

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

CA No.187/252/HDB/2018

Under Section 252 of Companies Act, 2013
R/w Rule 87A of the NCLT (Amendment) Rules, 2016

In the matter of

M/s S D LIFE SCIENCES INDIA PRIVATE LIMITED
5-35/6A/6B, Plot No.51 and 52,
Prasanthi Nagar, Kukatpally,
Hyderabad-500 072,
Telangana.

... Applicant Company

Versus

The Registrar of Companies,
Andhra Pradesh & Telangana,
2nd Floor, Corporate Bhawan,
GSI Post, Tattiannaram,
Nagole, Bandlaguda,
Hyderabad -500 068

... Respondent

Date of Order: 16.02.2018

CORAM:

Hon'ble Mr. Rajeswara Rao Vittalala, Member (Judicial)
Hon'ble Mr. Ravikumar Duraisamy, Member (Technical)



Parties/Counsels Present:

Counsel for the Petitioner: Mr.D.V.K. Phanindara,
Practicing

Company Secretary

Counsel for the Respondent: Mr. Ramesh Chandra Mishra,
ROC

Per: Rajeswara Rao Vittanala, Member (Judicial)

ORDER

1. The present Company Application bearing CA No. 187/252/HDB/2018 is filled by M/s S D LIFE SCIENCES INDIA PRIVATE LIMITED, U/s 252 of Companies Act, 2013 R/w 87A of the NCLT (Amendment) Rules 2016 by inter-alias seeking to pass an order for restoration of the name of the Company, M/s S.D LIFE SCIENCES INDIA PRIVATE LIMITED, in the Register of Companies maintained by Register of Companies, Andhra Pradesh and Telangana; etc., and also interim order to change the status of Applicant Company from Strike off to Active (for e-filing and further restores and activate the DINs of the Directors of the Applicant's Company with all consequential actions for uploading the compliance along with payment of prescribed fee on MCA portal etc.



2. Heard Mr. D. V. K. Phanindra, Learned PCS and Mr. Ramesh Chandra Mishra, Registrar of Companies and has perused all pleadings along with extant provisions of Companies law.
3. Mr. D. V. K. Phanindra, Learned PCS for the Company has inter-alia submitted the following:
 - a) M/s S D LIFE SCIENCES INDIA PRIVATE LIMITED, (hereinafter referred to as the Private Limited Company) was incorporated under the Companies Act, 1956 on 09th July, 2013, in the name and style of "M/s S D LIFE SCIENCES INDIA PRIVATE LIMITED", as a Private Limited Company with CIN: U24231TG2013PTC088854.
 - b) Its main object is to carry on the business of manufacturing, producing, refining, developing, processing, or otherwise acquiring, buying, selling importing, exporting, marketing and generally dealing in all kinds of drugs, medicines, pharmaceuticals, antibiotics, herbal, etc.
 - c) Its Authorised share capital of the Company is Rs.1,00,000/- (Rupees One Lakh only) divided into 10,000 (Ten Thousand) equity shares of Rs. 10/- each and the Issued, Subscribed & Paid Up Capital



of the Company in Rs. 1,00,000/- (Rupees One Lakh Only) divided into 10,000 (Ten Thousand) equity shares of Rs.10/- each.

- d) The Learned PCS further submit that Company had commenced operations after incorporation, and been carrying on Business/Operations, ever since, without break. He humbly submit that the Non-filing of the Annual Accounts and Annual Returns, occurred inadvertently and was neither deliberate nor wilful on the part of the Applicant Company or any of its officers and was not caused with any intention to adversely affect the interests of any concerned party in this regard, the struck of the Applicant by the Registrar of Companies is not justified and causes irreparable loss to the Company, its business and all its stakeholders.
- e) The applicant claims that the notices issued in the format adapted by the Respondent in the form of STK-1, STK-5 and STK-6 under the respective rules is also ultra-vires action of the Respondent.
- f) The RoC, Hyderabad issued vide Notice No. ROC(H)/248(5)/STK-7/2017, Dt: 21.07.2017, read with the grounds as mentioned in Public Notice No. ROC/HYDERABAD/STK-1/Revised, Dt:



05.05.2017. In order of striking off the Applicant Company amounts to derailing the operations of the Company to bring the entire operations to halt/ a standstill position. The company has failed to file annual returns for the financial years 2013-2014 to 2015-2016 and 2016-2017, with the Respondent.

4. We have considered the Pleadings of both the parties along with the extant provisions of the companies Act 2013 as per the procedure prescribed under the Companies Act 2013. The RoC is supposed to look into various effects on the Company before striking off the Company, especially when the company is running there are several financial Obligations in the Company and it cannot be suddenly closed. In order to ease of doing business, it is necessary to pass Interim Orders and it will lead to some of kind of employment.

5. 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. S D LIFE SCIENCES INDIA 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) RoC is directed to file his report on the main Company petition within 4 weeks. Post the matter to 26.03.2018.

Sd/-
Ravikumar Duraisamy
Member (Technical)

Sd/-
Rajeswara Rao Vittanala
Member (Judicial)

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

प्रमाणित प्रति
CERTIFIED TRUE COPY
केस संख्या
CASE NUMBER *CA-MC-137/PS2/HDB/2018*
निर्णय का तारीख
DATE OF JUDGEMENT *16.2.2018*
प्रति तैयार किया गया तारीख
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