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**NATIONAL COMPANY LAW TRIBUNAL  
HYDERABAD BENCH**

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

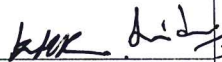
**ATTENDANCE-CUM-ORDER SHEET OF THE HEARING HELD ON 05.09.2018 AT 10.30 AM**

TRANSFER PETITION NO.	
COMPANY PETITION/APPLICATION NO.	CA No. 836/252/HDB/2018
NAME OF THE COMPANY	Ats Translogic Systems Pvt Ltd
NAME OF THE PETITIONER(S)	Srinivas Veerababu Udumudi
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
K. Harish Reddy	Advocate	90524 14366	

**ORDER**

Learned counsel Mr.K.Harish Reddy present 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. 836/252/HDB/2018  
U/s. 252 of the Companies Act, 2013

**IN THE MATTER OF M/s ATS TRANSLOGIC SYSTEMS  
PRIVATE LIMITED.**

1. Mr. Srinivas Veerababu Udumudi,  
203, Phase-I, Metro Palm Grove,  
Raj Bhavan Road, Somajiguda,  
Hyderabad – 500 082.

Appellant/  
Shareholder.

**Versus**

1. 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.

...Respondent

**Date of Order: 05.09.2018**

**Coram:**

**Hon'ble Shri Bikki Raveendra Babu, Member Judicial**

**Counsels/Parties Present:**

For the Appellants/  
Shareholder

: Ms. C. Shilpa  
Advocate

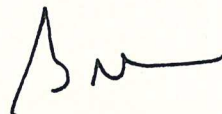
For the Respondent/RoC

: Mr. K. Harish Reddy  
Advocate.



**ORDER**

1. **M/s ATS Translogic Systems Private Limited**, hereinafter called as 'Company' and was incorporated on 22.04.1999 vide U72200TG1999PTC031568. Its Registered Office is situated at Begumpet in Hyderabad. The Company has Two Shareholders-cum-Directors. Mr. Srinivas Veerababu Udumudi, Shareholder of the Company filed this Application, under section 252 of the Companies Act, 2013, read with Rule 87A of the NCLT Rules 2016 and as amended by the NCLT (Amendments) Rules 2017, seeking restoration of name of the Company in the Register of Companies, maintained by the Registrar of Companies, Hyderabad.
2. The Registrar of Companies for Andhra Pradesh and Telangana struck off the name of the Company from the Register of companies, due to non-filing of statutory reports namely Financial Statements and Annual Returns for the years from 2008-09 to 2015-16.
3. The Company is established to carry on the business of computer software development, reengineering, porting, data processing. Conversion, transcription, adoption as applicable to any industry, business, commerce,



government and its organisations, local authorities and any other user, in India or Abroad etc.,

4. The Authorised Share Capital of the Company is Rs.10,00,000/- (Rupees Ten Lakh Only) divided into 1,00,000 ( Ten Thousand) number of Equity shares of Rs.10/- (Rupees Ten Only) each, and 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) number of equity shares of Rs.10/- (Rupees Ten Only) each.
5. It is stated by the Appellant that the Company is carrying out its business successfully from the date of incorporation and is conducting its Board Meetings as well as General Meetings regularly in compliance with the provisions of the Companies Act 1956, and the Company has filed its IT returns to the Income Tax Department upto the Assessment year 2017-2018. Further stated that non-filing of returns is due to inadvertence and oversight beyond the personal explanation and control, failed to file the same in time to the RoC, and undertakes to rectify the error and never give scope for such mistake in future.
6. In view of the above, the Appellant prayed this Tribunal to pass an order for restoration of the name of the



Company in the Register of Companies maintained by the Registrar of Companies, Hyderabad.

7. The Directors of the 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.
8. Applicant also filed an affidavit stating that the Company has not made any deposits during the demonetization period in the Companies Bank Account No.05212020000022.
9. 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 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. RoC also requested to award cost of the proceedings.
10. 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:-



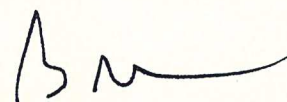
a) Removal of name of the company from the Registrar of Companies is not justified for the reason that the grounds stated in the orders of the Registrar are not in fact present.

11. 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.

12. In the instant case the Appellant has filed Annual Returns and IT Returns for the relevant pending years together with the Bank Statement in respect of the Company which disclose that the Company was carrying on business on the date on which it was struck off. The Appellant undertook to file all the pending returns soon after receipt of copy of the order from this Tribunal. This Application is filed within time limit. This Application is disposed of with the following directions:-

- i) The Registrar of Companies, the Respondent herein, is ordered to restore the original status of the

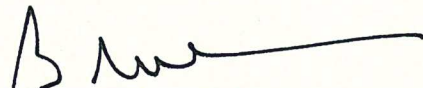


Company as if the name of the Company has not been struck off from the Register of Companies and take all consequential actions such as change of Company's status from 'Strike Off' to 'Active' (for e-filing), restoring the status of DIN and etc.,

- ii) The Appellant 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 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](http://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.836/252/HDB/2018";
- iv) The appellant 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 Appellant 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 Appellant. 612

  
**BIKKI RAVEENDRA BABU**  
Member Judicial