

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

CA No.139/252/HDB/2017
U/s 252 of the Companies Act, 2013

In the matter of

Eurosigma Minerals & Metals Private Limited,
Plot No. 839-C, Road No.44A Jubilee Hills
Hyderabad - 500034
Telangana

... Applicant

Versus

The Registrar of Companies, Hyderabad,
For Andhra Pradesh and Telangana
2nd Floor, Corporate Bhawan, GSI Post
Near Indu Aranya, Tattiannaram,
Nagole, Bandlaguda,
Hyderabad - 500068

...Respondent

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OF THE ORIGINAL

Date of order: 17.11.2017

CORAM

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

Hon'ble Shri Ravikumar Duraisamy, Member (Technical)

Parties / Counsel present

For the Applicant : Shri Naresh Kumar Sangam

Per: Rajeswara Rao Vittanala, Member (Judicial)

ORDER

1. The present Company Application bearing CA No. 180/252/HDB/2017 is filed by Eurosigma Minerals & Metals Private Limited, by inter-alia seeking directions to Registrar of Companies (RoC) to restore the name of the Applicant Company in the register of Companies under Section 252(3) of the Companies Act, 2013, to direct the Respondent to publish the order in the official Gazette as required under Rule 87A(3)(b) and grant 60 days' time to the Applicant Company to file the pending Financial Statements and Annual Returns etc.



2. Brief facts, leading to filing the present company application, are as follows:-

- (a) Eurosigma Minerals & Metals Private Limited (Applicant Company) was incorporated under the provisions of the Companies Act, 1956 on 27.04.2013 and the main objection of the Company are to carry on in India or elsewhere the business of prospecting, exploring, operating and working on mines, quarries and to win, set, crush, smelt, manufacture, process, prepare, remove, undertake, survey etc to carry on metallurgical operations in all its branches.
- (b) The Authorised Share capital of the Company is Rs. 1,00,000/- divided into 10,000 Equity Shares of Rs. 10/- each. The issued subscribed and paid-up capital of the Company is Rs.1,00,000/- divided into 10,000 Equity Shares of Rs. 10/- each.
- (c) It is submitted that the Applicant Company commenced its operations and doing its business but failed to file the said Annual Returns and Financial Statements 2013-14 & 2014-15 within the stipulated time. The Applicant was required to file its Annual Return within 60 days from the date of AGM without penalty or on or before 26.08.2017 with 270 days penalty. And the Financial statements within 30 days from the date of AGM without penalty and on or before 27.07.2017 with 270 days penalty.
- (d) By the time the Applicant Company tried to file the above statutory filings, the Company's name was "struck off" from the Register of Companies under Section 248 of the Companies Act, 2013.
- (e) It is further submitted that the Applicant Company was incorporated on 27.04.2013 and the provisions of Section 248 of the Companies Act, 2013 have been notified on 26.12.2016 hence the clause (a) 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 and submits that the Respondent has



erroneously invoked Section 248 of the Companies Act, 2013, even before the final date for filing the Financial Statements for the financial year ending 31.03.2016.

3. The case was listed for admission on 10.10.2017, 25.10.2017 and 17.11.2017.
4. Heard Shri Naresh Kumar Sangam, Learned Counsel for the Applicant Company. The Learned Counsel for the Applicant has filed a revised petition in which the Applicant sought interim prayer seeking to direct the RoC to restore the name of the Company in the register of RoC and direct the Applicant to deliver a copy of the order within 30 days from the date of receipt of the order.
5. The Learned Counsel further submit that the Applicant Company has 08 employees and the impugned action will not only prejudice the interest of the shareholders but also the employees of the Company in general. Therefore, he sought above interim reliefs.
6. In view of the above submissions, we permitted the Applicant to file all the statutory returns, balance sheets and annual returns etc with the Registrar of Companies along with prescribed fees within a period of 03 weeks from the date of receipt of copy of this order and RoC is directed to take it on record and submit his report by the next date of hearing.
7. Post the case on 29.11.2017.



sd/-
RAVIKUMAR DURAISAMY
MEMBER (TECHNICAL)

sd/-
RAJESWARA RAO VITTANALA
MEMBER (JUDICIAL)

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OF THE ORIGINAL

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

प्रमाणित प्रति
CERTIFIED TRUE COPY
कैस नम्बर... *CA No. 139/252/HDB/2017*
CASE NUMBER
निर्णय का तारीख... *13-11-2017*
DATE OF JUDGMENT
प्रति तैयार किया गया... *29.11.2017*
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