

IN THE NATIONAL COMPANY LAW TRIBUNAL
HYDERABAD BENCH, HYDERABAD

CA No.272/252/HDB/2017

U/s 252(3) of the Companies Act, 2013 R/w
Rule 87A of the NCLT (Amendment) Rules, 2017

In the matter of

M/s. Shivarama Contractors Private Limited
D.No.10-170, Pendekanti Nagar,
Banaganpalli, Kurnool District,
Andhra Pradesh, India

... Applicant Company

Versus

The Registrar of Companies
Andhra Pradesh & Telangana
2nd Floor, Corporate Bhavan
Bandlaguda, Nagole, Hyderabad
Telangana 500068

... Respondent

Date of order: 29.12.2017



CORAM:

Hon'ble Mr. Rajeswara Rao Vittanala, Member (Judicial)

Counsels / Parties Present:

For the Applicant : Ms. Siri Preeti Duggirala, Advocate

For the Respondent : Shri R.C. Mishra

ORDER

1. The present Company Application bearing CA No. 272/252/HDB/2017, is filed by M/s Shivarama Contractors Private Limited under Section 252(3) of the Companies Act, 2013, by interalia seeking to direct the Respondent to place the Company and all other persons in the Applicant Company such as Directors,

Shareholders, Employees and all other related to the Company, in the same position as if the name of the Company had not been struck off; to activate the status of the Applicant Company from "strike off" to "Active" (for e-filing), for uploading the compliance alongwith the prescribed fee on MCA portal.

2. The brief facts, leading to the filing the present CA, are as follows:

(a) M/s Shivarama Contractors Private Limited was incorporated under the Companies Act on 04.05.2005. The main object of the Applicant Company is into construction business and its objects are commercial constructions (both Government & Private Projects) like construct, erect, build, repair, remodel, demolish, develop, improve and maintain buildings, structures, houses, apartments, hospitals, schools, highways, roads and to do other similar constructions including real estate business. Its Authorised share capital is Rs.1,00,000/- divided into 10,000 Equity shares of Rs. 10/- each.

(b) There are four shareholders having 25% shareholding each and all of them are Directors of the Applicant Company. As on date there are four Directors in the Company and their DIN status are disqualified.

3. Heard Ms. D. Siri Preeti, Learned Counsel for the Applicant Company and Shri R.C. Mishra, Registrar of Companies who is present today.

4. Ms. D. Siri Preeti, Learned counsel for the Applicant Company submit that there is an urgency in this matter, that due to the impugned action of Respondent of striking off, the Company cannot file its annual returns



and other statutory with the Registrar of Companies . The Company is very much in business and it does not come under Section 248(1) of the Companies Act, 2013. By virtue of this impugned action, the Company bank account has been freezed, and it was communicated vide HDFC Bank letter dated 05.10.2017 by suspending its operations in the said account.

a) Current A/c No.50200020217069 with HDFC Bank Central PRegistrar of Companies essing Unit, Anna Salai, Chennai.

5. The Learned Counsel for the Applicant Company further submits that more than 115 daily labour (Adda Coolies) including 23 masons are engaged in current ongoing projects of the Company and they are unable to pay their salaries because of the impugned action of the Registrar of Companies and the Bankers. Apart from the employees, their families are facing hardships due to not payment of wages / salaries. Therefore prayed the Tribunal to pass interim order permitting the Registrar of Companies to accept filing of pending statutory filings.
6. Shri R.C. Misha, Registrar of Companies, who is present today submit that he would file his final report on the impugned striking off of the Company within two weeks. Further, this Tribunal can pass appropriate interim orders, pending report from Registrar of Companies, subject to payment of required fees within the stipulated period.
7. I have considered the pleadings of both the parties and I am of the prima facie view that the Company is suffering a lot by virtue of impugned action taken by the Registrar of Companies. In the interest of justice, and



in order to ease of doing business, it is necessary to pass interim orders.

8. In view of the above facts and circumstances of the case, and in the interest of justice, while pending the main Company Appeal, I pass the following interim orders:

- (a) Registrar of Companies is directed to change the status of the Applicant Company from "Strike off" to "Active" (for e-filing) and further restore and activate the DIN's of the Directors of the Applicant Company and to take all consequential actions for uploading the compliances on MCA Portal by paying necessary prescribed fees;
- (b) Direct the Registrar of Companies to communicate to the Bank authorities of the Applicant Company about the action of the Registrar of Companies and also compliance of the Applicant Company so as to facilitate the Bankers of the Applicant Company to unlock/de-freeze so that they may be able to pay salaries to the employees of the Company.
- (c) Directed Registrar of Companies to comply with interim order within one week from today.
- (d) Post the CA on 09.02.2018 with the direction to Registrar of Companies to file his report within three weeks.



Sd/-

RAJESWARA RAO VITTANALA
MEMBER (JUDICIAL)


Dy. Registr./Asst. Registr./Court Officer/
National Company Law Tribunal, Hyderabad Bench

प्रमाणित प्रति
CERTIFIED TRUE COPY
केस संख्या
CASE NUMBER. CA NO. 272/252/HDB/2017
निर्णय का तारीख
DATE OF JUDGEMENT. 29/12/2017
प्रति तैयार किया गया तारीख
COPY MADE READY ON. 29/12/2017