

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

CA No.273/252/HDB/2017

U/s 252(3) of the Companies Act, 2013 R/w  
Rule 87A of the NCLT (Amendment) Rules, 2017

**In the matter of**

M/s. Escientia Bio Pharma Private Limited  
Regd. Office at:  
1-9-815, Adimet,  
Near Railway Crossing  
**Hyderabad - 500 044**  
Telangana, India

... Applicant Company

**Versus**

The Registrar of Companies  
Andhra Pradesh & Telangana  
2<sup>nd</sup> Floor, Corporate Bhavan  
Bandlaguda, Nagole, Hyderabad  
**Telangana 500068**

...Respondent

**Date of order: 29.12.2017**

**CORAM:**

Hon'ble Mr. Rajeswara Rao Vittanala, Member (Judicial)

**Counsels / Parties Present:**

For the Applicant : Ms. Siri Preeti Duggirala, Advocate

For the Respondent : Shri R.C. Mishra

**ORDER**

1. The present Company Application bearing CA No. 273/252/HDB/2017, is filed by M/s Escientia Bio Pharma Private Limited under Section 252(3) of the Companies Act, 2013, by interalia seeking to direct the Respondent to place the Company and all other persons in the



Applicant Company such as Directors, Shareholders, Employees and all other related to the Company, in the same position as if the name of the Company had not been struck off; to activate the status of the Applicant Company from "strike off" to "Active" (for e-filing), for uploading the compliance alongwith the prescribed fee on MCA portal.

2. The brief facts leading to the filing the present CA, are as follows:

- (a) M/s Escientia Bio Pharma Private Limited was incorporated under the Companies Act on 22.01.2008. The main object of the Applicant Company is all kinds of scientific research and development activities like education, training in the field of health care, drug discovery, biopharmaceutics and services to pharmaceutical, biopharmaceutical and biotechnology companies etc. Its Authorised share capital is Rs.1,00,000/- divided into 10,000 Equity shares of Rs. 10/- each.
- (b) There are two shareholders namely Sri Yadagiri Reddy Pendri (NRI) is holding 9999 shares (i.e. 99.99% shares) and one Ms.M.Swarnalatha is holding one share (i.e. 0.1% share). As on date there are three Directors and one Managing Director in the Company and their DIN status are Active except for Managing Director.

3. Heard Ms. D. Siri Preeti, Learned Counsel for the Applicant Company and Shri R.C. Mishra, Registrar of Companies, who is present today.
4. Ms. D. Siri Preeti, Learned counsel for the Applicant Company submit that there is an urgency in this matter, that due to the impugned action of Respondent of striking off, the Company cannot file its annual returns



and other statutory with the Registrar of Companies .  
The Company is very much in business and it does not  
come under Section 248(1) of the Companies Act, 2013.  
By virtue of this impugned action, the Company bank  
accounts have been freezed and it was communicated  
vide Axis Bank letter dated 14.11.2017 and SBI letter  
dated 18.11.2017 by suspending its operations in the  
said accounts.

- a) Current A/c No.027010200027937 with Axis Bank  
Tarnaka Branch, Hyderabad
- b) Current A/c No.32543043700 with SBI, Ramnagar  
Branch, Hyderabad.



5. The Learned Counsel for the Applicant Company further  
submits that there are 52 employees with Ph.D & MS  
Degrees are working in the Company and they are  
unable to pay their salaries because of the impugned  
action of the Registrar of Companies and the Bankers.  
Apart from the employees their families are facing  
hardships due to not payment of wages / salaries.  
Therefore, prayed the Tribunal to pass interim order  
permitting the Registrar of Companies to accept filing  
of pending statutory filings.
6. Shri R.C. Misha, Registrar of Companies, who is present  
today submit that he would file his final report on the  
impugned striking off of the Company within two weeks.  
Further, this Tribunal can pass appropriate interim  
orders, pending report from Registrar of Companies,  
subject to payment of required fees within the  
stipulated period.
7. I have considered the pleadings of both the parties and  
I am of the prima facie view that the Company is  
suffering a lot by virtue of impugned action taken by the  
Registrar of Companies. In the interest of justice, and



in order to ease of doing business, it is necessary to pass interim orders.

8. In view of the above facts and circumstances of the case, and in the interest of justice, while pending the main Company Appeal, I pass the following interim orders:

- (a) Registrar of Companies is directed to change the status of the Applicant Company from "Strike off" to "Active" (for e-filing) and further restore and activate the DIN's of the Directors of the Applicant Company and to take all consequential actions for uploading the compliances on MCA Portal by paying necessary prescribed fees;
- (b) Direct the Registrar of Companies to communicate to the Bank authorities of the Applicant Company about the action of the Registrar of Companies and also compliance of the Applicant Company so as to facilitate the Bankers of the Applicant Company to unlock/de-freeze so that they may be able to pay salaries to the employees of the Company.
- (c) Directed Registrar of Companies to comply with interim order within one week from today.
- (d) Post the CA on 09.02.2018 with the direction to Registrar of Companies to file his report within three weeks.



प्रमाणित प्रति  
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केस संख्या  
CASE NUMBER... CA No. 273/254-HDB/2017  
निर्णय का तारीख  
DATE OF JUDGEMENT... 29/12/2017  
प्रति तैयार किया गया तारीख  
COPY MADE READY ON... 29/12/2017

sd/-

RAJESWARA RAO VITTANALA  
MEMBER (JUDICIAL)

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