

**IN THE NATIONAL COMPANY LAW TRIBUNAL  
HYDERABAD BENCH, AT HYDERABAD**

**CA No.35/252/HDB/2018**

U/S 252 of the Companies Act, 2013

**In the matter of:**

M/s Karat Facilities Management Services Pvt Ltd  
Plot No.50, IInd Floor, Cherry Villa,  
Sitapathi Colony, Near Krupa Apts,  
West Maredpally,  
Secunderabad – 500 026  
Telangana.

... Applicant

**Versus**

The Registrar of Companies  
Hyderabad and Telangana,  
2<sup>nd</sup> Floor, Corporate Bhawan,  
GSI Post, Tattiannaram,  
Nagole, Bandlaguda,  
Hyderabad – 500 068

... Respondent

**Date of Order: 06.02.2018**

**Coram:**

Hon'ble Mr. Rajeswara Rao Vittanala, Member (Judicial)

**Counsels / Parties present:**

For the Petitioner : Mr. A. Ravi Shankar,  
P.C.S.

**Per: Rajeswara Rao Vittanala, Member (Judicial)**

**ORDER**

1. The present Company Application bearing No.35/252/HDB/2018, is filed by Mr. Radhakrishna Murty Nandula, Promoter and Director of the M/s Karat Facilities Management Services Private Limited (Company herein), inter alia seeking following Interim Reliefs, pending final decision on the Company Application.



- a) to direct the Registrar of Companies, Hyderabad 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 maintained by Registrar of Companies and give consequential actions like changing the status of Company from "Strike Off" to "Active" and to activate DIN Nos. of the Applicants.
  - b) to pass such other Order(s) as may be deemed fit in the interest of justice.
2. Heard Mr. A. Ravi Shankar, learned Practicing Company Secretary (PCS). The learned PCS inter-alia urged the Tribunal to pass Interim Orders, pending the main CP in the Interest of justice.
  3. The Registrar of Companies vide letter dated 13.12.2017 inter-alia has further asserted that the impugned action was taken strictly in accordance with law. However, he has submitted that the Tribunal may consider the case of the Company subject to filing all pending returns namely annual returns, balance sheets with fee and addl. fees as prescribed under the provisions of the Companies Act, 2013. It may also be directed to ensure statutory compliance of applicable provisions of the Companies Act, 2013 without any delay in future.
  4. As stated by the learned PCS, there are 5 full time employees working in the Company and approximately 20 Casual Labourers working in 5 Shifts and the Company is paying Rs.3,000/- per person totalling to Rs.60,000/- per week approximately as wages besides providing food, transportation to and fro from their residences to work place. The Company is unable to pay their wages due to the impugned action of Registrar of Companies and freezing of Bank Account by the Bankers w.e.f. 24.08.2017, and the total outstanding salaries and related





expenses as on the date is Rs.12,50,000/-. Apart from this, the Company has so many orders in hand. It is further submitted that though the Company was under severe financial strain, it was however prompt in paying off its statutory dues GST on monthly basis.

5. I considered the Pleadings of both the parties along with the extant provisions and procedure prescribed in the Companies Act, 2013. The RoC is supposed to look into various aspects of the Company before striking off, especially the financial and business obligations of the Company. In order to ease of doing business, it is felt necessary to pass the following Interim Orders, pending the main Company Application:

- (a) The Registrar of Companies, the respondent herein, is ordered to restore the original status of the Applicant Company within seven days 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), to restore and activate the DINs.
- (b) RoC to intimate SBI, Velacherry Branch, Chennai about the restoration, so as to operate their financial transactions, like salaries / wages of the employees etc.
- (c) Registrar of Companies is directed to allow the Company to file pending Annual Returns etc., within a period of 30 days along with the prescribed fee as prescribed by the RoC, under the provisions of Company Act.
- (d) Post the main C.A. for final hearing on 16.03.2018.



प्रमाणित प्रति  
CERTIFIED TRUE COPY

केस संख्या  
CASE NUMBER C.P.No.: 35/252/HDB/2018  
निर्णय का तारीख  
DATE OF JUDGEMENT 6.2.2018  
प्रति तैयार किया गया तारीख  
COPY MADE READY ON 21.2.2018

*G. Anantha Lakshmi*  
for Dy. Regr./Asst. Regr./Court Officer/  
National Company Law Tribunal, Hyderabad Bench

*Sd/-*  
Rajeswara Rao Vittanala  
Member (Judicial)