

**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. 820/252/HDB/2018
NAME OF THE COMPANY	Megateck Offshore Pvt Ltd
NAME OF THE PETITIONER(S)	Palle Hari Obula Reddy
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
D.V.K.PHANINDRA	PCS	Cphanindra@mailto.com 9985446236	Phanindra

Counsel for Respondent(s):

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

ORDER

Learned PCS Mr.D.V.K.Phanindra 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
HYDEABAD BENCH, HYDERABAD**

C.A. No. 820/252/HDB/2018.

U/s 252 of the Companies Act, 2013.

In the Matter of MEGATEK OFFSHORE PRIVATE LIMITED

Mr. Palle Hari Obula Reddy,

Member,

M/s. Megatek Offshore Private Limited,

Regd. Office:

Plot No. 148, Ravi Colony,

Trimulgherry, Hyderabad – 5000115,

Telangana.

...Applicant/ Shareholder

Versus

Registrar of Companies, Hyderabad,

For the States of Andhra Pradesh & Telangana,

2nd Floor, Corporate Bhawan, GSI Post,

Tattiannaram, Nagole, Bandlaguda,

Hyderabad – 500 068

Telangana.

...Respondent

Date of Order: 19.09.2018

C O R A M:

Hon'ble Shri Bikki Raveendra Babu, Member Judicial

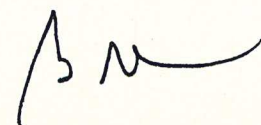
Parties / Counsels Present:

For the Applicant

: Mr. D.V.K. Phanindra,
PCS

For the Respondent

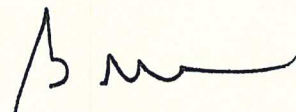
: T. Sujan Kumar Reddy
CGSC



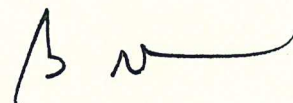
Per: Shri Bikki Raveendra Babu, Member Judicial

ORDER

1. Megatek Offshore Private Limited hereinafter referred to as Company was incorporated on 06.05.2009. Its registered office is situated in Hyderabad. The Applicant is the Shareholder of the Company.
2. The Company is established with main object to carry on in India and elsewhere, all or any of the business pertaining to for consultation, consultancy, tender preparation, monitoring, supervision and involvement in heavy engineering designs etc.,
3. The Authorized 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/-(Rupees Ten) each. The Issued, Subscribed and Paid-up 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/-(Rupees Ten) each.
4. The Registrar of Companies Andhra Pradesh and Telangana struck off Companies name from the Register of Company on 19.08.2017 due to non-filing of statutory Reports namely Financial Statements and Annual Returns for the Financial Years 2014-15 and 2015-16.
5. It is submitted that the Promoters had incorporated the Company for the purpose of undertaking testing and other services. The promoters decided to change the scope of business and venture in to providing engineering and other related services.
6. It is submitted that the Company had not filed the Income Tax Returns with the Income Tax Department. It is further submitted that the Promoters and Directors of the Company have been taking all possible steps to tap business opportunities. The Directors could obtain Work Orders, and the Company has taken-up the work.

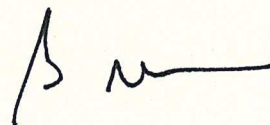


7. It is further submitted that the Company has been regular in conducting the meetings under the Companies Act, 1956 and Companies Act, 2013 and accordingly, the Annual General Meetings for the Financial Year 2014-15 and 2015-16, were duly convened and held, and the Financial Statements duly adopted by the members.
8. It is submitted that the Applicant was under the impression that all the returns were filed. The non-filing of returns took place due to lack of professional guidance, and there was no malafide intention on the part of the Company, Members or its Directors.
9. It is submitted that the Company Non-Filing of the Annual Accounts and Returns, occurred inadvertently and was neither deliberate nor wilful on the part of the Company or any of its officer and was not caused with any intention to adversely affect the interests of any concerned party.
10. Applicant also filed an Affidavit stating that the Company Did not have any Bank Account since the date of Incorporation;
11. It is further submitted that during the Demonetization period i.e., during the period from 8th November, 2016 to 30th December, 2016, the Company did not hold and has not dealt in the Specified Bank Notes (SBNs), and since there is no Bank account for the Company, the question of deposit of cash in the form of SBNs or in other denominations, does not arise.
12. It is submitted that the Company has not been utilized for any deposit/routing of black money at any time and moreover after the declaration of demonetization.
13. The Registrar of Companies in his representation stated that he has no objection if this Tribunal considered the request of the Applicants for restoration of the name of the Company in the Register of Company subject to the conditions that Applicants shall

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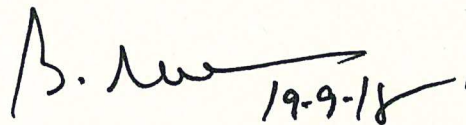
comply the statutory requirements and file an Affidavit relating to deposits of cash in Banks during demonetisation period. RoC also requested to award cost of the proceedings.

14. 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:
 - i) Removal of name of the Company from the Registrar of Companies is not justified for the reasons that the grounds stated in the Order of the Registrar are not in fact present.
15. Section 252(3) enables the company, its members, Creditors, Workmen or employee to seek for restoration of the Company on following grounds in case of Company having its name Struck off from the Register of Companies:
 - a) Company was carrying on business or in operation on the date on which the company was struck off.
 - b) Otherwise it is just to restore the name of the Company.
16. In the instant case the Annual Returns filed by the Company disclose that the Company was carrying on business on the date on which it was struck off. This Application is filed within time. This Application is disposed off with the following directions:
 - a) The Registrar of Companies, the Respondent herein, is ordered to restore the original status of the Company as if the name of the company has not been struck off from the Register of Companies and take all consequential actions such as change of company's status from 'strike off' to Active (for e-filing), restoring the status of DIN and etc.,
 - b) The company is directed to file all the statutory document(s) along with prescribed fees/additional fee/fine as decided by RoC within



30 days from the date on which its name is restored on the Register of companies by the RoC;

- c) The restoration of the Company's name is also subject to the payment of cost of Rs. 10,000/- (Rupees Ten 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. 820/252/HDB/2018".
- d) The applicants are permitted to deliver a certified copy of this Order with ROC within thirty days of the receipt of this order.
- e) 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;
- f) The Applicants shall publish Notice in leading newspaper circulating in the District, regarding restoration of Company after taking approval of the Draft Notice from Registrar of Companies. The Registrar of Companies is directed to verify the Draft Notice and approve the same if it is in order.
- g) RoC is directed to publish in the Official Gazette of the Government of India with regard to the restoration of the name of the Company in the Register of Companies maintained by the Office of the Registrar of Companies at the expenses of the Applicant.

 19.9.18

BIKKI RAVEENDRA BABU
MEMBER JUDICIAL