

IN THE NATIONAL COMPANY LAW TRIBUNAL  
HYDERABAD BENCH  
AT HYDERABD

CA No.139/252(1)/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. FORTUNA IDENTITY PRIVATE LIMITED  
Represented by Mr.Thummala Ashok Chetty  
Share holder, having Regd.Office at Plotno:63,  
Roadno:72, Prasashan Nagar,  
Hyderabad-500034.

...Applicants

Versus

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

...Respondent

Date of Order: 09<sup>th</sup> February, 2018

CORAM:

Hon'ble Shri RajeswaraRaoVittanala, Member (Judicial)

Hon'ble Shri RavikumarDuraishamy, Member (Technical)

Counsels / Parties Present

For the Applicants/Petitioners : Mr. A.Nagraj Kumar  
Advocate

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

Per: Rajeswara Rao Vittanala, Member (Judicial)



ORDER

The Present Company Application bearing CA No.139/252/HDB/2018 is filed by Mr.Thummala Ashok Chetty and another (shareholders) of M/S FORTUNA IDENTITYPRIVATE LIMITED, U/s.252(1) 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. FORTUNA IDENTITYPRIVATE 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 Banker to defreeze the Bank account of the Applicant's Company with all consequential actions for uploading the compliance along with payment of prescribed fee on MCA portal etc.

1. Heard Mr. A.Nagraj Kumar, Learned Counsel for the Company and Mr. Ramesh Chandra Mishra, Registrar of Companies and had perused all pleadings along with extant provisions of Companies law.

(a) Mr. Mr.A.Nagraj Kumar, the learned Counsel for the Applicant, has inter-alia submitted that that M/s. FORTUNA IDENTITYPRIVATE LIMITED (hereinafter referred to as the Company) was incorporated under the Companies Act 1956, on 01<sup>th</sup> February 2010 as a Private Limited Company with the Registrar of Companies, Hyderabad. Its main object is to undertake, design and develop, import, export, maintain, process, install and alter, trade in and undertake system and software, embedded systems and any kind of software, enterprise resource planning, Internet net linking etc.,.

(b) There are two Directors in the Company namely Mr. T.C Ashok, Mrs. Nirmala Ashok. The



Authorized Share Capital of the Company is Rs.1,00,000/- (Rupees one Lakh only) divided into 10,000 (Ten Thousand) Equity Shares of Rs.10/- (Rupees Ten only) each. The Issued, Subscribed and Paid-up Share Capital of the Company is Rs. 1,00,000/- (Rupees one Lakh only) divided into 10,000 (Ten Thousand) Equity Shares of Rs.10/- (Rupees Ten only) each.



(c) The company could not file its Annual Returns from the year 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.

(d) 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 same was available in the MCA portal. Subsequently, the Company status was changed from "Active" to "Strike off".

(e) The Learned Counsel, therefore urged the Tribunal to consider interim orders by directing



to change status of the Company from “strike off” to “Active” mode(For E- filing) , while the Main Company Application is pending.

2. 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, there are several financial Obligations like Inter Corporate borrowings, Liabilities etc., the company is liable to pay and it cannot be abruptly closed thereby hindering chances of Employment directly/indirectly. In order to ease the doing of business and in the interest of justice and equity, it is necessary to pass interim orders.

3. 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 FORTUNA IDENTITYPRIVATE LIMITED ‘Strike Off’ to “Active” (for e-filing). Intimate the Banker to defreeze the Bank account of the Company within 7 days from today;
- b) The Company is hereby 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 06.04.2018.



प्रमाणित प्रति  
CERTIFIED TRUE COPY

केस संख्या

CASE NUMBER

निर्णय का तारीख

DATE OF JUDGEMENT

प्रति तैयार किया गया तारीख

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CA No. 139/252/HDB/2018  
2018  
9.2.2018  
12.2.2018

Sd/-

Ravikumar Duraisamy  
Member (Technical)

Sd/-

Rajeshwara Rao Vittanala  
Member (Judicial)

G. Ananthasubrahmaniam

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