

**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.201/252/HDB/2018
NAME OF THE COMPANY	GKS Freight Forwarder Pvt Ltd
NAME OF THE PETITIONER(S)	GKS Freight Forwarder Pvt Ltd
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. Sabna Kabra			S D

**Counsel for Respondent(s):**

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



## ORDER

1. Heard Ms.Sapna Kabra, Learned PCS for the Petitioner and Mr.Ramesh Chandra Mishra, Registrar of Companies.
2. The Learned Counsel for the Petitioner submits that M/s.“GKS Frieght Forwarders Private Limited”, was incorporated under the Companies Act,1956 on 20.10.2011 as a Private Limited Company with its CIN: U60231TG2011PTC077091. The main object of the Company is to carry on the business of running lorries, cranes, trucks, and all kinds of mopeds and vehicles as general carriers, forwarding agents, handling and haulage contractors etc., The Authorized Share Capital of the Company is Rs.1,00,000/-(Rupees One Lakh Only) and Paid Up Capital is Rs. 1,00,000/- ( Rupees One Lakh Only).The Company has two directors.
3. The Company Could not file its Annual Returns from the Year 2011-12,2012-13,2013-14 ,2014-15,2015-16 &2016-17.The RoC herein has initiated proceedings under Section 248(1) of the Companies Act,2013, for the purpose of 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
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.



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 "GKS Frieght Forwarders Private Limited", from 'Strike Off' to Active (for e-filing).

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 22.03.2018.



3d/-  
RAVIKUMAR DURAISAMY  
MEMBER (TECHNICAL)

3d/-  
RAJRESWARA RAO VITTANALA  
MEMBER (JUDICIAL)

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

प्रमाणित प्रति  
CERTIFIED TRUE COPY  
केस संख्या  
CASE NUMBER... 201/252/HDB/2018  
निर्णय का तारीख  
DATE OF JUDGEMENT... 20.2.2018  
प्रति तैयार किया गया तारीख  
COPY MADE READY ON... 19.3.2018