

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

CA No.266/252/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 Icronex Technologies Private Limited  
D.No.1-55, Sy. No. 197, 198, Flat No. 508  
Green Park Avenue Apts, Kondapur  
**Hyderabad**

... Applicant Company

**Versus**

The Registrar of Companies  
Andhra Pradesh & Telangana  
2<sup>nd</sup> Floor, Corporate Bhavan  
Bandlaguda, Nagole, Hyderabad  
**Telangana 500068**

...Respondent

**Date of order: 28.12.2017**

**Coram:**

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

**Counsels / Parties Present:**

For the Applicant : Ms. Siri Preeti Duggirala, Advocate

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

Per: Rajeswara Rao Vittanala, Member (Judicial)

**ORDER**

1. The present Company Application bearing CA No. 266/252/HDB/2017, is filed by M/s Icronex Technologies 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 along with the prescribed fee on MCA portal.

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



- (a) M/s Icronex Technologies Private Limited was incorporated under the Companies Act on 01.02.2007. The main object of the Applicant Company is to carry on business of software development - offshore, help desk and product support, software infrastructure support and hardware support for clients in the field of Information Technology etc. Its Authorised share capital is Rs. 1,00,000/- divided into 10,000 Equity shares of Rs. 10/- each.
- (b) There are two shareholders having 50% shareholding each. Initially there were two shareholders at the time of Incorporation or Applicant Company one Smt Paruchuri Lakshmi and Mr. Paruchuri Srinivas, both of them transferred their respective shares in the year 2006 and 2007 respectively to Mr. Nav Tej Kohil, one of the present shareholder of the Applicant Company. It is further submitted that in the year 2007 the present shareholder allotted 50% shares to Mr. Amit Jain who is at present other shareholder cum director of the Applicant Company as preferential

shares, but the same was not updated with the RoC.

- (c) The name of Nav Tej Kohil changed to Tej Kohil vide proceedings of the Republic of Costa Rica- Civil Registry-Certifies-No.28127479 dated 20.03.2012, it was also updated with RoC.
- (d) As on date there are two Directors in the Company and their DIN status are Active.



- 3. Heard Ms. D. Siri Preeti, Learned Counsel for the Applicant Company and Shri R.C. Mishra, Registrar of Companies.
- 4. Ms. D. Siri Preeti, Learned counsel for the Applicant Company submit that there is an urgency in this matter, that due to the impugn action of Respondent of striking off the Company, they cannot file its annual returns and other statutory filings with the RoC. 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, Bank accounts of the Company have been freezed and it was communicated vide Axis Bank letter dated 14.09.2017 by suspending its operations in the said account.
  - a) Current A/c no. 540010200000310 with Axis Bank Gurgaon Branch.
  - b) Current A/c No. 008010200055435 with UTI Bank, Hyderabad.
- 5. The Learned Counsel for the Applicant Company further submits that there are 28 employees working in the Company, and they are unable to pay their salaries



because of the impugned action of the RoC and the Bankers. Apart from the employees, their families are facing hardships for non-payment of wages to its employees. Therefore, there is urgency in this matter and requested the Tribunal to pass an interim order permitting the RoC to accept filing of pending statutory filings, etc.



6. Shri R.C. Misha, RoC, who is present today, submit that he would file his final report on the impugned striking off of the Company within two weeks' time. Further, he submit Tribunal can pass appropriate interim orders, pending report from RoC, 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 RoC. 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 M/s Icronex Technologies Private Limited from "Struck off" to "Active" (for e-filing) and permit the Applicant Company to upload compliances on MCA Portal by paying necessary prescribed fees;
  - (b) Directed the Registrar of Companies to communicate to the Bank authorities of the Applicant Company about the action of the RoC



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 RoC to comply the directions within one week from today.
- (d) Post the CA on 06.02.2018 with a direction to RoC to file his report within three weeks.

sd/-

RAJESWARA RAO VITTANALA  
MEMBER (JUDICIAL)

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

प्रमाणित प्रति  
CERTIFIED TRUE COPY  
केस संख्या  
CASE NUMBER...CA No. 266/252/HDB/2017  
निर्णय का तारीख  
DATE OF JUDGEMENT...28/12/2017  
प्रति तैयार किया गया तारीख  
COPY MADE READY ON...29/12/2017