

IN THE NATIONAL COMPANY LAW TRIBUNAL  
HYDERABAD BENCH  
AT HYDERABD

CA No.120/252/HDB/2018  
U/s. 252(3) of the Companies Act, 2013  
R/w. Rule 87A of the NCLT (Amendment) Rules, 2016

In the matter of:

Mr.P.S.Mangapathi Raju  
Aged about 54years,D.No:11-9-6/2  
Daspalla Hills  
Visakhapatnam, AP & 5 others      ...Applicants

Versus

1. M/s. MERRIDIAN PROMOTERS Pvt Ltd  
Registered Office at  
# Door No.4-65-4/(1), Flat No. 102,  
Ground Floor, DwarapuMadhav Gardens  
Lawson's Bay Colony Visakhapatnam,  
Andhra Pradesh-530017.
2. The Registrar of Companies, Hyderabad  
For Andhra Pradesh & Telangana,  
Corporate Bhavan, 2<sup>nd</sup> Floor,  
GSI Post, Thattiannaram,  
Bandlaguda, Hyderabad,  
Telangana - 500 068.      ...Respondents

Date of Order: 09<sup>th</sup> February, 2018

CORAM:

Hon'ble Shri RajeswaraRaoVittanala, Member (Judicial)  
Hon'ble Shri RavikumarDuraishamy, Member (Technical)

Counsels / Parties Present

For the Applicants/Petitioners : Mr. V.Venkatarami Reddy  
Advocate

For the Respondent : Mr. R.C.Mishra,  
Registrar of Companies

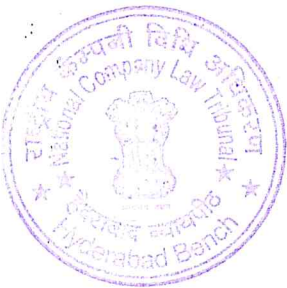
Per: Rajeswara Rao Vittanala, Member (Judicial)



ORDER

1. The Present Company Application bearing CA No.120/252/HDB/2018 is filed by Mr. P.S. Mangapathi Raju & 5 other (promoters) of M/S MERRIDIAN PROMOTERS PRIVATE LIMITED, U/s. 252(3) of Companies Act, 2013 R/w. 87A of the NCLT (Amendment) rules 2016 by inter-alia seeking to pass an order for restoration of M/s. MERRIDIAN PROMOTERS 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 Banker to defreeze the Bank account and reactivate 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. V. Venkatarami Reddy, Learned Counsel for the Company and Mr. Ramesh Chandra Mishra, Registrar of Companies and has perused all pleadings along with extant provisions of Companies law.

(a) Mr. V. Venkatarami Reddy, the learned Counsel for the Applicant has inter-alia submitted that that M/s. MERRIDIAN PROMOTERS PRIVATE LIMITED (hereinafter referred to as the Company) was incorporated under the Companies Act 2013, on 05<sup>th</sup> February 2002 (Page.9) as a Private Limited Company with the Registrar of Companies, Hyderabad. Its main object is to carry on the business of builders contractors, interior and exterior designers, decorators, consultants, brokers of all types of buildings, and structure including houses, flats,



apartments, offices, godowns, ware houses, commercial and office complexes, layouts, farmhouses and other allied activities, and to develop, install, alter, renovate, maintain, let on hire, lease, commercialise, fabricate all such types of buildings and structures etc.,.

(b) There are two Directors in the Company namely Mr. Surya Mangapathi Raju Penmetsa (DIN00325530) and Mrs. Penmetsa Tejaswani Lalit hasri (DIN 03008248). Both are disqualified. The Authorized Share Capital of the Company is Rs.9900000/- (Rupees ninety nine Lakhs only) divided into 9,90,000 (Nine Lakh Ninety Thousand) Equity Shares of Rs.10/- (Rupees Ten only) each. The Issued, Subscribed and Paid-up Share Capital of the Company is Rs. 99,00,000/- (Rupees ninety nine Lakh only) divided into 9,90,000 (Nine Lakh Ninety Thousand) Equity Shares of Rs.10/- (Rupees Ten only) each.

(c) The company could not file its Annual Returns from the year 2014-15 and 2015-16 with the ROC. The ROC issued notices U/s.248 (1) of the Companies Act, and Rule 3 (Removal of the name of the Company dated.30.03.2017) and also issued public notice and further issued Public Notice in pursuance of sub-section(1) and (4) of section 248 of the Companies Act, 2013 and Rule 7 of the Companies (Removal of names of Companies from the Register of Companies) Rules, 2016 vide Public Notice: ROC/Hyderabad/STK-1/Revised Dated 05.05.2017. The name of the Applicant





Company appeared in the said public notice in page no.32 of 149 at serial number 1421.

(d) A final Public Notice in pursuance of Sub-section (5) of Section 248 of the Companies Act, 2013 and Rule 9 of the Companies (Removal of name of Companies from the Register of Companies) Rules, 2016 removed name of the Applicant Company was issued vide Notice No.ROC (H)/248/(5)/STK-7/2017 dated 21.07.2017 same was available in the MCA portal. Subsequently, the Company status was changed from "Active" to "Strike off".

(e) The Learned Counsel, therefore urged the Tribunal to consider interim orders by directing to change status of the Company from "strike off" to "Active" mode and Activate DIN Numbers, while the Main Company Application is pending.

3. We have considered the Pleadings of both the parties along with the extant provisions of 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 very much in business, there are several financial Obligations like long term borrowings ,Liabilities etc.,the company is liable to pay and it cannot be abruptly closed thereby hindering chances of Employment directly/indirectly. In order to ease the doing of business and in the interest of justice and equity, it is necessary to pass interim orders.

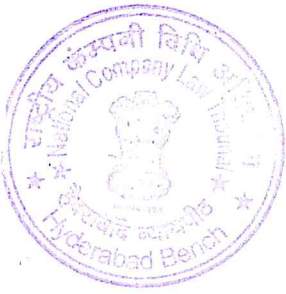
4. Therefore, the following Interim Order is passed pending the main company application:

a) The Registrar of Companies is directed to change the Status of M/s. MERRIDIAN PROMOTERS PRIVATE



LIMITED from 'Strike Off' to Active (for e-filing). Intimate the Banker to defreeze the Bank account and activate the DINs of the Directors of the Company within 7 days from today;

- b) The Company is hereby permitted to upload its pending Annual Returns from the year 2014-15 and 2015-16 and other statutory document(s) 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 Case on 23<sup>rd</sup> March 2018.



*Sd/-*  
Ravi Kumar Duraisamy  
Member (Technical)

*Sd/-*  
Rajeshwara Rao Vittanala  
Member (Judicial)

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

प्रमाणित प्रति  
CERTIFIED TRUE COPY  
केस संख्या  
CASE NUMBER CA No. 120/252/HDB/2018  
निर्णय का तारीख  
DATE OF JUDGEMENT 9.2.2018  
प्रति तैयार किया गया तारीख  
COPY MADE READY ON 12.2.2018