

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

CA No.866/252/HDB/2018

U/s. 252 of the Companies Act, 2013

Order delivered on: 28.09.2018

**In the matter of
M/s. TAVISHA CONSTRUCTIONS PRIVATE LIMITED.
(CIN: U45400TG2013PTC086637)**

Between:

Srinivas Reddy Anneda,
Resident of 7-7-179, Jambigadde,
Ward No.6, Jagityal, Karimnagar,
Telangana, India – 505327.

...Appellant/Shareholder

Vs.

Registrar of Companies, Hyderabad,
For the State of Andhra Pradesh & Telangana,
2nd Floor, Corporate Bhawan, GSI Post,
Tattiannaram, Nagole, Bandlaguda,
Hyderabad-5000 068,
Telangana.

...Respondent

Parties/Counsel present:

For the Applicant: Shri.P.Anil Mukherji, Advocate

For the Respondents: Shri T.Sujan Kumar Reddy, CGSC.

Per: K.ANANTHA PADMANABHA SWAMY, MEMBER(JUDICIAL)

1. This is a Company Application
No.866/252/HDB/2018 filed under section 252 of
the Companies Act, 2013 (hereinafter called as the

Act) filed by the Appellant/Shareholder of the Company (M/s.Tavisha Constructions Private Limited) seeking direction to the Registrar of Company, Hyderabad (the RoC) to restore the Company in the Register of Companies.

2. Brief averments of the Application are that the Company was incorporated on 26.03.2013 under the Companies Act, 1956 in the state of erstwhile Andhra Pradesh. The Applicant is the Promoter Shareholder of the Company.
3. The main objectives of the Company are to acquire by purchase, exchange, lease, hire or otherwise acquire any estate lands or immovable property or any movable property or personal property of any description, weather lease hold or free hold, and any right or privileges which may redeemed necessary to carry on the business of builder etc.
4. The Authorised 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 and the issued, Subscribed & 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.
5. The 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 Company for non-filing of returns was due to inadvertence. The 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 Company was struck off from the Register of Companies vide **Order No.ROC (H)/248 (5)/STK-7/2017** and was published in the Gazette of India dated 27.05.2017 & 03.06.2017 under Sl.No.18746.


6. 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 maintained by Registrar of Companies.
7. The Applicant filed an affidavit stating that neither there are any cash deposits nor any huge transactions taken place at the time of demonetisation Period other than the general transactions related to the business.
8. The Registrar of Companies, 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 the 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

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used as means to transact tainted money during the period of demonetisation.

9. 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 Company in the Register of Companies.**
2. The Company shall file all the pending financial statements and Annual Returns with ROC as per the Act and Rules made there under. The Company has filed an affidavit stating that the Company was not involved in money laundering activities during the demonetisation period or any unlawful activities during the relevant period.
3. Further the 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.866/252/HDB/2018 stands **disposed of**.



K.ANANTHA PADMANABHA SWAMY

Member (Judicial)