

2


**NATIONAL COMPANY LAW TRIBUNAL  
HYDERABAD BENCH**

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

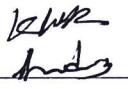
**ATTENDANCE-CUM-ORDER SHEET OF THE HEARING HELD ON 05.09.2018 AT 10.30 AM**

TRANSFER PETITION NO.	
COMPANY PETITION/APPLICATION NO.	CA No. 838/252/HDB/2018
NAME OF THE COMPANY	Sri Anandarupa Chit Funds Pvt Ltd
NAME OF THE PETITIONER(S)	Surya Prakash Mellemputi & Another
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
V. Pandu Ranga Reddy For V. Venkata Rami Reddy		9542239039	

**Counsel for Respondent(s):**

Name of the Counsel(s)	Designation	E-mail & Telephone No.	Signature
K. Harish Reddy	Advocate	9052414566	

**ORDER**

Learned counsel Mr.V.Pandu Ranga Reddy present on behalf of Mr.V.Venkata Rami Reddy for Applicant.

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. 838/252/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 SRI ANANDARUPA CHIT FUNDS PRIVATE LIMITED**

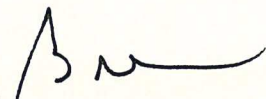
1. Mr. Surya Prakash Mellemputi,  
S/o Veera Narappa Mellemputi,  
R/o. 1-58, Bondalawada,  
Narpala Mandal, Anantapur District,  
Bondalawada, Andhra Pradesh,  
India – 515 425.
2. Mr. Venkatanarayana Racheipalli,  
S/o Venkata Narasimhappa Racheipalli,  
R/O 12-1-684, Ashoknagar,  
4<sup>th</sup> cross, Anantapuram,  
Andhra Pradesh.  
India – 515 001.

...Applicants/  
Shareholders

**Versus**

1. M/s Anandarupa Chit Funds Private Limited,  
Registered Office at: Room No.6,  
Door No0.13/22, Maruthi Lodge Complex,  
Subash Road, Anantapuram,  
Chittoor, Anantapuram,  
Chittoor, Andhra Pradesh,  
India – 515 001.
2. 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.

... Respondents.



**Date of Order: 05.09.2018**

**Coram:**

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

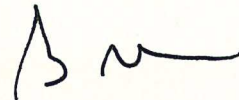
**Counsels/Parties Present:**

For the Applicants/ Shareholders : : Mrs. V. Anitha  
Counsel

For the Respondent/RoC : : Mr. K. Harish Reddy,  
Counsel

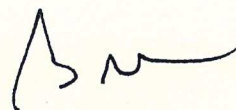
**ORDER**

- 1. M/s. SRI ANANDARUPA CHIT FUNDS PRIVATE LIMITED,** hereinafter called as '1<sup>st</sup> Respondent Company' and was incorporated on 17.09.2012 vide CIN: U65992AP2012PTC083154. Its Registered Office is situated at Anantapur in Andhra Pradesh State. The 1<sup>st</sup> Respondent Company has Three Shareholders and Two Directors. This Application is filed by Mr. Surya Prakash Mellemputi, Shareholder-cum-Director with the 1<sup>st</sup> Respondent Company with the consent of other Promoter Shareholder of the 1<sup>st</sup> 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



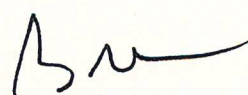
name of the Company in the Register of Companies maintained by the Registrar of Companies, Hyderabad, for the States of Andhra Pradesh and Telangana.

2. The Registrar of Companies for Andhra Pradesh and Telangana struck off the name of the 1<sup>st</sup> Respondent Company from the Register of companies, due to non-filing of statutory reports namely Financial Statements and Annual Returns for the Financial Years 2014-15 and 2015-16.
3. The main objects of the 1<sup>st</sup> Respondent Company are to establish, support and establishment and support of the chit funds with a view to encourage the members to join chits series and thereby get into the habit of saving for the economic development of all and to act as foreman for any chit fund series or for the promotion of chits that may be devised for the mutual benefit and common advantages permissible under the provisions of the law relating to the chit funds for the time being in force etc.,
4. The Authorised share capital of the 1<sup>st</sup> Respondent Company is Rs.20,00,000/- (Rupees Twenty Lakh Only) divided into 2,00,000 (Two Lakhs) Equity shares of Rs.10/- each. The Issued, Subscribed and Paid-up Share Capital of the 1<sup>st</sup> Respondent Company is Rs.15,25,000/- (Rupees Fifteen Lakh Twenty Five



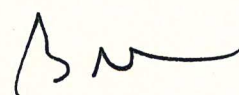
Thousand Only) divided into 1,52,500 (One Lakh Fifty Two Thousand Five Hundred only) Equity Shares of Rs.10- (Rupees Ten only) each.

5. It is stated by the Applicant that the 1<sup>st</sup> Respondent Company has filed the returns till Financial Years 2013-14 and the Company was carrying the business at the time of strike off the name of the 1<sup>st</sup> Respondent Company and the Directors are under the opinion to file the Annual Returns and Financial Statements for the years for the pending years with Registrar of Companies with additional fee , prior to the conduct of forth-coming Annual General Meeting. The Ist Respondent Company has held its Annual General Meetings for the Financial Years ended 31<sup>st</sup> March, 2015 to 31<sup>st</sup> March, 2016 as on 30.09.2015 and 30.09.2016 respectively, and also regular in filing the IT Returns.
6. In view of the above circumstances, the Applicant prayed this Tribunal to set aside the order of the 2<sup>nd</sup> Respondent (RoC) with regard to striking off the name of the 1<sup>st</sup> Respondent Company from the Register of Companies and allow to comply to file all requisite pending returns with RoC.
7. The Directors of the 1<sup>st</sup> 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.

8. Applicant also filed an affidavit declaring that the 1<sup>st</sup> Respondent Company has not deposited any extra amount of Rs.500/- and Rs.1000/- notes in its Bank Accounts during demonetisation period, (after 07<sup>th</sup> November 2016) except the routine money of the business transactions from time to time. And the 1<sup>st</sup> Respondent Company had done business transactions through Specified Bank Notes (SB) from 8<sup>th</sup> November 2016 to 30<sup>th</sup> December 2016 strictly adhering to the permitted receipts and payments as allowed by law and the same has been recorded in the books of Accounts maintained by the Company
  
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 1<sup>st</sup> 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.



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, copies of Financial Statements, Bank statements filed for the related Financial Years disclose that the 1<sup>st</sup> Respondent Company was carrying on business on the date on which it was struck off and filed an Affidavit as regards to computation of Income Tax. 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.

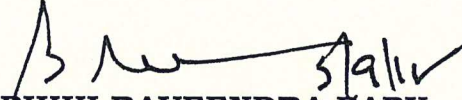
13. Keeping in view the points put forth by the Applicant together with the circumstances of the case, this Application is disposed off with the following directions:-

- 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 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.838/252/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 1<sup>st</sup> 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