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58. NATIONAL COMPANY LAW TRIBUNAL  
HYDERABAD BENCH

PRESENT: HON'BLE SHRI RAJESWARA RAO VITTANALA – MEMBER (JUDICIAL)  
PRESENT: HON'BLE SHRI RAVI KUMAR DURAISAMY – MEMBER (TECHNICAL)

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING HELD ON 20.02.2018 AT 10.30 AM

TRANSFER PETITION NO.	
COMPANY PETITION/APPLICATION NO.	CA No.217/252/HDB/2018
NAME OF THE COMPANY	Sri Surya Agro Bio-Tech (India) Private Limited
NAME OF THE PETITIONER(S)	Sri Surya Agro Bio-Tech (India) Private Limited
NAME OF THE RESPONDENT(S)	Registrar of Companies, Hyderabad
UNDER SECTION	252

Counsel for Petitioner(s):

Name of the Counsel(s)	Designation	E-mail & Telephone No.	Signature
Ms. Preeti. D.	Advocate	7331108705	
Sandhya. A.	Advocate	9966775292	

Counsel for Respondent(s):

Name of the Counsel(s)	Designation	E-mail & Telephone No.	Signature



ORDER

Heard Ms.Siri Preeti.D, along with Ms. Sandya.A ,Learned Counsel for the Petitioner. Passed Interim Order, Post the case on 27.03.2018 for final hearing.

Member (Tech)

Member (Judl)

pavani

**ORDER**

1. Heard Ms.Siri Preeti, Learned Counsel for the Petitioner and Mr.Ramesh Chandra Mishra, Registrar of Companies.
2. The Learned Counsel for the Petitioner submits that M/s.“Sri Surya Agro Bio-Tech ( India ) Private Limited” was incorporated under the Companies Act,1956 on 09.02.2011 as a Private Limited Company with its CIN: U01403TG2011PTC072543. The main object of the Company is to deal in molecular diagnostics, molecular characterization of pathogens, new targets and novel drug delivery systems relating to viral, bacterial and parasitic infections etc., The Authorized Share Capital of the Company is Rs.5,00,000/-(Rupees Five Lakhs Only) and Paid Up Capital is Rs. 1,50,000/- ( Rupees One Lakh Thousand Only). There are three Share Holders in the Company. The Company Could not file its Annual Returns from the Year 2013-14 to 2015-16 as Compliances , due to state bifurcation and also changes in Government Policies, and slow trend of Economic conditions.
3. The RoC herein has issued Notice in the Form of STK-5, dated 05.05.2017 and STK-7, dated 21.07.2017 for striking off the name of the Company from the Register maintained by the RoC, Andhra Pradesh and Telangana.
4. The Company is having financial Obligations and was unable to continue its operations and it is only due to the circumstances beyond control of the Company, that the Company could not comply with statutory Compliances. Therefore, urged the Tribunal to consider and pass Interim Orders by directing RoC to change status of the Company from “Stike Off“ to Active ; to restore and activate the Company ; to activate the DIN’S of the Company, while pending the main Company Application, in the interest of the Justice and equity.
5. We have Perused all the Pleadings and also the Provisions of Section.252(3) of the Companies Act, 2013 R/w. Rule 87A of the NCLT(Amendment) Rules,2017 and other applicable provisions of Company Law.



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6. We are of the prima facie view that the name of the Company was removed without duly following the extant provisions of Company Law and principles of natural Justice. However, all the Contentions of the Applicant has to be considered, at the time of hearing of the main Company Application, after filing report by RoC. In order to ease of doing business and in the interest of Justice, and equity, it is necessary to pass Interim Order, while pending C.A.
7. 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 "Sri Surya Agro Bio-Tech ( India ) Private Limited", from 'Strike Off' to Active (for e-filing). To restore and activate the DINs of the Directors of the company within 7 days from today;

b. Permitted the Company to upload its pending Annual Returns 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 to 27.03.2018.

*Sd/-*  
RAVIKUMAR DURAISAMY  
MEMBER (TECHNICAL)

*Sd/-*  
RAJRESWARA RAO VITTANALA  
MEMBER (JUDICIAL)

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

प्रमाणित प्रति  
CERTIFIED TRUE COPY  
केस संख्या  
CASE NUMBER...CA.No. 217/252/HDB/2018.  
निर्णय का तारीख  
DATE OF JUDGEMENT...20.2.2018.  
प्रति तैयार किया गया तारीख  
COPY MADE READY ON...21.2.2018