

**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. 850/252/HDB/2018
NAME OF THE COMPANY	Apps HR Services Pvt Ltd
NAME OF THE PETITIONER(S)	Apps HR Services 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
Rajeev Ratna on behalf of	Adv	9533631522	
B. Jithender C.A.S.C			

ORDER

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


MEMBER JUDICIAL

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

**CA/850/252/HDB/2018
Under Section 252(3) of the
Companies Act, 2013.**

Order delivered on:10.10.2018.

In the matter of

M/s. APPS HR SERVICES PRIVATE LIMITED,

Regd. Office at: migh#214,
Above ICICI Bank,
2nd Floor, Road No.1,
KPHB Colony, Kukatpally,
Hyderabad – 500 072.

**Represented by
Mr. Srinivas Pasupuleti,
Shareholder-cum-Director.**

... Applicant Company

Versus

The Registrar of Companies, Hyderabad,
For Andhra Pradesh and Telangana,
Corporate Bhavan, 2nd Floor,
GSI Post, Tattiannaram,
Bandlaguda, Hyderabad,
Telangana – 500 068.

... Respondent

Parties/Counsels present:

For the Applicant

Company :

*: Mr. Vasanth Bajaj
PCS*

For the Respondent (RoC)

*: Mr. Rajeev Ratan
on behalf of
Mr.B. Jithender*

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CGSC

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

1. This is a Company Application No.850/252/HDB/2018, filed under Section 252(3) of the Companies Act, 2013, Read with Rule 87A of the NLT Rules, 2016 (hereinafter called as the Act) by **M/s. APPS HR SERVICES PRIVATE LIMITED, (hereinafter called as the Company)** seeking a direction to the Registrar of Companies, Hyderabad (the RoC) to restore the name of Company in the Register of Companies, maintained by the Registrar of Companies, Hyderabad. This Application is filed by Mr. Srinivas Pasupuleti, Shareholder-cum-Director by way of Board Resolution held on 20.03.2018.
2. Brief averments of the Application are that the Company was incorporated on 01.03.2006, vide CIN: (91120TG2006PTC049356)
3. The Authorised Share Capital of the Applicant Company is Rs.1,00,000/- (Rupees One Lakh Only) divided into 10,000 (Ten Thousand) equity shares of Rs.10/- (Rupees Ten only) each. The issued, subscribed and paid up Capital of the Applicant



Company is Rs.1,00,000/- (Rupees One Lakh only), divided into 10,000 (Ten Thousand) equity shares of Rs.10/- (Rupees Ten only) each.

4. The main objects of the Applicant Company is to establish and run the business of Human Resource Management which includes the process of identifying, screening, selection, training, placement and/or recruitment of candidates for different employment requirements of the industry in India or in overseas organisations and to carry on the business of the soliciting contracts from the Company with regard to supply of manpower etc.,
5. The Applicant Company has failed to file the Annual Returns as well as Financial Statements for more than two years i.e., from 2014-15. The reason given by the Applicant Company for non-filing of Annual returns has occurred due to inadvertence and lack of sufficient manpower for a certain period which was neither deliberate nor wilful on the part of the Applicant Company.
6. It is further stated that the Applicant Company is regular in holding AGMs time to time and the accounts of the Company are maintained and audited from time to time, and regular in filing the IT Returns with the Income Tax Department.

Further submitted that the Applicant Company is operational as on the date of striking order. Applicant Company undertook to file the Annual Returns and Financial Statements etc., with RoC.

7. In view of the above circumstances, the Applicant Company prayed to pass necessary orders directing the RoC to change the status of the Company from "Strike off" to "Active" for e-filing, and to file pending Returns and other related documents with the Respondent (RoC) and to comply with the provisions of the Act.
8. Applicant Company filed an Affidavit stating that it has not deposited any specified Bank Notes during demonetization period i.e., from 8th November 2016 to 31st December, 2016 in the Bank accounts except the routine business transactions from time to time as permitted under Banking Regulations.
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, and prayed for its restoration.
10. It is submitted that Respondent (RoC) 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 Applicant 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.4883. The Applicant 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 Company. The ROC has inter-alia mentioned in the counter statement that the Applicant 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 Applicant Company in the Register of Companies.**
2. The Applicant Company shall file all the pending Financial Statements and Annual Returns with ROC as per the Act and Rules made thereunder. The Applicant 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 Applicant 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

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related expenses. Accordingly the **Application is allowed.**

4. The RoC is directed to restore the name of the Applicant Company in the Register of Companies. The Applicant Company 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.850/252/HDB/2018** stands **disposed of.**



K. Anantha Padmanabha Swamy
Member (Judicial)