

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

C.A. No.182/252/HDB/2017

Under Section 252 of Companies Act, 2013

Read with Rule 87A of the NCLT Rules 2016

In the matter of:

School Serv (India) Solutions Private Limited,
(Represented by Mr. Koganti Sreekanth Babu),
Registered Office at D.No.8-2-674/B/15,
Road No.12, Banjara Hills,
Hyderabad – 500 034,
Telangana

Appellant

Versus



Registrar of Companies,
Andhra Pradesh & Telangana,
2nd Floor, Corporate Bhawan,
GSI Post, Tattiannaram,
Nagole, Bandlaguda,
Hyderabad – 500 068,
Telangana.

Respondent

Date of Order: 04.12.2017

CORAM:

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

Hon'ble Shri Ravikumar Duraisamy, Member (Technical)

Parties / Counsels present:

: Shri G. Mahesh
Company Secretary.

:2:

Per: Ravikumar Duraisamy, Member (Technical)

ORDER

1. The present Company Application bearing No.CA No.182/252/HDB/2017 is filed by Shri Koganti Sreekanth Babu, Director of the Appellant Company, under Section 252 of the Companies Act, 2013, read with Rule 87A of the NCLT Rules 2016 praying the following reliefs:

- a) to direct the Respondent to restore the name of the Applicant Company in Register of Companies under Section 252(3) of the Companies Act, 2013;
- b) to Direct the Applicant Company to deliver a copy of the order of this Hon'ble National Company Law Tribunal within thirty days from the date of receipt of the order as required under rule 87A(3)(a);
- c) to Direct the Respondent to publish the order of this Hon'ble NCLT in the Official Gazette as required under rule 87A (3)(b);
- d) to fix costs to be paid to the Registrar of Companies (Respondent) towards the expenses incurred by him etc.,

2. The Appellant submits that the Company was incorporated on 16.10.2009 under the provisions of the Companies Act, 1956 and under the provisions of Section 248 of the Companies Act, 2013 notified on 26.12.2016. The Authorised Share Capital of the Company is Rs.5,00,000/- (Rupees Five Lakhs only) divided



:3:

into 50,000 (Fifty Thousand) Equity Shares of Rs.10/- each. The Issued subscribed and paid-up capital of the Company is Rs.4,40,000/- (Rupees Four Lakhs Forty Thousand only) divided into 44,000 (Forty Four Thousand) Equity Shares of Rs.10/- each.

3. The main objects of the Company are that:

- a) to carry on the business of buying, selling, trading or otherwise dealing in all kinds of educational need, all furniture items, Lab materials;
- b) to undertake the designing and development of various tools and systems relating to educational institutions and its management;
- c) to act as technical and marketing consultants and advisors surveyors and to conduct survey market research or to create data base of survey results for all type of educational books, software etc.

4. The Appellant further submits that the Company has filed its Annual Return and Financial Statements till the Financial Year ended 31.03.2014. When the Applicant Company tried to file the Annul Returns and Financial Statements for the Financial Years 2014-15 and 2015-16 it was found that the Respondent has strike off the Applicant Company.

5. The Appellant submits that the Company was incorporated on 16.10.2009 and the provisions of Section 248 of the Companies Act, 2013 have been notified on 26.12.2016



:4:

and hence the clause (a) of Sub-section (1) of Section 248 shall not apply. Further submitted that the powers under clause (c) of sub-section (1) of section 248 can be invoked by the Respondent only when it reasonably believes that the Applicant Company is not carrying on business or operation for a period of two immediately preceding Financial Years. But in the present the case the Applicant Company has filed Financial Statements till the year ended 31st March, 2014. According to the provisions the Company held AGMs for the years ended 31.03.2015, and 31.03.2016 on 30.09.2016 respectively and filed the Returns. Finally submitted that the Respondent erroneously invoked Section 248 of the Companies Act, 2013 and strike off the name of the Applicant Company from the Register of Companies even before the final date for filing the Financial Statements for the Financial Year ending 31.03.2016 (ie., 26.07.2017). Finally stated that the Company is regular in filing the Financial Statements with the Income Tax Department and other departments for the Financial years.



6. The case was first listed on 07.11.2017 and posted to 15.11.2017 for certain clarification. The case came for hearing on 15.11.2017, The learned Company Secretary also filed details regarding Income of the Company along with the ITR and letter of clarification by the Chartered Accountant, and the RoC was directed to submit his report and the case was posted

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

प्रमाणित प्रति
CERTIFIED TRUE COPY

केस संख्या
CASE NUMBER...CP.Nb.182/252/HDB/2017
निर्णय का तारीख
DATE OF JUDGEMENT...4.12.2017
प्रति तैयार किया गया तारीख
COPY MADE READY ON...15.12.2017

:5:

7. Heard Shri Mahesh Grandhi, learned Company Secretary today (04/12/2017) for the Applicant Company. The learned CS submits that they have also submitted latest Financial Statements for the Financial Year 31.03.2017 for reference, and Affidavit with regard to the no Cash dealings after post-demonetisation.
8. Further the Company Secretary on behalf of the Company prays for Interim Relief for filing the Balance Sheets / Annual Returns / Financial statements due up to 31.03.2017 by way of an Interim Order, and by granting 15 days' time for filing the same.
9. Considering the facts and circumstances of the case, revenues generated by the Company till 31.03.2017 we are inclined to pass an Interim Order, as prayed for, directing the Appellant Company to file the Balance Sheets / Annual Returns / Financial Statements with requisite fee / additional fees within (15) days from the date of receipt of copy of this Order. Further, the RoC is also directed to submit its report well before the next date of hearing i.e., on 03.01.2018.



Sd/-
RAVIKUMAR DURAISAMY
MEMBER (TECHNICAL)

Sd/-
RAJESWARA RAO VITTANALA
MEMBER (JUDICIAL)