

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.204/252/HDB/2018
NAME OF THE COMPANY	Swarnamukhi Recreation & Hospitality Private Limited
NAME OF THE PETITIONER(S)	Swarnamukhi Recreation & Hospitality 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
J. Basava Raju	Advocate	9849474600	R. Sana

Counsel for Respondent(s):

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



ORDER

1. Heard Mr.T.Basava Raju , Learned Counsel for the Petitioner and Mr.Ramesh Chandra Mishra, Registrar of Companies and MCA.
2. The Learned Counsel for the Petitioner submits that M/s.“Swarnamukhi Recreation & Hospitality Private Limited”, was incorporated under the Companies Act,1956 on 29.03.2011 as a Private Limited Company with its CIN: U92190AP2011PTC073572. The Company has been carrying its business of recreation and hospitality services by setting, establishing, constructing, running, developing, improving maintain or otherwise dealing in recreation clubs, refreshing centers hospitality centers theme parks etc...The Authorized Share Capital of the Company is Rs.1,00,000/-(Rupees One Lakh Only) and Paid Up Capital is Rs. 1,00,000/- (Rupees One Lakh Only). The Company is having two Directors. The Company has been carrying on its operations and the requisite annual filings since incorporation with RoC could not be filed and the Company was let down by the staff who was entrusted to file then the Company came to know that the fact of non- filing of returns as submitted supra and tried to file the same through the Respondents' as well as the fact that the petitioner Company's name had been struck off by the Register maintained by the RoC and MCA. 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.
3. 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 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.



4. 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 Company Law.
5. 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.
6. Therefore, the following Interim Order is passed pending the main company application:



a. The Respondents is directed to change the Status of M/s "Swarnamukhi Recreation & Hospitality 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 15.03.2018.

प्रमाणित प्रति
CERTIFIED TRUE COPY

केस संख्या
CASE NUMBER. CA No. 204/252/HDB/2018

निर्णय का तारीख
DATE OF JUDGEMENT. 20.2.2018

प्रति तैयार किया गया तारीख
COPY MADE READY ON. 22.2.2018

Sd/-
RAVIKUMAR DURASAMY
MEMBER (TECHNICAL)

Sd/-
RAJRESWARA RAO VITTANALA
MEMBER (JUDICIAL)

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