

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

CA No.18/252/HDB/2018  
U/s. 252 of the Companies Act, 2013  
R/w. Rule 87A of the NCLT (Amendment) Rules, 2016

In the matter of:

M/s. MERRITO OILS (INDIA) PRIVATE LIMITED  
Represented by Mr.Dovari Amarnath and 2 others  
Registered Office at H.No.19-30C,  
Near Gagan Mahal Cinema,  
Pamarru – 521 157  
Krishna district

...Appellant Company

**Versus**

The Registrar of Companies, Hyderabad  
For Andhra Pradesh & Telangana,  
Corporate Bhavan, 2<sup>nd</sup> Floor,  
GSI Post, Thattiannaram,  
Bandlaguda, Hyderabad,  
Telangana – 500 068.

...Respondent

Date of Order: 05<sup>th</sup> February, 2018

**CORAM:**

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

**Counsels / Parties Present**

For the Applicant/Petitioner	: Mrs.K.Rajini 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.18/252/HDB/2018 is filed by M/s MERRITO OILS (INDIA) PRIVATE LIMITED U/s. 252 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. MERRITO OILS (INDIA) 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) with all consequential actions for uploading the compliance along with payment of prescribed fee on MCA portal etc.
2. Heard Mrs. K.Rajini, 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.
3. Mrs. K.Rajini, the learned Counsel for the Company has inter-alia submitted that M/s. MERRITO OILS (INDIA) PRIVATE LIMITED (hereinafter referred to as the Company) was incorporated under the Companies Act, on 03<sup>rd</sup> June 2008 as a Private Limited Company with the Registrar of Companies, Hyderabad. Its Authorized share Capital is Rs.1,85,00,000/- divided into 18,50,000 Equity shares of Rs.10/- each. The subscribed and paid-up capital of the company is Rs.55,76,630/- divided into 5,57,663 equity share Rs.10/- each. There are three Directors in the Company namely Mr.Dovari Amarnath, Mr.Dovari Yesu Das and Ms. Dasari



Vanaja who were managing the business activities of the company since very long time.

4. Its main object is to carry on the business of manufacturing by extraction, refining, trading, buying, selling, export, import, distributing, processing, reprocessing, packing repacking, finishing, reproducing, designing, labelling, marking, branding, marketing of all kinds of solvent extraction and refined oils for edible or non-edible for industrial consumption etc.,
5. The company could not continue its business so effectively from the last three years and unable to file the required compliances with RoC, however, recently the company has received 2 new projects orders from CHEMCEL BIO LTD and QUALITAS (Crop Science Private Ltd) for supplying neem oils and wished to continue the business of the Company and promoters are willing to infuse fresh funds and they are in the process of the same.
6. It is further submitted that the Company did not file Annual Accounts and Annual Returns from 2013-14, 2014-15 and 2015-16. 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. Respondent finally issued 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 vide Notice No. ROC (H)/248/(5)/STK-7/2017 dated 21.07.2017 same was available in the MCA portal. The Applicant Company's name appeared in the list enclosed along with the said Public Notice in Page no.44 at serial number 7570 subsequently the company status was changed from "Active" to "Strike off".

7. The Learned Counsel, therefore urged the Tribunal to consider interim orders changing the status of the Company from strike off to active mode, while the Main Company Application is pending.
8. I 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 facts of 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, and in the interest of justice and equity, it is necessary to pass interim orders, and it will lead to some of kind of employment to the people.
9. Therefore, the following Interim Orders are passed pending the main company application:
  - a) The Registrar of Companies is directed to change the status of M/s. MERRITO OILS (INDIA) PRIVATE LIMITED, from 'Strike Off' to Active (for e-filing) to restore and communicate the Bank (HDFC Bank) of Company to revive Company Accounts within 7 days from today;





- b) Permitted the Company to upload its pending Annual Returns from last three years 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 matter on 16<sup>th</sup> March 2018.

*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. 18/252/HDB/2018*  
 निर्णय का तारीख  
 DATE OF JUDGEMENT *5.2.2018*  
 प्रति तैयार किया गया तारीख  
 COPY MADE READY ON *12.2.2018*