

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. 852/252/HDB/2018
NAME OF THE COMPANY	Surekha Agro Farms Pvt Ltd
NAME OF THE PETITIONER(S)	Surekha Agro Farms 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
K. PHANI KUMAR	ADV C.A.T.	K.PHANI@SMAIL.COM 954507570	K.P.K.

Counsel for Respondent(s):

Name of the Counsel(s)	Designation	E-mail & Telephone No.	Signature
Rajeev Ratna on behalf of	Adv	9533631522	Rajeev
B. Jithendar CHSC			

ORDER

Learned counsel Mr.K.Phani Kumar present for Applicant.

Learned counsel Mr.Rajeev Ratna representing
Mr.B.Jithendar 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.852/252/HDB/2018
U/s. 252 of the Companies Act, 2013

In the matter of

M/s. SUREKHA AGRO FARMS PRIVATE LIMITED,
25-1-18, J.K. Puram,
Rajahmundry – 500 103,
East Godavari District,
Andhra Pradesh.
(Represented through its Director
Mr. Durga Prasada Rao Bommana)

...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

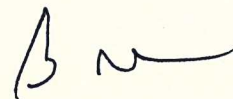
CORAM:

Hon'ble Shri Bikki Raveendra Babu, Member Judicial

Counsels/Parties Present:

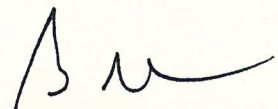
For the Applicant Company : Mr. K. Phani Kumar,
Advocate

For the Respondent/RoC : Mr. Rajeev Ratna on behalf of
Mr. B. Jitendar CGSC



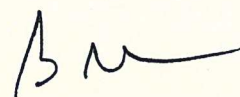
ORDER

1. **M/s SUREKHA AGRO FARMS PRIVATE LIMITED**, herein- after called as "Applicant Company" was incorporated on 09.09.1996 vide CIN: (U01110AP1996PTC025161). Its Registered Office is situated at Rajahmundry, East Godavari District, Andhra Pradesh State. The Company has Two Shareholders-cum-Directors. . This Application is filed by the Company, represented by one of its Shareholder-Cum-Director Mr. Durga Prasad Rao Bommana 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 01.08-2018 have resolved and further authorised Mr. Durga Prasada Rao Bommana, Director of the Company "Surekha Agro Farms 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 for more than two years.

4. The main objects of the Applicant Company are to carry on business of cultivating, ploughing, tilling, growing, harvesting, reaping, nurturing, and trading of plants, crops nurseries, seeds fruits, botanical plants, trees, shrubs, herbs, creepers, vegetables and leaves.
5. The Authorised Share Capital of the Applicant Company is Rs.20,00,000/- (Rupees Twenty Lakhs Only} divided into 20,000 (Twenty Thousand) number of Equity shares of Rs.100/- (Rupees Hundred Only) each. The Issued, Subscribed and Plaid-up Capital of the Company as on the date of this application is Rs.1,02,200/- (Rupees One Lakh and Two Thousand and Two Hundred only) divided into 1,022 (One Thousand and Twenty Two) number of equity shares of Rs.100/- (Rupees Hundred only) each.
6. It is stated by the Applicant Company that the Applicant Company being a small company has no full time company secretary nor full time chartered accountant to comply with all regular compliances and also due to lack of guidance the Company could not file the Balance Sheets and Annual returns for the :Financial years i.e., from 2005-06 to 2016-17. The Applicant Company has been carrying Agricultural



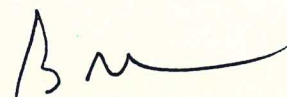
activities and has earned nominal income through sale of Agriculture produce every financial year.

7. Further submitted that in the event of revival of the Company and restoration of the name of the Company in the Register of Companies maintained by the RoC, the Applicant Company shall file all outstanding statutory documents along with the filing fees and the additional fee, as applicable on the date of actual filing.
8. In view of the above circumstances, the Applicant Company prayed to direct the Registrar of Companies to restore the name of the Company in the Register of Companies and pass orders as may deem just and proper in terms of Section (3) of the Companies Act, 2013.
9. 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.
10. Applicant Company also filed an affidavit stating that the Applicant Company had not deposited any amount or cash in its Bank Accounts in violation of Income Tax Act/Rules or any other Banking Rules and Regulations



during Demonetization period 08.11.2016 to 31.12.2016.

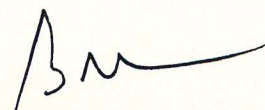
11. The Registrar of Companies in his representation stated that he has no objection, if this Tribunal considered the request of the Applicant Company for restoration of the name of the Company in the Register of Company subject to the conditions that Applicant Company shall comply the statutory requirements and file an Affidavit relating to deposits of cash in Banks during demonetisation period. RoC also requested to award cost of the proceedings.
12. 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.
13. 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:-



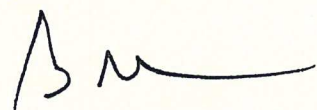
- a) Company was carrying on business or in operation in the date on which the Company was struck off.
- b) Otherwise it is just to restore the name of the Company.

14. In the instant case the Applicant Company filed Copies of Audited Balance Sheets, Bank Statement, together copies of IT Returns for the relevant Financial Years, which disclose that the 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:-

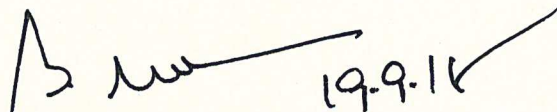
- i) The Registrar of Companies, the Respondent herein, is ordered to restore the original status of the Applicant Company as if the name of the Company has not been struck off from the Register of Companies and take all consequential actions like change of Company's status from 'Strike Off' to 'Active' (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 ~~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.852/252/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 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