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**NATIONAL COMPANY LAW TRIBUNAL
HYDERABAD BENCH**

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

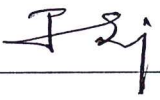
ATTENDANCE-CUM-ORDER SHEET OF THE HEARING HELD ON 07.09.2018 AT 10.30 AM

TRANSFER PETITION NO.	
COMPANY PETITION/APPLICATION NO.	CA No. 842/252/HDB/2018
NAME OF THE COMPANY	Ambujex Technologies Pvt Ltd
NAME OF THE PETITIONER(S)	Ambujex Technologies 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
T. Sujan Kumar Reddy	Adv.	9160001535	
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.842/252/HDB/2018
U/s. 252(3) of the Companies Act, 2013

In the matter of

M/s AMBUJEX TECHNOLOGIES PLRIVATE LIMITED,

Regd. Office: Flat No.44/A, 1st Floor,
Geetanjali, S.R. Nagar,
Hyderabad – 500 038,
Telangana.

(Represented by
Mr. Ambuja Kumar, Director)

...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: 07.09.2018

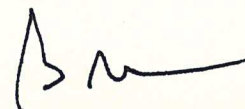
CORAM:

Hon'ble Shri Bikki Raveendra Babu, Member Judicial

Counsels/Parties Present:

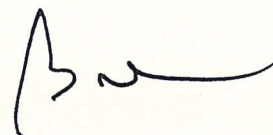
For the Applicant Company : Mr. D. Naresh Kumar,
Counsel

For the Respondent/RoC : Mr. Rajiv Ratna, Counsel
for P. Ponna Rao, Counsel

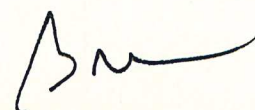


ORDER

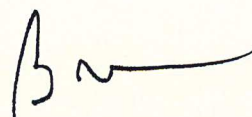
1. **M/s. AMBUJEX TECHNOLOGIES PRIVATE LIMITED**, herein- after called as "Applicant Company" was incorporated on 03.10.2005 vide CIN:U72200TG2005PTC04766. Its Registered Office is situated at S.R. Nagar, in Hyderabad, Telangana State. The Company has Two Shareholders-cum-Directors. The Application is filed by the Company, represented by one of its Shareholder-Cum- Managing Director Mr. Ambuj Kumar , 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 01.09-2017 have resolved and further authorised Mr. Ambuj Kumar Director of the Company " M/s Ambujex Technologies 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 the years 2014-15 and 2015-16.



4. The main object of the Applicant Company is to carry on all kinds of activities related to computers, software, hardware, Software development, e-commerce, and other related activities etc.,
5. The Authorised Share Capital of the Applicant 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. The Issued, Subscribed and Plaid-up Capital of the Company as on the date of this application is Rs.1,00,000/- (Rupees One Lakh only) divided into 10,000 (Ten Thousand Only) Equity Shares of Rs.10/- (Rupees Ten only) each, fully paid up, and there are no different classes of shares.
6. It is stated by the Applicant Company that non-filing of returns took place due to lack of professional guidance, and there was no malafide intention on the part of the Company or its Directors.
7. It is further stated that it has been regular in conducting the meetings under the provisions of Companies Acts and the Annual General Meetings for all the Financial years from 2014-15 and 2015-16 were duly convened and held, and the Financial Statements duly adopted by the Members.



8. Also stated that the Applicant Company has good reputation in the market with ongoing projects with deadlines for delivery to customers, and the Directors who are also the Shareholders of the Company have invested their money. The image of the Company is at stake, if the company is not revived and continue the operations.
9. In view of the above, the Applicant Company prayed to direct the RoC for restoration of name of the Company which was struck off by the Registrar of Companies and to continue to carry on the business, and allow the Applicant Company to file all the pending returns with RoC.
10. 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. Petitioner undertook to file the outstanding statutory returns, by paying additional fee as applicable.
11. Applicant Company also filed an affidavit stating that during the period from 8th November 2016 to 30th December, 2016 the Company did not hold and has not dealt in the Specified Bank Notes (SBNs), and there were no deposit of cash in the form of SBNs or in other



denominations, in the Bank accounts of the Company .
The requisite disclosures as to holdings as well as dealings in Specified Bank Notes (SBNs) during the period of demonetization has been provided for in the Audited Financial Statements of the Company pertaining to the Financial year f2016-17.

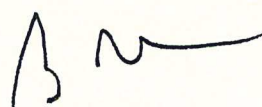
12. The Registrar of Companies in his representation stated that he has no objection, if this Tribunal considered the request of the Applicant for restoration of the name of the Company in the Register of Company subject to the conditions that Petitioner shall comply the statutory requirements and file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

14. 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.

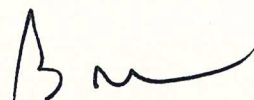
15. In the instant case the Applicant Company filed Copies of Audited Balance Sheets, Financial Statements, Bank Statement, together copies of IT Returns for the relevant Financial Years, which disclose that the Company was carrying on business on the date on which it was struck off. The Applicant undertook to file all the pending returns with RoC, once this Tribunal pass orders. This Application is filed within time. 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



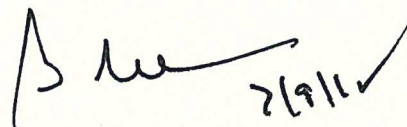
like change of Company's status from 'Strike Off' to 'Active' (for e-filing);

- 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 Company's name is also subject to the payment of cost of Rs.10,000/- (Rupees Thirty 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.842/252/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