


**NATIONAL COMPANY LAW TRIBUNAL
HYDERABAD BENCH**

PRESENT: HON'BLE SHRI BIKKI RAVEENDRA BABU – MEMBER JUDICIAL


**ATTENDANCE-CUM-ORDER SHEET OF THE HEARING HELD ON 19.09.2018 AT 10.30
AM**

TRANSFER PETITION NO.	
COMPANY PETITION/APPLICATION NO.	CA No. 788/252/HDB/2018
NAME OF THE COMPANY	Chaitu Engineering Pvt Ltd
NAME OF THE PETITIONER(S)	Chaitu Engineering 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
M. S. Sharma	Advocate	9701008404	

Counsel for Respondent(s):

Name of the Counsel(s)	Designation	E-mail & Telephone No.	Signature
T. Sujan Kumar Reddy	Adv.	9160001435	
for ROC			

ORDER

Learned counsel Mr.M.S.Sharma present for Applicant.

Learned counsel Ms.Suma present on behalf of Mr.T.Sujan Kumar Reddy for ROC.

Order pronounced in open court.

Application is allowed.

Vide separate order.


MEMBER JUDICIAL

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

CA No.788/252/HDB/2018
U/s. 252(3) of the Companies Act, 2013

In the matter of

M/s CHAITU ENGINEERING PRIVATE LIMITED,
Regd. Office at:A.P.I.E., Plot No.B-78 & 79,
Near Rly Goods shed, Balangar,
Hyderabad.

(Represented by its Director
Mr. Venkat Appaiah Norhi)

...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

Date of Order: 19.09.2018

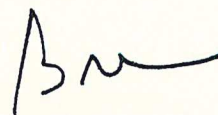
CORAM:

Hon'ble Shri Bikki Raveendra Babu, Member Judicial

Counsels/Parties Present:

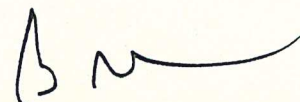
For the Applicant Company : Mr. M. S. Sharma.
Counsel

For the Respondent/RoC : Mr. T. Sujan Kumar Reddy,
CGSC




ORDER

1. **M/s CHAITU ENGINEERING PRIVATE LIMITED**, herein- after called as "Applicant Company" was incorporated on 27.09.1994 vide CIN: (U74120TG1994 PTC018412). Its Registered Office is situated at Balanagar, Hyderabad, Telangana State. The Applicant Company has Three Shareholders and Two Directors. . The Application is filed by the Company, represented by one of its Shareholder-Cum-Director Mr. Venkat Appaiah Norhi, under Section 252 (3) of the Companies Act 2013, seeking restoration of Company's name in the Register of Companies, maintained by the Registrar of Companies, Hyderabad.
2. The Board of Directors in their Meeting held on 15.06-2018 have resolved and further authorised Mr. Venkat Appaiah Norhi, Director of the Company "M/s Chaitu Engineering Private Limited" to file this application on behalf of the Applicant Company.
3. The Registrar of Companies for Andhra Pradesh and Telangana struck off the Company name from the Register of companies due to non-filing of statutory reports namely Financial Statements and Annual Returns since its Incorporation.

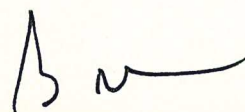


4. The main object of the Applicant Company are to carry on business of manufacturers of tool makers, brass founders of all metals whether ferrous or non-ferrous, metal workers, tin makers, iron and steel workers, machinists, smiths, iron and steel convertors, Die makers and enamellers, electroplaters, nickel plates, vulcanizers and galvamzers etc.,
5. The Authorised Share Capital of the Applicant Company is Rs.1,00,00,000/- (Rupees One Crore Only} divided into 10,00,000 (Ten Lakhs) number of Equity shares of Rs.10/- (Rupees Ten Only) each. The Issued, Subscribed and Plaid-up Capital of the Applicant Company as on the date of this application is Rs.1,00,000/- (Rupees One Lakh only) divided into 10,000 (Ten Thousand Only) Equity Shares of Rs.10/- (Rupees Ten only) each.
6. It is stated by the Applicant Company that the Directors have assigned the responsibility of completing the filings of the Financial Statements / Annual Accounts/ Annual Reports for the periods from 2014-15 to 2016-17 and the Annual Returns for the Financial Years 2015 to 2017 to the Accounts officer of the Company, but the non-filing of returns took place due to inadvertence, and the Accounts Officer of the Applicant Company did



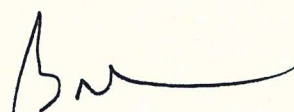
not file the returns in time. Further submitted that the Applicant Company has held its Annual General Meetings for the Financial Years ended 31st March, 2015 to 31st March 2017 on 24.09.2015; 24.09.2016 and on 27.09.2017 respectively., and also filed IT Returns with IT Department for the Financial years from 2014-15 to 2016-2017

7. In view of the above the Applicant Company prayed to direct the Registrar of Companies to restore the name of the Applicant Company in the Register of Companies, and allow the Applicant Company to file the pending documents under e-filing with requisite fee and additional fee as prescribed under Section 403 of the Companies Act, 2013.
8. 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, by paying additional fee as applicable.
9. Applicant Company also filed an affidavit stating that the Applicant Company has not received any cash in the form of Specified Bank Notes from any person nor



paid any cash to any person during the period of demonetization in violation of the law.

10. The Registrar of Companies in his representation stated that he has no objection, if this Tribunal considered the request of the Applicant Company for restoration of the name of the Company in the Register of Company subject to the conditions that Applicant Company shall comply the statutory requirements and file an Affidavit relating to deposits of cash in Banks during demonetisation period. RoC also requested to award cost of the proceedings.
11. Section 252(1) enables any person aggrieved by an order of the Registrar, notifying a company as dissolved under section 248, may file an appeal to the Tribunal on the following ground:-
 - a) Removal of name of the company from the Registrar of Companies is not justified for the reason that the grounds stated in the orders of the Registrar are not in fact present.
12. Section 252(3) enables the company, its members, Creditors Workmen or employee to seek for restoration of the Company on following grounds in case the

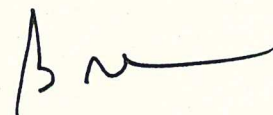


Company having its name struck off from the Register of Companies:-

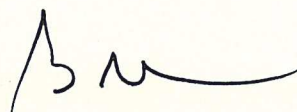
- a) Company was carrying on business or in operation in the date on which the Company was struck off.
- b) Otherwise it is just to restore the name of the Company.

13. In the instant case the Applicant Company filed Copies of Audited Balance Sheets, Financial Statements, Bank Statement, together copies of IT Returns for the relevant Financial Years, which disclose that the Applicant Company was carrying on business on the date on which it was struck off. The Applicant Company undertook to file all the pending returns with RoC, once this Tribunal pass orders. This Application is filed within the time limit. This Application is disposed off with the following directions:-

- i) The Registrar of Companies, the Respondent herein, is ordered to restore the original status of the Applicant Company as if the name of the Company has not been struck off from the Register of Companies and take all consequential actions like change of Company's status from 'Strike Off' to 'Active' (for e-filing);

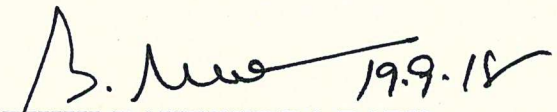


- ii) The Applicant Company is directed to file all the statutory document' (s) along with prescribed fees/additional fee/fine as decided by RoC within thirty days from the date on which its name is restored on the Register of Companies by the RoC;
- iii) The restoration of the Applicant Company's name is also subject to the payment of cost of Rs.10,000/- (Rupees Thirty Thousand Only) through online payment in www.mca.gov.in under miscellaneous fee by mentioning particulars as "payment of cost for revival of Company pursuant to orders of Hon'ble NCLT in "CA No.788/252/HDB/2018";
- iv) The applicant company is permitted to deliver a certified copy of this order with RoC within thirty days of the receipt of this order;
- v) On such delivery and after duly complying with above directions, the Registrar of Companies, Hyderabad is directed to, on his office name and seal, publish the order in the Official Gazette;
- vi) The Applicant Company shall publish a notice in leading newspaper in the district, regarding restoration of company after taking approval of the draft notice from RoC. The RoC is directed to verify



the draft notice and approve the same if it is in order.

- vii) RoC is directed to publish in the Official Gazette of the Government of India with regard to the restoration of the name of the Applicant Company in the Register of Companies maintained by the Office of the Registrar of Companies at the expenses of the Applicant Company.


BIKKI RAVEENDRA BABU
Member Judicial