowed.**
4. The RoC is directed to restore the Company in the Register of Companies. The applicant is directed **to place this order with RoC within 30 days** from the date of receipt of this order.
5. Accordingly the Company Application **No.326/252/HDB/2018** stands **disposed of.**



**K. Anantha Padmanabha Swamy**  
**Member (Judicial)**