

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

**CA No.870/252/HDB/2018**

U/s. 252 (3) of the Companies Act, 2013  
Read with Rule 87A of the National Company Law  
Tribunal (Amendment) Rules, 2017.

**Order delivered on: 28.09.2018**

**In the matter of  
M/s. FIGURE FORGE INFRA PRIVATE LIMITED.  
(CIN: U45209TG2012PTC079856)**

- 1.Mr.W.Avinash Nivrathirao
- 2.Mr.Mohammed Mustaq Ahmed
- 3.Mr.Syed Shah Hamed Hussaini Saberi

...Applicants/  
Shareholders

**Vs.**

1. M/s. FIGURE FORGE INFRA PVT LTD.  
(CIN: U45209TG2012PTC079856)
- &
2. REGISTRAR OF COMPANIES, Hyderabad

...Respondents

**Parties Presents:**

*For the Applicant: Shri. V.Venkata Rami Reddy, Advocate  
Smt. V.Anita, Advocate*

*For the Respondents: Shri Rajeev Ratna, Advocate on  
behalf of P.Ponna Rao, CGSC.*

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**PER: K.ANANTHA PADMANABHA SWAMY, MEMBER  
(JUDICIAL)**

1. This is a Company Application No.870/252/HDB/2018 filed under section 252 (3) of the Companies Act, 2013 (hereinafter called as the Act) filed by the Applicants/Shareholders of the 1<sup>st</sup> Respondent Company (M/s.Figure Forge Infra 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 1<sup>st</sup> Respondent Company was incorporated on 20.03.2012 under the Companies Act, 1956 in the state of erstwhile Andhra Pradesh and the Authorised Share Capital of the 1<sup>st</sup> Respondent is Rs.1,00,00,000/- (Rupees One Crore Only) divided into 10,00,000 (Ten Lakhs) equity shares of Rs.10/- each and the issued, Subscribed & Paid up capital of the 1<sup>st</sup> Respondent Company is Rs.1,00,00,000/- (Rupees One Crore Only) divided into 10,00,000 (Ten Lakhs) Equity Shares of Rs.10/- each.
3. The main objectives of the 1<sup>st</sup> Respondent Company are specified in the Memorandum of Association (in short **MOA**). The 1<sup>st</sup> Respondent Company has failed to file the Annual Returns as well as Financial Statements for the financial years from 2012-13 onwards. The reason given by the 1<sup>st</sup> Respondent Company for non-filing of returns was neither wilful nor wanton but only due to inadvertence. The 2<sup>nd</sup> Respondent (Registrar of Companies, Hyderabad) 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 1<sup>st</sup> Respondent Company from the Register of Companies and consequently the name of the 1<sup>st</sup> Respondent 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.15756. The 1<sup>st</sup> Respondent Company is still carrying on its business and its activities and therefore, the present Application is filed for restoration of the name of the 1<sup>st</sup> Respondent Company in the Register of Companies maintained by Registrar of Companies.

4. The Registrar of Companies, Hyderabad who is 2<sup>nd</sup> Respondent herein, has filed counter affidavit wherein the details of the 1<sup>st</sup> Respondent 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 Applicants to file all pending financial statements and Annual Returns and pass orders imposing costs on the Applicants. The RoC has inter-alia mentioned in the counter statement that the 1<sup>st</sup> Respondent Company be directed to file an undertaking stating that the accounts of the 1<sup>st</sup> Respondent Company were not used as means to transact tainted money during the period of demonetisation.
5. 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 1<sup>st</sup> Respondent Company in the Register of Companies.**
2. The Applicant shall file all the pending financial statements and Annual Returns with ROC as per the Act and Rules made there under. The Applicant 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 Applicant 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 1<sup>st</sup> Respondent 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.870/252/HDB/2018 stands **disposed of.**



**K.ANANTHA PADMANABHA SWAMY**

**Member (Judicial)**