

**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 04.10.2018 AT 10.30 AM**

TRANSFER PETITION NO.	
COMPANY PETITION/APPLICATION NO.	CA NO. 882/252/HDB/2018
NAME OF THE COMPANY	Alex Constructions Pvt Ltd
NAME OF THE PETITIONER(S)	Venkata Rami Reddy Motakatla & Anothers
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
V. Venkata Rami Reddy	Advocate Counsel for Petitioner	v.r.m.v.v.p.s.wamy 9542239083	V.V. →

**Counsel for Respondent(s):**

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

**ORDER**

Order pronounced in Open Court. CA is allowed. Vide separate order.

  
 MEMBER JUDICIAL

AS

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

**CA/882/252/HDB/2018  
Under Section 252(3) of the  
Companies Act, 2013.**

**Order delivered on:04.10.2018.**

**IN THE MATTER OF M/s. ALEX CONSTRUCTIONS  
PRIVATE LIMITED.**

1. Mr. Venkata Reddy Motakatla,  
S/o Mr. Hanimi Reddy,  
R/o Flat No.401, Jubilee Hill County,  
Jubilee Hills, Road No.11,  
Near Happy Kids School,  
Hyderabad – 500 033.
2. Ms. Triveni Motakatla,  
D/O Mr. Nagi Reddy,  
R/o. 8-3-675/1/A202, Fribzi Residency,  
Engikneers Colony, Srinagar Colony Post,  
Hyderabad – 500 073.

**Applicants/Shareholders**

**Versus**

1. M/s. Alex Constructions Private Limited,  
Regd. Office at Flat No.A-202,  
Fribziresidency, Engineer's Colony,  
Yellareddyguda,  
Hyderabad – 500 073.
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**

4

**Parties / Counsels Present:**

*For Applicants* : Mr. B. Manpal Reddy, Counsel  
for V. Venkata Rami Reddy,  
Counsel

*For Respondent (RoC)* : Mr. Rajeev Ratna on behalf  
of Mr. P. Ponna Rao, CGSC

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

1. This is a Company Application No.882/252/HDB/2018 is filed Under Section 252(3) of the Companies Act, 2013, Read with NCLT Rules, 2016 and Read with Rule-87A of the NCLT (Amendment Rules, 2017) for restoration of name of the 1<sup>st</sup> Respondent Company (**M/s. ALEX CONSTRUCTIONS PRIVTE LIMITED**) in the Register of Companies against the Orders issued by the Registrar of Companies under Section 248 seeking a direction to the Registrar of Companies, Hyderabad (the RoC). This Application is filed by Mr. Venkata Reddy Motakatla, Shareholder of the above named Company by obtaining the consent of the Co-Applicant – cum – shareholder (Ms. Triveni Motakatla).
2. Brief averments of the Application are that the 1<sup>st</sup> Respondent Company was incorporated on 23.08.2000 vide CIN: (U45200TG2000PTC035165) under the Companies Act, 1956 in the State of Andhra Pradesh.

The 1<sup>st</sup> Respondent has Two Shareholders-cum-Directors. The 1<sup>st</sup> Respondent Company has Two Shareholders-cum-Directors.

3. The Authorised Share Capital of the 1<sup>st</sup> Respondent Company is Rs.5,00,000/- (Rupees Five Lakhs Only) divided into 50,000 (Fifty Thousand) equity share of Rs.10/- (Rupees Ten) each, and the Paid up Share Capital of the Company is Rs.1,00,000/- (Rupees One Lakh only) divided into 10,000 Equity Shares of Rs.10/- each.
4. The main objects of the 1<sup>st</sup> Respondent Company are to construct, erect, build, repair, remodel, demolish, develop, improve, grade, curve, pave, macadamize, cement and maintain buildings, structures, houses, apartments, townships, multi-highways, roads, paths, streets, sideways, seaports, Airports, bridges, flyovers, subways and other similar constructions etc.,
5. The 1<sup>st</sup> Respondent Company has failed to file the Annual Returns as well as Financial Statements for more than two years i.e., for the financial years from 2011-12 onwards. It is submitted that the Directors of the 1<sup>st</sup> Respondent Company were under the opinion to file the pending returns with RoC with additional fee as contemplated under relevant sections, prior to conduct of the Annual General Meeting in the month of

September 2017, but failed, and there was no other intentional cause for such non-filing. The Counsel appeared for the Applicants stated that the reason for non-filing of returns took place due to lack of professional guidance, and there was no malafide intention on the part of the Company or its Directors.

6. The Applicant further stated that the 1<sup>st</sup> Respondent Company had its operations since its incorporation and had business as on the date of the strike off the name of the 1<sup>st</sup> Respondent Company, and was regular in conducting Meetings of Board of Directors as well as General Meetings, in compliance with the relevant provisions of the Companies Act, 1956 & 2013, but unable to file IT Returns with the IT Department due to its strike off.
7. The Applicant in the Application stated that the Company has not accepted any deposits from the Public nor availed any loans from any public or private Banks etc.
8. The Directors of the 1<sup>st</sup> Respondent Company now decided to gear up the operations of the 1<sup>st</sup> Respondent Company by seeking restoration of the name of the 1<sup>st</sup> Respondent Company in the Register of Companies maintained by the Registrar of Companies and Applicant




undertook to file the outstanding statutory returns, and prayed for an opportunity for its restoration.

9. It is submitted that 2<sup>nd</sup> 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 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.1166. 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 1<sup>st</sup> Respondent Company in the Register of Companies.
10. In view of the above stated circumstances, Applicant prayed this Tribunal to set aside the order of the 2<sup>nd</sup> Respondent (RoC) with regard to striking off the name of the Company from 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. 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 1<sup>st</sup> 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 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 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.882/252/HDB/2018** stands **disposed of.**



**(K. Anantha Padmanabha Swamy)**  
**Member (Judicial)**