

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

CA No.188/252/HDB/2018

Under Section 252 of Companies Act, 2013
R/w Rule 87A of the NCLT (Amendment) Rules, 2017

In the matter of

Bandi Srinivas Raghuveer
Shareholder of M/s SAHITHI BUILDERS PRIVATE LIMITED
6-3-1119, Somajiguda,
Aditya Elite,
Ap#201, B-Block,
Hyderabad-500 016. ... Applicant

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 Vittanala, Member (Judicial)
Hon'ble Mr. Ravikumar Duraisamy, Member (Technical)

Parties/Counsels Present:

Counsel for the applicant: Mr.Naresh Kumar Sangam,
Advocate

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

Per: Rajeswara Rao Vittanala, Member (Judicial)



ORDER

1. The present Company Application bearing CA No. 188/252/HDB/2018 is filled by Bandi Srinivas Raghuveer (Applicant) Shareholder of M/s SAHITHI BUILDERS PRIVATE LIMITED, U/s 252 of Companies Act, 2013 R/w 87A of the NCLT (Amendment) Rules 2017, by inter-alia seeking to pass an order for restoration of the name of the Company M/s SAHITHI BUILDERS PRIVATE LIMITED, in the Register of Companies maintained by Registrar 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 restore and activate the DINs of the Directors of the Company with all consequential actions for uploading the compliance along with payment of prescribed fee on MCA portal etc.
2. Heard Mr. Naresh Kumar Sangam, Learned Counsel for the Company and Mr. Ramesh Chandra Mishra, Registrar of Companies and has perused all pleadings along with extant provisions of Companies Act.
3. Mr. Naresh Kumar Sangam, Learned Counsel for the Company submitted as under:
 - a) M/s SAHITHI BUILDERS PRIVATE LIMITED (hereinafter referred to as the "Company") was incorporated under the Companies Act, 1956 on 30th April, 2012, in the name and style of "M/s SAHITHI BUILDERS PRIVATE LIMITED", as a Private Limited Company with CIN No.U45209TG2012PTC080595.
 - b) Its main object is to carry on the business of builders, developers, contracts, infrastructures, consultants, property managers and promoters of



dwelling houses, shops, clubs, health centers, buildings, hotels, restaurants, resorts, real estates, plots, apartments, farm houses, agricultural lands, properties, theme parks, refreshment rooms/gardens, amusement parks etc.

- c) The 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 Company had commenced operations after incorporation and been carrying on Business/Operations, ever since, without break. He further submit that the Company has failed to file the Annual Returns and Financial Statements for the Financial Years 2012-13 to 2015-16 within the time prescribed U/s 92 and Section 137 of the Companies Act, 2013.
- e) The RoC, Hyderabad issued vide Notice No. ROC (H)/248(5)/STK-7/2017, dated 21.07.2017, read with the grounds as mentioned in Public Notice No. ROC/HYDERABAD/STK-1 on various dates and STK-5 issued on 05.05.2017 published in Official Gazette on 27.05.2017 & 03.06.2017. 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.

Therefore, the following Interim Order is passed pending the main company application:

- The Registrar of Companies is directed to change the Status of M/s SAHITHI BUILDERS 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;
- 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;
- RoC is directed to file his report on the main Company petition within 4 weeks. Post the matter for final hearing on 28.03.2018.



Sd/-
RAVIKUMAR DURAISAMY
MEMBER (TECHNICAL)

Sd/-
RAJESWARA RAO VITTANALA
MEMBER (JUDICIAL)

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

प्रमाणित प्रति
CERTIFIED TRUE COPY
केस संख्या
CASE NUMBER *CA No. 188/252/HDB/2018*
निर्णय का तारीख
DATE OF JUDGEMENT *16.2.2018*
प्रति तैयार किया गया तारीख
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