

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

CA No.206/252/HDB/2017
U/s 252 of the Companies Act, 2013

In the matter of

Infinite Linked Solutions Private Limited
Having its Registered Office at
Plot No.4, Phase-I, 3rd Floor,
Advant Building, Kavuri Hills,
Guttala Begumpet, Madhapur,
Hyderabad – 500 08.

...Appellant

Versus

Registrar of Companies, Hyderabad,
For Andhra Pradesh and Telangana
2nd Floor, Corporate Bhawan, GSI Post
Nagole, Bandlaguda,
Hyderabad – 500068

...Respondent

Date of Order : 15.12.2017

CORAM

Hon'ble Shri Rajeswara Rao Vittanala, Member (Judicial)
Hon'ble Shri Ravikumar Duraisamy, Member (Technical)

Parties / Counsel present

For the Appellant : Ms Kritika Sharma, PCS

For the ROC : None appeared

Per: Ravikumar Duraisamy, Member (Technical)

ORDER

1. The Present Company Application bearing C.A.No. 206/252/HDB/2017 is filed by Infinite Linked Solutions Private Limited under section 252 of the Companies Act, 2013, on

27.10.2017 by inter-alia, praying that this Honourable Tribunal may be pleased to “(1)to pass appropriate order for restoration of the name of the Appellant in the Registrar of Companies, Andhra Pradesh and Telangana (2) to pass appropriate order for the placing the Appellant as nearly as may be as if the name of the Appellant had not been struck off (3) to grant early hearing in the matter.

2. The Learned PCS for the Appellant Company filed Memo dated 14.12.2017 prayed that pending the restoration matter, the Hon’ble Tribunal “to pass an interim order directing the Registrar of Companies, Andhra Pradesh and Telangana to initiate necessary action and give suitable instructions to ICICI Bank for defreeze Bank Accounts of the Company as per Bank Account details mentioned below, in the interest of company and its employees:



Sl.No.	Name of the Bank	Account Number	Branch
1	ICICI Bank	004805500128	SD Road Branch Secunderabad
2	ICICI Bank	004805500433	SD Road Branch Secunderabad

Brief facts of the case are as follows:

3. The Appellant Company was incorporated initially as Samlaap Telecommunications Private Limited and consequently the company name has been changed into Infinite Linked Solutions Private Limited on 19.06.2013. The Authorized Share Capital of the Company is Rs.10,00,000/- (Ten Lakhs only) divided into 1,00,000 (One Lakh) Equity Shares of Rs.10/- each. The Issued, Subscribed Paid-up Share Capital of the Company is Rs.10,00,000/- (Ten Lakhs only) divided into 1,00,000 (One Lakh) Equity Shares of Rs.10/- each.



4. The RoC has issued a notice to the Appellant dated 17.03.2017 in Form No.STK-1 for not filing of the Annual Accounts and Annual Returns for consequently for two financial years i.e. 2014-15 and 2015-16 and RoC identified the company for strike off u/s 248(1) of Companies Act, 2013 and 248(1) notice was issued to company and its directors and STK-5 notice dated 05.05.2017 was issued and published in the Gazette and a paper publication also issued informing all the stake holders about STK-5 notice published in MCA website. Thereafter company was marked strike off in MCA portal and STK-7 notice also published in the Gazette on 19.08.2017.
5. The Learned PCS for the Appellant Company has file Memo dated 14.12.2017, sought for interim order and she further submitted that at present 47 number of employees are working in the company and salaries have not been paid since October 2017 due to freezing of Bank Accounts of the Company. Non receipt of salary by the employees has caused various hardships and difficulties specially to meet their day to day requirements and also caused difficulty to the management in carrying out the business operations. As directed by the Hon'ble Tribunal, physical copy of annual reports for the financial years 2014-15, 2015-16 and 2016-17 has been submitted to the RoC on 13.12.2017.
6. We have considered the pleadings of the Appellant Company and we are of the prima facie view that the Company is suffering a lot by virtue of impugned action taken by the Registrar of Companies. In the interest of justice, and in order to facilitate ease of doing business, it is necessary to pass interim orders.
7. In view of the above facts and circumstances of the case and in the interest of justice, while pending the main Company Appeal, we pass the following interim orders:



- (a) RoC is directed to change the status of the Appellant Company from "Strike off" to "Active" (for e-filing) and to take all consequential actions for uploading the compliances on MCA Portal by paying prescribed fees;
- (b) Direct the RoC to communicate to the Bank of the Appellant Company to de-freeze the Accounts so that the Company is able to operate its bank accounts as well as pay salaries to the employees of the Company.
- (c) Directed RoC to comply with interim orders within one week.
- (d) RoC is directed to file his report immediately.

Sd/-
RAVIKUMAR DURAISAMY
 MEMBER (TECHNICAL)

Sd/-
RAJESWARA RAO VITTANALA
 MEMBER (JUDICIAL)

for *1/12*
Dy. Regr./Asst. Regr./Court Officer
 National Company Law Tribunal, Hyderabad Bench

प्रमाणित प्रति
CERTIFIED TRUE COPY
 केस संख्या
 CASE NUMBER *CA.16.206/252/HDR/2017*
 निर्णय का तारीख
 DATE OF JUDGEMENT *15.12.2017*
 प्रति तैयार किया गया तारीख
 COPY MADE READY ON *5.1.2018*