

IN THE NATIONAL COMPANY LAW TRIBUNAL
HYDERABAD BENCH
AT HYDERABD

CA No.151/252/HDB/2018
U/s. 252 of the Companies Act, 2013
R/w. Rule 87A of the NCLT (Amendment) Rules, 2016

In the matter of:

M/s.EXCALIBUR SECURITY SERVICES INDIA PRIVATE LIMITED,
Represented by its share Holder and Director
Mr.K.B.Subramanyeshwara Rao
Registered Office at 7-1-632/176/A,
2nd Floor,Kalavathi Nivas,SR Nagar,
Andhra Bank Lane,
Hyderabad-500038, Telangana

...Applicant Company

Versus

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

...Respondent

Date of Order: 09th February, 2018

CORAM:

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

Counsels / Parties Present

For the Applicants/Petitioners : Mr.Srinivas Rao Vattikutti
PCS

For the Respondent : Mr. R.C.Mishra,
Registrar of Companies

Per: Rajeswara Rao Vittanala, Member (Judicial)



ORDER

1. The Present Company Application bearing CA No.151/252/HDB/2018 is filed by M/s. EXCALIBUR SECURITY SERVICES INDIA PRIVATE LIMITED, U/s. 252 of Companies Act, 2013 R/w. 87A of the NCLT (Amendment) rules 2016 by inter-alia seeking to pass an order for restoration of M/s. EXCALIBUR SECURITY SERVICES INDIA 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) with all consequential actions for uploading the compliance along with payment of prescribed fee on MCA portal etc.
2. Heard Mr.Srinivas Rao Vattikutti, 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.Srinivas Rao Vattikutti, the learned Counsel for the Company has inter-alia submitted that M/s. EXCALIBUR SECURITY SERVICES INDIA PRIVATE LIMITED (hereinafter referred to as the Company) was incorporated under the Companies Act 1956, on 18th February 2011 as a Private Limited Company with the Registrar of Companies, Hyderabad. Its main object is to carry on the business of security services, utility services, back office supporting services for business, and to provide security services to all government and nongovernment departments and also to render security services in all other ancillary fields and conduct private investigations etc.,.
4. The Authorised Share Capital of the Company is Rs. 5,00,000/- (Rupees five Lakhs only) divided into



50,000 (Fifty Thousand) Equity Shares of Rs. 10/- each. The issued subscribed and paid-up capital of the Company is Rs.5,00,000/- (Rupees Five Lakhs only) divided into 50,000 (Fifty Thousand) Equity Shares of Rs. 10/-.

5. There are two Directors in the Company namely Mr.K.B.Subramanyeshwara Rao (DIN:02826708) and Mr.Udaya Bhaskar Rao (DIN:02826708).
6. The company could not file its Annual Returns from the year 2012 to 2016 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.
7. It is further submitted that 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 vide Notice No.ROC (H)/248/(5)/STK-7/2017 dated 21.07.2017 same was available in the MCA portal. Subsequently the company status was changed from "Active" to "Strike off".
8. 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.

9. 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 there are 242 employees who are depending on the livelihood, Hence the company not be abruptly closed they by affecting Public at large . In order to ease the doing of business in the interest of justice and equity, and to protect the interest of the employees it is necessary to pass interim orders.

10. Therefore, the following Interim Order is passed pending the main company application:

- The Registrar of Companies is directed to change the Status of M/s. EXCALIBUR SECURITY SERVICES INDIA PRIVATE LIMITED from 'Strike Off' to 'Active' (for e-filing). To activate the DINs of the Directors of the Company of within 7 days from today
- To intimate the bankers to defreeze the Bank Account of the Company.
- Permitted the Company to upload its pending Annual Returns from the year 2012 to 2016 and other statutory document(s) along with prescribed fees/additional fee/fine as decided by RoC within 30 days from today;
- RoC is directed to file his report on the main Company petition within 4 weeks. Post the case on 13th April 2018 for final hearing.



प्रमाणित प्रति
CERTIFIED TRUE COPY

केस नम्बर
CASE NUMBER CA.No.151/252/HDB/2018
निर्णय का तारीख
DATE OF JUDGEMENT 9.2.2018
प्रति वैध किया गया तारीख
COPY MADE READY ON 13.2.2018

G. Anandhoo kulkarni
Jy. Regr./Asst. Regr./Court Officer/
National Company Law Tribunal, Hyderabad Bench

Sd/-
Ravikumar Duraisamy
Member (Technical)

Sd/-
Rajeshwara Rao Vittanala
Member (Judicial)