

IN THE NATIONAL COMPANY LAW TRIBUNAL
HYDERABAD BENCH
AT HYDERABD

CA No.87/252/HDB/2018

U/s. 252 (3) of the Companies Act, 2013
R/w. Rule 87A of the NCLT (Amendment) Rules, 2017

In the matter of:

M/s. SIRIUS TRANSTECH PRIVATE LIMITED
Represented by Mr.Savaraj Meiyur
Registered Office at Regus Midtown,
Level 1, Road No.1, Banjara Hills,
Hyderabad-500 034, Telangana.

...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: 08th February, 2018

CORAM:

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

Hon'ble Shri Ravikumar Duraisamy, Member (Technical)

Counsels / Parties Present

For the Applicant : Mr. M. Anil Kumar
Advocate

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

Per: Rajeswara Rao Vittanala, Member (Judicial)



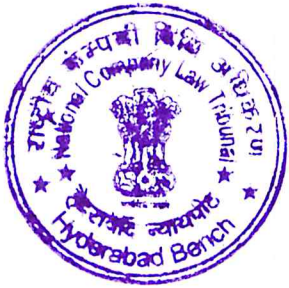
ORDER

1. The Present Company Application bearing CA No.87/252/HDB/2018 is filed by Mr.Selvaraj Meiyur, Director of M/s. SIRIUS TRANSTECH PRIVATE LIMITED, U/s. 252(3) of Companies Act, 2013, R/w. 87A of the NCLT (Amendment) Rules 2017 by inter-alia seeking to pass an order for restoration M/s. SIRIUS TRANSTECH 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 defreeze the banks accounts of the Company etc.
2. Heard Mr. M. Anil Kumar, 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. M. Anil Kumar, the learned Counsel for the company has inter-alia submits that M/s. SIRIUS TRANSTECH PRIVATE LIMITED (hereinafter referred to as the Company) was incorporated under the Companies Act 1956, on 13.01.2010 as a Private Limited Company with the Registrar of Companies, Hyderabad. Its main object is to develop, undertake and execute any contract or activities involving computerized information systems, feasibility studies, turnkey projects, knowhow, Research and development, etc., Authorized share Capital of Company is Rs.1,00,000/-(Rupees One lakh only) divided into 10,000/-(Ten Thousands only) Equity shares of Rs.10/- each. There are two Directors in the Company namely Mr.Selvaraj Meiyur (DIN 02845440) and Ms. Valli Aparna Marepalli (DIN 02920039) are disqualified.



(a) The Company has presently undertaken several projects, which are in the middle of the execution. The company, directors will incur severe liabilities and irreparable damages, if the projects are not completed as per the terms of the projects. There are 397 employees who are working in the company.

4. 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.
5. 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.
6. The Learned Counsel, therefore urged the Tribunal 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.
7. 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, there are several financial Obligations in the company and it cannot be suddenly closed. In order to ease of doing business in the interest of justice and equity, it is necessary to pass interim orders and it will lead to some of kind of employment.

8. Therefore, the following Interim Orders are passed, in the interest of justice and equity, pending the main company application:

- a) The Registrar of Companies is directed to change the Status of M/s. SIRIUS TRANSTECH PRIVATE LIMITED, from 'Strike Off' to Active (for e-filing). To de-freeze the bank accounts of the company restore 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, 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 for final hearing on 22.03.2018.



Sd/-
Ravikumar Duraisamy
Member (Technical)

Sd/-
Rajeswara Rao Vittanala
Member (Judicial)

Sr. 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 No. 87/252/HDB/2018.
निर्णय का तारीख
DATE OF JUDGEMENT...8.2.2018.
प्रति तैयार किया गया तारीख
COPY MADE READY ON...20.2.2018