

IN THE NATIONAL COMPANY LAW TRIBUNAL
HYDERABAD BENCH
AT HYDERABD

CA No.104/252/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. LAXMI GENCHEM SCIENCES PRIVATE LIMITED
Rep by Mrs.VaralaxmiGunnam
Registered Office at Plot No.90, 1st Floor,
Aleap Industrial Estate NearPragati Nagar,
Opp.Kphb Colony, Hyderabad, TG 500055 In

...Applicant Company

Versus

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

...Respondent



Date of Order: 09th February, 2018

CORAM:

Hon'ble Shri RajeswaraRaoVittanala, Member (Judicial)
Hon'ble Shri Ravi Kumar Duraisamy, Member (Technical)

Counsels / Parties Present

For the Applicants/Petitioners : Mr. S.Eswar Reddy
Advocate
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.104/252/HDB/2018 is filed by Mrs.Varalaxmi Gunnamrepresented for M/s LAXMI GENCHEM SCIENCES 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 M/s. LAXMI GENCHEM SCIENCES PRIVATE LIMITEDin 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 furtherdirect ICICI Bank to reactivate account No. 631205029375 of the applicant company and activate the DINs of the Directors of the Applicant's Company with all consequential actions for uploading the compliance along with payment of prescribed fee on MCA portal etc.
2. Heard Mr. S. Eswar 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. S. Eswar Reddy, the learned Counsel for the Company has inter-alia submitted as follows:
 - a) M/s LAXMI GENCHEM SCIENCES PRIVATE LIMITED (hereinafter referred to as the Company) was incorporated under the Companies Act2013, on 10/06/2013 as a Private Limited Company with the Registrar of Companies, Hyderabad. Its main object is to carry on the business of the manufacturers, producers, processors, makers, convertors, importers, exporters, traders, buyers, sellers, retailers, wholesalers, suppliers, indenters, packers, movers, preservers, stockists, agents,



sub-agents, merchants, distributors, consignors, jobbers, brokers, concessionaires or otherwise deal in all kinds of pharmaceuticals, medical, chemical preparations and compound drugs and formulations.

- b) The Authorised Share Capital of the Company is Rs. 10,00,000 /- (Rupees Ten Lakhs only) divided into 1,00,000/- (One Lakh Only) equity shares of Rs. 10/- (Rupees Ten Only) each. The current issued, subscribed and paid-up capital of the Company is Rs. 10,00,000/- (Rupees Ten Lakhs only) divided into 1,00,000/- (One Lakh Only) equity shares of Rs. 10/- (Rupees Ten Only) each. There are two Directors in the Company namely Mrs. Varalaxmi Gunnam and Mrs. Prathima Uppala.
- c) The Company got purchase orders from the various Companies namely Sonia Organics, Aspen Biopharma Labs Pvt Ltd, Kopran Research Laboratories Ltd, Ark Gen Pharma Pvt. Ltd, Future Medicine etc.,
- d) The Company could not file its Annual Returns from the year 2013-14, 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. A final 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 which was available in the MCA portal. The Applicant company name appeared in the list enclosed along with the said Public Notice in Page no.39 at serial number 19462 subsequently the company status was changed from "Active" to "Strike off".

- e) Therefore, the Learned Counsel urged the Tribunal to consider for passing interim orders by directing to change 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 running are there are several financial Obligations to be fulfilled the Company. However, it is the responsibility the Company to comply with all statutory obligations as per law once the Company is registered with ROC. Ultimately, the public at large should not suffer by virtue of impugned act of ROC. Therefore, it is necessary to consider the case for passing interim orders, in order to ease the doing of business, and in the interest of justice and equity, and activation of the Company will lead to employment to people directly, and indirectly, especially in the era of large scale unemployment in the Country. Every citizen of the Country has a

fundamental right to profess one's own business, however, subject to complying with law of the land.

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. LAXMI GENCHEM SCIENCES PRIVATE LIMITED, from 'Strike Off' to Active (for e-filing) and communicate the same to ICICI Bank to reactivate account No. 631205029375 of the applicant company and activate the DINs of the Directors of the company within 7 days from today;
- b) Permitted the Company to upload its pending Annual Returns from the year 2013-14, 2014-15, and 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 23rd March 2018 for final hearing.

Sd/-
Ravi Kumar Duraisamy
Member (Technical)

Sd/-
Rajeshwara Rao Vittanala
Member (Judicial)

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

प्रमाणित प्रति
CERTIFIED TRUE COPY
केस संख्या
CASE NUMBER. CA No. 104/252/HDB/2018
निर्णय का तारीख
DATE OF JUDGEMENT. 9.2.2018
प्रति तैयार किया गया तारीख
COPY MADE READY ON. 12.2.2018

