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**NATIONAL COMPANY LAW TRIBUNAL
HYDERABAD BENCH**

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

**ATTENDANCE-CUM-ORDER SHEET OF THE HEARING HELD ON 30.08.2018 AT 10.30
AM**

TRANSFER PETITION NO.	
COMPANY PETITION/APPLICATION NO.	CA NO. 736/252/HDB/2018
NAME OF THE COMPANY	Jagati Biotech Pvt Ltd
NAME OF THE PETITIONER(S)	Jagati Biotech 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

Counsel for Respondent(s):

Name of the Counsel(s)	Designation	E-mail & Telephone No.	Signature
For Sindhura Reddy T. Sujan Kumar Reddy	Advocate	9160001435	CL Sindhura

ORDER

Learned counsel Ms.Sindhura Reddy 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. 736/252/HDB/2018.

U/s 252 of the Companies Act, 2013.

In the Matter of

Jagati Biotech Private Limited,
Having its registered office at
5-5-35/15, Plot No. 62, 2nd Floor,
Prasanth nagar, IDA, Kukatpally,
Hyderabad – 500072, Telangana.

(Rep by Mr. Avula Srinivas Reddy, Director)

...Appellant

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: 30.08.2018

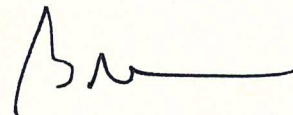
C O R A M:

Hon'ble Shri Bikki Raveendra Babu, Member Judicial

Parties / Counsels Present:

For the Applicant : Mr. N. Mallikarjuna Rao,
PCA

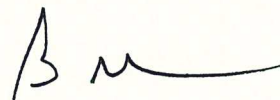
For the Respondent : T. Sujan Kumar Reddy
CGSC



Per: Shri Bikki Raveendra Babu, Member Judicial

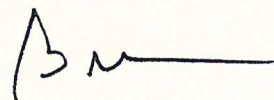
ORDER

1. Jagati Biotech Private Limited hereinafter referred to as Company was incorporated on 06.02.2009. Its registered office is situated in Hyderabad. The Board of Directors of Company passed a Resolution dated 23.04.2018 authorizing Mr. Avula Srinivas Reddy, Director to file the Application.
2. The Company is established with main object to carry on the business of farming, producing, acquiring, cultivating, growing processing, developing, manufacturing, dealing, trading, exporting and importing in Horticulture, Floriculture, Semi Culture, Dairies, properties of orchards, all kinds of and classes of Bio Diesel and other Bio Products etc.,
3. The Authorized Share Capital of the Company is Rs. 15,00,000/- (Rupees Fifteen Lakhs only) divided into 1,50,000 (One Lakh Fifty 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 2013-14 to 2015-16.
5. It is submitted that the Company is a Private Limited Company and is not registered with any Stock Exchange either in India or abroad. At present there are Two (2) Directors in the Company.
6. It is submitted that the Company is active since incorporation and is also maintaining all the requisite registers/documents, as per the provisions of the Companies Act, 1956 and Companies Act, 2013,



Secretarial Standards and other statutes and is being carrying regularly business.

7. It is submitted that the Board of the Company has appointed statutory auditors and other officers from time to time to look into legal and regulatory compliances of the Company. Company is also maintaining requisite books of accounts and registers and other documents and Board has for each Financial Year approved the Financials and convened the Annual General Meetings as well as prescribed under the statute.
8. It is submitted that the Company has been paying salary to its employee's and also due to its creditors and other on time. Company has receivables from its debtors and others.
9. It is submitted that the Company has also got funds in bank and other current Assets in cash or kind and certain fixed Assets.
10. It is submitted that the Company has been regularly filing its Income Tax Returns, Service Tax and Value Added Tax Returns and also Goods and Service Tax Returns.
11. It is submitted that the Company is regularly depositing, withdrawing, transferring and availing other services from bankers for all of its accounts as they are operative.
12. It is submitted that the Company is expanding its geographical reach by rapidly increasing its client scale and is in plans to start a branch office.
13. Applicant also filed an Affidavit stating that the Company has not received any amount from any person nor paid any amounts to any person during the period of Demonetization i.e 08th November, 2016 to 31st December, 2016 in violation of any Laws.
14. The Registrar of Companies in his representation stated that he has no objection if this Tribunal considered the request of the

A handwritten signature in black ink, consisting of a stylized initial 'B' followed by a horizontal line and a small flourish.

Applicants for restoration of the name of the Company in the Register of Company subject to the conditions that Applicants 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.

15. 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.

16. 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.

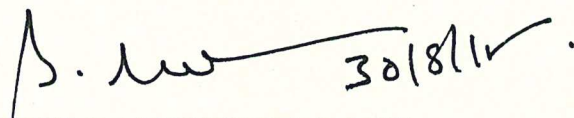
b) Otherwise it is just to restore the name of the Company.

17. In the instant case the Annual Returns and Income Tax 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. 736/252/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.


BIKKI RAVEENDRA BABU
MEMBER JUDICIAL