

**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 08.10.2018 AT 10.30 AM**

TRANSFER PETITION NO.	
COMPANY PETITION/APPLICATION NO.	CA NO. 898/252/HDB/2018
NAME OF THE COMPANY	Navrang Restaurant Pvt Ltd
NAME OF THE PETITIONER(S)	Gaurang Shah Nemji & 2 Others
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 Patna on behalf of	Adv	9533631522.	
K. Harish Reddy CASC			

**ORDER**

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



MEMBER JUDICIAL

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

**CA No.898/252/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: 08.10.2018**

**In the matter of  
M/s. NAVRANG RESTAURANT PRIVATE LIMITED.  
(CIN: U55101TG2011PTC075303)**

**Between:-**

1. Mr.Gaurang Shah Nemji  
S/o.Kesavji Shah Nemji,  
R/o. 6-3-879, S.No.6 & 7,  
Indian Emporium, Ground Floor,  
G.Pulla Reddy Building, Begumpet,  
Hyderabad – 500 016, Telangana.
2. Mr.Gunampally Raghava Reddy  
S/o. Gunampally Pulla Reddy,  
R/o. H.No.6-3-879/B,  
Greenlands Begumpet,  
Hyderabad – 500 016, Telangana.
3. Mr.Vinay Kumar Kunchal  
S/o. Subhash Chand Agarwal,  
R/o.H.No.210, Flat No.210,  
Door No.9-1-83/84, SD Road,  
Amarchand Sharma Complex,  
Secunderabad – 500 003, Telangana

...Applicants/  
Shareholders

**Vs.**

1. M/s. NAVRANG RESTAURANT PRIVATE LIMITED.  
(CIN: U55101TG2011PTC075303)  
Having its Regd. Office at Plot No.214/P,  
Siva Sai Complex, Buddha Nagar, Main Road,  
Opp. Uppal Bus Depot, Hyderabad – 500 039,  
Telangana.

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2. 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.

...Respondents

**Parties/Counsels Presents:**

*For the Applicants:* Smt. N.Madhavi, PCS

*For the Respondents:* Shri. K.Harish Reddy,  
CGSC.

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

1. This is a Company Application No.898/252/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. Navrang Restaurant Private Limited) seeking direction to the Registrar of Company, Hyderabad (the RoC) to restore the name of the 1<sup>st</sup> Respondent Company in the Register of Companies maintained by Registrar of Companies.
2. Brief averments of the Application are that the 1<sup>st</sup> Respondent Company was incorporated on 01.07.2011 under the Companies Act, 1956 in the state of erstwhile Andhra Pradesh and the Authorised Share Capital of the 1<sup>st</sup> Respondent Company is Rs.1,00,000/- (Rupees One Lakh Only) divided into 10,000 (Ten Thousand Only) equity shares of Rs.10/- each and the issued,



Subscribed & Paid up share capital of the 1<sup>st</sup> Respondent Company is Rs.1,00,000/- (Rupees One Lakh Only) divided into 10,000 (Ten Thousand Only) Equity Shares of Rs.10/- each. There are three shareholders in the 1<sup>st</sup> Respondent Company holding 100% shareholding together.

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 its Annual Returns as well as Financial Statements for the financial years from 2013-14 onwards. The reason given by the 1<sup>st</sup> Respondent Company for non-filing of returns was due to administration reasons and inadvertence. The 1<sup>st</sup> Respondent Company is regular in filing IT Returns and conducting business activities. 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.13771.
4. It is submitted that the 1<sup>st</sup> Respondent Company was carrying the business at the time of struck off and is still carrying on its business and activities and is regular in conducting the Board Meetings and General Meetings in Compliance with the

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provision of the Companies Act 1956 and 2013. 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, Hyderabad.

5. The Applicants also filed an affidavit stating that the 1<sup>st</sup> Respondent Company did not deal with Specified Bank Notes (SBN), during demonetisation period from 8.11.2016 to 31.12.2016.
6. 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 it is in business of Hotel and Restaurant as permitted by law. 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 Applicants 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.
7. 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 and restoration of name of the 1<sup>st</sup> Respondent Company in the Register of Company.
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 1<sup>st</sup> Respondent 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.898/252/HDB/2018 stands **disposed of.**



**K.ANANTHA PADMANABHA SWAMY**  
**Member (Judicial)**