

**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. 862/252/HDB/2018
NAME OF THE COMPANY	Raimonodo Facility Management Pvt Ltd
NAME OF THE PETITIONER(S)	Praveen Reddy Cholleti
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
T. Sujan Kumar Reddy	Adv.	9160001435	T. Sujan
for ROC			

ORDER

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. 862/252/HDB/2018
U/s. 252 (3) of the Companies Act, 2013 and
Rule-87A of the NCLT (Amendment) Rules, 2017

IN THE MATTER OF
M/s RAIMONDO FACILITY MANAGEMENT PRIVATE
LIMITED

1. Mr. Praveen Reddy Cholleti,
H.No.2-108/2/115, Plot No.105,
Lane-3, Sri Sai Enclave,
Boduppall,
Hyderabad – 500 039.

Applicant /
Promoter Shareholder

Versus

1. M/s Raimondo Facility Management Private Limited,
H.No.1-2-593/4/6, Flat No.203,
Vijaya Courts, Domalaguda
Hyderabad – 500 029

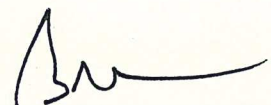
2. The Registrar of Companies, Hyderabad,
For Andhra Pradesh and Telangana,
Corporate Bhavan, 2nd Floor,
GSI Post, Tattiannaram,
Bandlaguda, Hyderabad,
Telangana – 500 068.

... Respondents.

Date of Order: 19.09.2018

Coram:

Hon'ble Shri Bikki Raveendra Babu, Member Judicial.



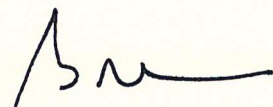
Counsels/Parties Present:

For the Applicant/
Promoter Shareholder : : Mr/ Vasanth Kumar Bajaj,
PCS

For the Respondent/RoC : : Mrs. Suma, Counsel,
on behalf of
Mr. Sujan Kumar Reddy
CGSC

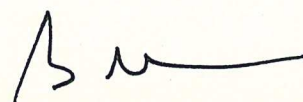
ORDER

- 1. M/s. RAIMONDO FACILITY MANAGEMENT PRIVATE LIMITED,** hereinafter called as '1st Respondent Company' and was incorporated on 19.03.2013 vide CIN: (U93000TG2013PTC086477). Its Registered Office is situated at Domalaguda, Hyderabad, Telangana State. The 1st Respondent Company has Two Shareholders-cum-Directors. This Application is filed by Mr. Praveen Reddy Cholleti, Promoter Shareholder of the 1st Respondent Company, under Section 252(3) of the Companies Act, 2013, read with NCLT Rules 2016 and Rule 87A of the NCLT (Amendment) Rules, 2017, seeking restoration of the name of the Company in the Register of Companies maintained by the Registrar of Companies, Hyderabad, for the States of Andhra Pradesh and Telangana.
- 2. The Registrar of Companies for Andhra Pradesh and Telangana struck off the name of the 1st Respondent Company from the Register of companies, due to default**

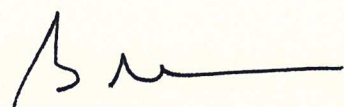


in filing the financial statements and annual returns for more than Two years .

3. The main objects of the 1st Respondent Company are to carry on the business of facility management services such as security services, such as Asset Management services, Utility Management Services, Housekeeping services, janitorial services and includes services in connection with cleaning services etc.,
4. The Authorised share capital of the 1st Respondent Company is Rs.1,00,000/- (Rupees One Lakh Only) divided into 10,000 (Ten Thousand) Equity shares of Rs.10/- each. The Issued, Subscribed and Paid-up Share Capital of the 1st Respondent Company is Rs.1,00,000/- (Rupees One Lakh Only) divided into 10,000 (Ten Thousand) Equity shares of Rs.10/- each (Rupees Ten only) each.
5. It is stated by the Applicant that the 1st Respondent Company is operational as on the date of order for striking off. It was stated that the Company tried to file Annual Reports and Annual Returns for the financial years 2013-14, 2014-15 & 2015-16 with additional fee as contemplated under Section 92 and Section 137 read with Section 403 of the Companies Act, 2013.



6. It is further stated that the 1st Respondent Company is regular in holding Annual General Meetings time to time and the accounts of the Company are maintained and audited time to time and can be evident as seen from the Annexure-D of the Application. But due to lack of sufficient manpower for a certain period of time 1st Respondent Company failed to file the Annual Returns and Financial Statements.
7. It is also stated that the 1st Respondent Company is regular in filing Income Tax returns, and in view of the above it was requested to pass an order for the restoration of the name of the 1st Respondent Company in the Register of Companies maintained by the Office of the Registrar of Companies, and allow to file the pending returns.
8. The Directors of the 1st Respondent 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 undertook to file the outstanding statutory returns, by paying additional fee as applicable.
9. Applicant also filed an affidavit declaring that the 1st Respondent Company has deposited Specified Bank notes of Rs.5,60,000/- during demonetization period i.e., from 08.11.2016 to 31.12.2016 in the Bank accounts

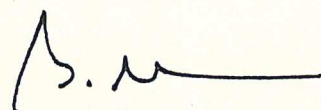


and there are no other transactions except the routine business transactions from time to time as permitted under Banking Regulations.

10. The Registrar of Companies in his representation stated that he has no objection, if this Tribunal considered the request of the Applicant for restoration of the name of the 1st Respondent Company in the Register of Companies subject to the conditions that Applicant shall comply the statutory requirements and file an Affidavit relating to deposits of cash in Banks during demonetisation period; to file INC-28. 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



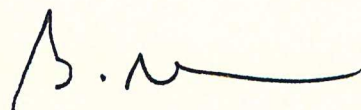
having its name struck off from the Register of Companies:-

- a) Company was carrying on business or in operation on 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, copies of Financial Statements, Bank statements filed for the related Financial Years disclose that the 1st Respondent Company was carrying on business on the date on which it was struck off and field and regular in filing the IT Returns with the Income Tax Department. The Applicant undertook to file all the pending returns soon after receipt of copy of the order from this Tribunal. This Application is filed within the time limit.

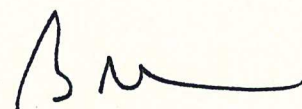
14. Keeping in view the points put forth by the Applicant together with the circumstances of the case, this Application is disposed off with the following directions:-

- i) The Registrar of Companies, the Respondent herein, is ordered to restore the original status of the 1st Respondent Company as if the name of the Company has not been struck off from the Register of Companies and take all consequential actions

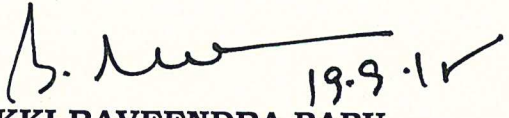


such as change of Company's status from 'Strike Off' to 'Active' (for e-filing), restoring the status of DIN and etc.,

- ii) The Applicant 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 1st Respondent 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.862/252/HDB/2018";
- iv) The applicant 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 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 1st Respondent Company in the Register of Companies maintained by the Office of the Registrar of Companies at the expenses of the Applicant.


BIKKI RAVEENDRA BABU
Member Judicial