

IN THE NATIONAL COMPANY LAW TRIBUNAL
HYDERABAD BENCH
AT HYDERABD

CA No.99/252/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. Doctor Blue Bio Tech (India) Private Limited
Represented by Mr.BhaskarRao Allamneni (Director)
Registered Office at:H.No.3-6-767,
Flat.No.302, Anitha Towers Street No.14,
Himayath Nagar, Hyderabad,
Telangana -500029 .

...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: 09thFebruary, 2018



CORAM:

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

Counsels / Parties Present

For the Applicants/Petitioners : Mr. Saurabh Poddar
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.99/252/HDB/2018 is filed by M/s **DOCTOR BLUE BIO TECH (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 M/s. Doctor Blue Bio Tech (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) and further restore with all consequential actions for uploading the compliance along with payment of prescribed fee on MCA portal etc.
2. Heard Mr. Saurabh Poddar, Learned PCS for the Company, and Mr. Ramesh Chandra Mishra, Registrar of Companies, and also perused all pleadings along with extant provisions of Companies law.
3. Mr. Saurabh Poddar, the learned PCS, has interalia submitted as under:
 - a) M/s.**DOCTOR BLUE BIO TECH (INDIA) PRIVATE LIMITED** (hereinafter referred to as the Company) was incorporated under the Companies Act 1956, on 21st April 2011 as a Private Limited Company with the Registrar of Companies, Hyderabad. Its main object is to carry on clinical and non-clinical research and developmental and culturing activities in Stem Cells, making, selling, import and export of its related equipment. Nanotech research, manufactures, producers, sellers, imports and exports of Cosmetic and medicinal oils like emu oil, ostrich oil, olive oil, Omega fish and vegi oils, aloe vera etc.,



- b) Its authorised share capital is Rs. 1000000 (Rupees Ten lakhs only) divided into 100000 number of equity shares of Rs. 10/- each and the Issued, Subscribed & Paid Up Capital of the Company is Rs. Rs. 1000000 (Rupees Ten lakhs only) divided into 100000 number of equity shares of Rs. 10/- each. There are 3 (Three) Directors namely, Mr Ramulu Gajjela (DIN: 02479777), Mr. Bhaskar Rao Allamneni (DIN: 03462088) and Mrs. Hemalatha Gajjela (DIN: 07720657).
- c) The Company could not file its Annual Returns from the year 2014-15, 2015-16 with the ROC due to some operational issues and reasons, which are beyond the Control of Company. On enquiry, it came to know that through publication MCA 21 Portal that Registrar of Companies, Andhra Pradesh & Telangana has struck off the name of the Company from its Register. And 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 Company vide Notice No.ROC (H)/248/(5)/STK-



7/2017 dated 21.07.2017 and same was also available in the MCA portal.

- d) The Learned Counsel, therefore, urged the Tribunal to consider for interim order pending disposal of main case by directing the ROC to change of status of the Company from "strike off" to "active" mode so as to enable to upload pending returns by paying prescribing fee. And that the Company is suffering a lot due to the impugned action and expressed willingness to make good the the impugned violations leading to striking off the Company as directed by the Tribunal.

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. **DOCTOR BLUE BIO TECH (INDIA) PRIVATE LIMITED**, from 'Strike Off' to "Active (for e-filing)", and also to activate DIN of the Directors of the company, if their DIN's are deactivated within 7 days from today;
- b) Permitted the Company to upload its pending Annual Returns from the year 2014-15 & 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 and post the case for final hearing after 4 weeks thereafter.



Sd/-
Ravi Kumar Duraisamy
Member (Technical)

Sd/-
Rajeshwara Rao Vittanala
Member (Judicial)

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

प्रमाणित प्रति
CERTIFIED TRUE COPY
केस संख्या
CASE NUMBER *CA:15:99/252/HDB/2018*
निर्णय का तारीख
DATE OF JUDGEMENT *9.2.2018*
प्रति तैयार किया गया तारीख
COPY MADE READY ON *12.2.2018*