

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

CA No.202/252/HDB/2017
U/s 252 of the Companies Act, 2013

In the matter of

Aakarshan Intex ((India) Private Limited
Having its Registered Office at
Flat No.9, "B" Block, Kundan Towers,
Mayuri Marg, Begumpet,
Hyderabad – 500 08.

...Appellant

Versus

Registrar of Companies, Hyderabad,
For Andhra Pradesh and Telangana
2nd Floor, Corporate Bhawan, GSI Post
Nagole, Bandlaguda,
Hyderabad – 500068

...Respondent

Date of Order : 01.01.2018

CORAM

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

Parties / Counsel present

For the Appellant : Mr.Syed Khasim, Advocate

For the ROC : None appeared

Per: Ravikumar Duraisamy, Member (Technical)

ORDER

1. The Present Company Application bearing C.A.No. 202/252/HDB/2017 is filed by Infinite Linked Solutions Private Limited under section 252 of the Companies Act, 2013, on 12.10.2017 by inter-alia, praying this Honourable Tribunal may be pleased to pass appropriate order for restoration of the name



of the Appellant Company in the Register of the Companies maintained by the Registrar of Companies, Andhra Pradesh and Telangana as if its name of the Appellant had not been struck off.

2. The Learned Counsel for the Appellant Company addressed a letter dated 26.12.2017 praying that pending the restoration matter, the Hon'ble Tribunal to pass an interim order (1) to release our Bank Account, (2) allow us to file Annual Reports and Balance Sheets with RoC, Hyderabad.

The particulars of Bank Account of the Company frozen are mentioned as below:



Sl.No.	Name of the Bank	Account Number	Branch
1	HDFC Bank	50200005267057	CPU, Anna Salai, Chennai

Brief facts of the case are as follows:

3. The Appellant Company was incorporated as Aakarshan Intex (India) Private Limited on 22.08.2006 vide CIN U45201TG2006PTC050938. The Authorized Share Capital of the Company is Rs.5,00,000/- (Five Lakhs only) divided into 50,000 (Fifty Thousand) Equity Shares of Rs.10/- each. The Issued, Subscribed, Paid-up Share Capital of the Company is Rs.1,00,000/- (One Lakh only) divided into 10,000 (Ten Thousand) Equity Shares of Rs.10/- each.
4. The Appellant Company submit that the Respondent has struck off the Appellant Company's name in the Register maintained by RoC due to defaults of not filing of Financial Statements and Annual Returns for the period 01.04.2010 to 31.03.2016. The RoC has initiated proceedings under Section 248 of the Companies Act, 2013

for the purpose of striking off the name of the company in the register maintained by RoC.

5. The Appellant Company further submit that the RoC has not followed the procedure as prescribed under Section 248(1) regarding issue of notice & 248(5) as per Companies Act, 2013 publishing the name of the Appellant Company in the official gazette.
6. The Learned Counsel for the Appellant Company submit that they filed latest Balance Sheet for the Financial Year ending March, 2017. The Bench noted that the Revenue from Operations for the year 2015-16 is Rs.66,68,689/- and for the year 2016-17 is Rs.41,39,816/- and he further submitted that at present 11 number of employees are working in the Company and salaries have not been paid to them. Non receipt of salary by the employees has caused various hardships and difficulties specially to meet their day to day requirements and also caused difficulty to the management in carrying out the business operations.
7. We have considered the pleadings of the Appellant Company and we are 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 facilitate 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 Application, we pass the following interim orders:
 - (a) RoC is directed to change the status of the Appellant Company from “Strike off” to “Active” (for e-filing) and to take all consequential actions for uploading the compliances on MCA Portal by paying prescribed fees;



(b) Direct the RoC to communicate to the Bank of the Appellant Company to de-freeze the Account so that the Company is able to operate its bank account as well as pay salaries to the employees of the Company.

(c) Directed RoC to comply with interim orders within one week.

(d) RoC is directed to submit its report well before the next date of hearing i.e. 25.01.2018.



RAVIKUMAR DURAISAMY
MEMBER (TECHNICAL)

RAJESWARA RAO VITTANALA
MEMBER (JUDICIAL)

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

प्रमाणित प्रति
CERTIFIED TRUE COPY
केस संख्या
CASE NUMBER C210/202/252/100/2017
निर्णय का तारीख
DATE OF JUDGEMENT 1-1-2018
प्रति तैयार किया गया तारीख
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