

58

58

**NATIONAL COMPANY LAW TRIBUNAL
HYDERABAD BENCH**

PRESENT: HON'BLE SHRI RAJESWARA RAO VITTANALA – MEMBER (JUDICIAL)

PRESENT: HON'BLE SHRI RAVI KUMAR DURAISAMY – MEMBER (TECHNICAL)

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING HELD ON 20.02.2018 AT 10.30 AM

| | |
|----------------------------------|-----------------------------------|
| TRANSFER PETITION NO. | |
| COMPANY PETITION/APPLICATION NO. | CA No.218/252/HDB/2018 |
| NAME OF THE COMPANY | TKM Health Care Private Limited |
| NAME OF THE PETITIONER(S) | TKM Health Care Private Limited |
| 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 |
|------------------------|-------------|------------------------|-----------|
| Ms. Siri Preeti D. | Advocate | 7331108705 | |
| A. Sandhya | Advocate | 9966775292 | |

Counsel for Respondent(s):

| Name of the Counsel(s) | Designation | E-mail & Telephone No. | Signature |
|------------------------|-------------|------------------------|-----------|
| | | | |
| | | | |



ORDER

Heard Ms.Siri Preeti.D, along with Ms. Sandya.A ,Learned Counsel for the Petitioner. Passed Interim Order, Post the case on 27.03.2018 for final hearing.

Member (Tech)

Member (Judl)

ORDER

1. Heard Ms.Siri Preeti, Learned Counsel for the Petitioner and Mr.Ramesh Chandra Mishra, Registrar of Companies.
2. The Learned Counsel for the Petitioner submits that M/s.“TMK Health Care Private Limited” was incorporated under the Companies Act, on 19.04.1993 as a Private Limited Company with its CIN: U01119TG1993PTC015651. The main object of the Company is to conceptualize, develop, set up, promote, establish tissue culture facilities based on bio-technology methods and standards and to undertake research, tests, processes etc., The Authorized Share Capital of the Company is Rs.15,00,000/- (Rupees Fifteen Lakhs Only) and Paid Up Capital is Rs. 5,07,000/- (Five Lakhs Seven Thousand Only). There are three Share Holders in the Company. The Company Could not file its Annual Returns from the Year 2013-14 to 2015-16 as Compliances , due to state bifurcation and also changes in Government Policies, and slow trend of Economic conditions.
3. The RoC herein has issued Notice in the Form of STK-5, dated 05.05.2017 and STK-7, dated 21.07.2017 for striking off the name of the Company from the Register maintained by the RoC, Andhra Pradesh and Telangana.
4. The Company is having financial Obligations and was unable to continue its operations and it is only due to the circumstances beyond control of the Company, that the Company could not comply with statutory Compliances. Therefore, urged the Tribunal to consider and pass Interim Orders by directing RoC to change status of the Company from “Stike Off “ to Active ; to restore and
5. activate the Company ; to activate the DIN’S of the Company, while pending the main Company Application, in the interest of the Justice and equity.
6. We have Perused all the Pleadings and also the Provisions of Section.252(3) of the Companies Act, 2013 R/w. Rule 87A of the NCLT(Amendment) Rules,2017 and other applicable provisions of



7. We are of the prima facie view that the name of the Company was removed without duly following the extant provisions of Company Law and principles of natural Justice. However, all the Contentions of the Applicant has to be considered, at the time of hearing of the main Company Application, after filing report by RoC. In order to ease of doing business and in the interest of Justice, and equity, it is necessary to pass Interim Order, while pending C.A.
8. Therefore, the following Interim Order is passed pending the main company application:

a. The Registrar of Companies is directed to change the Status of M/s "TMK Health Care Private Limited", from 'Strike Off' to Active (for e-filing). To restore and activate the DINs of the Directors of the company within 7 days from today;

b. Permitted the Company to upload its pending Annual Returns along with prescribed fees/additional fee/fine as decided by RoC within 30 days from today;

c. The RoC directed to Communicate the Restoration of the name of the Company to the bankers of the Applicant Company so as to defreeze the account of the Company with their bankers.

d. RoC is directed to file his report on the main Company petition within 4 weeks. Post the matter to 27.03.2018.



Sd/-

RAVIKUMAR DURASAMY
MEMBER (TECHNICAL)

Sd/-

RAJRESWARA RAO VITTANALA
MEMBER (JUDICIAL)

G. Anandha Subashini
For Dy. Regr./Asst. Regr./Court Officer/
National Company Law Tribunal, Hyderabad Bench

प्रमाणित प्रति
CERTIFIED TRUE COPY
केस संख्या
CASE NUMBER CA No. 218/252/HDB/2018
निर्णय का तारीख
DATE OF JUDGEMENT 22.2.2018
प्रति तैयार किया गया तारीख
COPY MADE READY ON 21.2.2018