

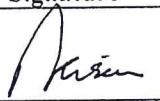
51. NATIONAL COMPANY LAW TRIBUNAL
HYDERABAD BENCH

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

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

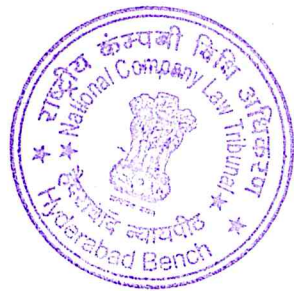
TRANSFER PETITION NO.	
COMPANY PETITION/APPLICATION NO.	CA No.210/252/HDB/2018
NAME OF THE COMPANY	Viable infratech (India) Private Limited
NAME OF THE PETITIONER(S)	Viable infratech (India) Private Limited
NAME OF THE RESPONDENT(S)	Registrar of Companies, Hyderabad
UNDER SECTION	252

Counsel for Petitioner(s):

Name of the Counsel(s)	Designation	E-mail & Telephone No.	Signature
CA. KIRAN PALLA	CA.	k.p@durgaraoandco.in 98 66 22 83 84	

Counsel for Respondent(s):

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



ORDER

Heard Mr.CA. Kiran Palla, Chartered Accountant for the Petitioner.
Passed Interim Order, Post the case on 15.03.2018 for final hearing.

Member (Tech)

Member (Judl)

ORDER

1. Heard Mr.CA.Kiran Palla , CA for the Petitioner and Mr.Ramesh Chandra Mishra, Registrar of Companies.
2. The Learned Counsel for the Petitioner submits that M/s.“Viable Infratech(India) Private Limited”, was incorporated under the Companies Act,1956 on 30.09.2010 as a Private Limited Company with its CIN: U45209TG2010PTC070656. The Company has been carrying its operations for the past several years in infrastructure developments which is a subcontractor for reputed Companies like NTPC and Indian Railways and that it is factually incorrect to say that Company is not carrying on operations. The Authorized Share Capital of the Company is Rs.10,00,000/-(Rupees Ten Lakhs Only) and Paid Up Capital is Rs. 1,00,000/- (Rupees One Lakh Only). The Company is having two Directors. When the Company was about to file the balance sheet as at 31.03.2016 and the Auditor's Report in respect thereof was ready to be filed with the RoC that the fact of non-filing of the returns and other documents with the RoC, as well as the fact that the petitioner Company's name had been struck off by the Register maintained by the RoC . 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.
3. 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.



4. 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.
5. 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.
6. 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 "Viable Infratech(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. The RoC directed to Communicate the Restoration of the name of the Company to the bankers of the Applicant Company so as to defreeze the account of the Company with their bankers

- d. RoC is directed to file his report on the main Company petition within 4 weeks. Post the matter to 15.03.2018.



प्रमाणित प्रति
CERTIFIED TRUE COPY

केस संख्या
CASE NUMBER CA No.210/252/HDB/2018.

निर्णय का तारीख
DATE OF JUDGEMENT 22.2.2018

नियार किया गया तारीख
22.2.2018

RAVIKUMAR DURAISAMY
MEMBER (TECHNICAL)

RAJRESWARA RAO VITTANALA
MEMBER (JUDICIAL)