

IN THE NATIONAL COMPANY LAW TRIBUNAL
HYDERABAD BENCH
AT HYDERABD

CA No.117/252/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. Pudami Mines & Minerals Private Limited
Rep by its Promoter Director
Cum shareholder Sri M.SureshBabu
Registered Office at D.No.7-1-282/C/31,
Ground Floor, Sri Ramnagar, Balkampet,
Hyderabad - 38.

...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 Rajeswara Rao Vittanala, Member (Judicial)

Hon'ble Shri Ravikumar Duraisamy, Member (Technical)

Counsels / Parties Present

For the Applicants/Petitioners : Mr. Basava Raju
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.117/252/HDB/2018 is filed by Mr. M.Suresh Babu represented for M/s Pudami Mines & Minerals 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.Pudami Mines & Minerals 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 further activate the Bank Accounts in (a) Andhra Bank, Eddlapadu Branch, Edlapadu, Guntur Dist, Andhra Pradesh Current Account No.1922111 00000478.(b)Current A/c No.006005011183 with ICICI Bank Limited, Dwaraka Nagar Branch Dwaraka Nagar Viskhapatnam,,Andhra Pradesh all consequential actions for uploading the compliance along with payment of prescribed fee on MCA portal etc.
2. Heard Mr. J.Basava Raju, 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. M. J.Basava Raju, the learned Counsel for the company has inter-alia submitted as follows:
 - a) M/s.Pudami Mines & Minerals Private Limited(hereinafter referred to as the Company) was incorporated under the Companies Act1956, on 07th March 2008 as a Private Limited Company with the Registrar of Companies, Hyderabad. Its main object is to explore, refine, manufacture,



process, extract, export, import, trade, purchase, sell, distribute or otherwise deal in laterite, iron ore, boxite, manganese, quartz, minerals, all stones, natural stones, granite blocks, granite slabs, granite monuments, granite tiles, granite household articles like kitchen sinks, bath-tubs, granite architectural places or products and other mining activities etc.,

- b) Its Authorised Share Capital is Rs. 1,00,000/- (Rupees One lakh only) divided into 10,000/- (Ten Thousand only) equity shares of Rs. 10/- (Rupees Ten Only) each. The current Issued, Subscribed and Paid-up capital of the Company is Rs. 1,00,000/- (Rupees One Lakh only) divided into 10,000/- (Ten Thousand only) equity shares of Rs. 10/- (Rupees Ten Only) each. There are two Directors namely **Mr.Muthavarapu Suresh Babu DIN No.00671990**, **Mrs.Muthavarapu ArunaKumari, DIN No.01760399** are the present Directors of the Company, who were managing the Business activities of the Company
- c) The company could not file its Annual Returns from the year 2014-15 and 2015-16 with the ROC due to the company had not been carrying on any business or operation for a period of two immediately preceding Financial Years. 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.

- d) 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.
- e) 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 there are several financial Obligations that the company needs to fulfill and the company cannot be abruptly closed. In order to ease the doing of business and in the interest of justice and equity, it is necessary to pass interim orders and it would contribute employment 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. Pudami Mines & Minerals Private Limited, from 'Strike Off' to 'Active' (for e-filing). To activate the Bank Accounts in (a) Andhra Bank, Eddlapadu Branch, Edlapadu, Guntur





Dist, Andhra Pradesh Current Account No.192211100000478.(b) CurrentNo.006005011183 with ICICI Bank Limited, Dwaraka Nagar Branch Dwaraka Nagar Viskhapatnam,, Andhra Pradesh of company within 7 days from today;

- b) The Company is permitted to upload its pending Annual Returns from the year 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.

Sd/-

Ravi Kumar Duraisamy
Member (Technical)

Sd/-

Rajeshwara Rao Vittanala
Member (Judicial)

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

प्रमाणित प्रति
CERTIFIED TRUE COPY

केस संख्या
CASE NUMBER. CA No. 117/252/HDB/2018
निर्णय का तारीख
DATE OF JUDGEMENT. 9.2.2018
प्रति तैयार किया गया तारीख
COPY MADE READY ON. 12.2.2018