

IN THE NATIONAL COMPANY LAW TRIBUNAL
HYDERABAD BENCH
AT HYDERABD

CA No.131/252/HDB/2018
U/s. 252 of the Companies Act, 2013
R/w. Rule 87A of the NCLT (Amendment) Rules, 2016

In the matter of:

Vijaya Gouri Konada
D/O.Guruvulu Reddy Konada
Aged about 60 years
R/o 1-116/5,1-4 to 1-226/2
Joduguzhzhapalem,
Visakhapatnam
Andhra Pradesh-43 &2 others

...Applicants

Versus

1. M/s. SIRI GREEN INFRATECH PRIVATE LIMITED
Represented by Mrs.VijayaGouriKonada& 2 others
Registered Office at 1-16/5,
1-4 to 1-2262, Joduguzhzhapalem,
Visakhapatnam, Andhra Pradesh-43

2. The Registrar of Companies, Hyderabad
For Andhra Pradesh & Telangana,
Corporate Bhavan, 2nd Floor,
GSI Post, Thattiannaram,
Bandlaguda, Hyderabad,
Telangana - 500 068.

...Respondents

Date of Order: 09thFebruary, 2018

CORAM:

Hon'ble Shri RajeswaraRaoVittanala, Member (Judicial)

Hon'ble Shri RavikumarDuraismy, Member (Technical)

Counsels / Parties Present

For the Applicants/Petitioners : Mr. V.Venkatrami Reddy



Advocate

For the Respondent No. 1 to 2:Mr. R.C.Mishra,
Registrar of Companies

Per: Rajeswara Rao Vittanala, Member (Judicial)

ORDER

1. The Present Company Application bearing CA No.131/252/HDB/2018 is filed by Mr.Vijaya Gouri Konada and 2 others(promoters and share holders)of M/sSIRI GREEN INFRATECH PRIVATE LIMITED,U/s.252(3) of Companies Act, 2013 R/w. 87A of the NCLT (Amendment) rules 2016 by inter-alia seeking to pass an order for restoration M/s. SIRI GREEN INFRATECH PRIVATE LIMITED in the Register of Companies maintained by Registrar of Companies, Andhra Pradesh and Telangana; etc., and also interim order to change the status of Applicant Company from Strike off to Active (for e-filing) and de-freeze the Bank current accountand further restore and Activate Din Numbers whilewith all consequential actions for uploading the compliance along with payment of prescribed fee on MCA portal etc.
2. Heard Mr. V.Venkatrami Reddy, Learned Counsel for the Company and Mr. Ramesh Chandra Mishra, Registrar of Companies and has perused all pleadings along with extant provisions of Companies law.
3. Mr. V.Venkatrami Reddy, the learned Counsel for the company has inter-alia submitted as under:



a) M/s.SIRI GREEN INFRATECH PRIVATE LIMITED (hereinafter referred to as the Company) was incorporated under the Companies Act 2013, on 07th March, 2011 as a Private Limited Company with the Registrar of Companies, Hyderabad. Its main object is the Construction and infra Business. The Authorized Share Capital of the 1st Respondent Company is Rs.1,50,00,000/- (Rupees One Crore Fifty Lakhs only) divided into 15,00,000 (Fifteen Lakhs) Equity Shares of Rs.10/- (Rupees Ten only) each. The Issued, Subscribed and Paid-up Share Capital of the Company is Rs.1,50,00,000/- (Rupees One Crore Fifty Lakhs only) divided into 15,00,000 (Fifteen Lakhs) Equity Shares of Rs.10/- (Rupees Ten only) each. There are three Directors in the Company namely Mrs. VijayaGouriKonanda (DIN.03372894) Mrs. SunandanaBakiDIN.03372921) Mr. Bhasker Reddy Konada (DIN.03542435).



b) The Company could not file its Annual Returns from the year 2014-15 and 2015-16 with the ROC. The ROC issued notices U/s.248 (1) of the Companies Act, and Rule 3 (Removal of the name of the Company dated.30.03.2017) and also issued public notice and further issued Public Notice in pursuance of sub-section(1) and (4) of section 248 of the Companies Act, 2013 and Rule 7 of the Companies (Removal of

names of Companies from the Register of Companies) Rules, 2016 vide Public Notice: ROC/Hyderabad/STK-1/Revised Dated 05.05.2017.

c) The Respondent finally issued Public Notice in pursuance of Sub-section (5) of Section 248 of the Companies Act, 2013 and Rule 9 of the Companies (Removal of name of Companies from the Register of Companies) Rules, 2016 removed name of the Applicant Company was issued vide Notice No.ROC (H)/248/(5)/STK-7/2017 dated 21.07.2017 same was available in the MCA portal.

d) The Learned Counsel therefore urged the Tribunal that the Tribunal may be pleased to consider interim orders changing the status of the Company from strike off to active mode and Restore and Activate Din Numbers while the Main Company Application is pending.

4. We have considered the Pleadings of both the parties along with the extant provisions of the companies Act 2013. The RoC is supposed to look into various effects on the Company before striking off the Company, especially when the company is very much in business and filed ITR's in time and submits that had conducted AGM's as per the provisions of the Companies Act 2013. It has also earned sufficient Revenues. There are several financial Obligations that the Company has to fulfill and it cannot be suddenly closed. In



order to ease the doing of business and in the interest of justice and equity, it is necessary to pass interim orders as the company would generate Employment in the Infrastructure Industry contributing to the Unemployment Sector directly/indirectly.

5. 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. SIRI GREEN INFRATECH PRIVATE LIMITED, from 'Strike Off' to Active (for e-filing). Intimate the Bank Authorities to De-freeze the Bank current account and to Activate DIN Numbers of the company within 7 days from today;
- b) The company is Permitted to upload its pending Annual Returns from the year 2014-15 to 2015-16 and other statutory document(s) 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 case on 06th March 2018.



Sd/-
Ravi Kumar Duraisamy
Member (Technical)

Sd/-
Rajeshwara Rao Vittanala
Member (Judicial)

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

प्रमाणित प्रति
CERTIFIED TRUE COPY
केस संख्या
CASE NUMBER: CA No. 131/252/HDB/2018
निर्णय का तारीख
DATE OF JUDGEMENT: 9.2.2018
प्रति तैयार किया गया तारीख
COPY MADE READY ON: 12.2.2018