

IN THE NATIONAL COMPANY LAW TRIBUNAL
HYDERABAD BENCH
AT HYDERABAD

CA No.123/252/HDB/2018
U/s. 252 of the Companies Act, 2013
R/w. Rule 87A of the NCLT (Amendment) Rules, 2017

In the matter of:

Mr. Nalla Chakravarthula Vishal
Representing M/s. DHRUTHI PROJECTS PRIVATE LIMITED
Registered Office at 19-14-57,
Raghavendra Nagar, Tirupati - 517501,
Andhra Pradesh ...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 Applicant	: Mrs. C.Shilpa 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.123/252/HDB/2018 is filed by Mr. Nallan Chakravarthula Vishal representing for M/s DHRUTHI PROJECTS PRIVATE LIMITED, U/s. 252 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. DHRUTHI PROJECTS 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 defreeze the ICICI Bank Account No.630905010509, Tirupati Branch 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 Mrs. C.Shilpa, 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. Mrs. Shilpa, the learned Counsel for the company has submitted the following:
 - (a) M/s. DHRUTHI PROJECTS, PRIVATE LIMITED (hereinafter referred to as the Company) was incorporated under the Companies Act 2013, on 20.12.2007 as a Private Limited Company with the Registrar of Companies, Hyderabad.
 - (b) Its main object is to carry on the business of rendering all services such as planners, designers, consultants, builders, developers, architects, engineers, erectors, installers etc., Its Authorized Share Capital is Rs.25,00,000/- (Rupees Twenty



Five Lakh Only) divided into 2,50,000 (Two Lakhs Fifty Thousand) Equity Shares of Rs.10/- (Rupees Ten Only) each. The Issued, Subscribed and Paid-up Share Capital of the Applicant is Rs. 4,00,000/- (Rupees four Lakh Only) divided into 40,000 (Forty Thousand) Equity Shares of Rs.10/- (Rupees Ten Only) each. There are two Directors in the Company namely Mr. Nalla Chakravarthula Vishal (DIN 01507770) and Mr. Gudimella Bhaktisar (DIN 01839275) are disqualified.

4. The Company could not file its Annual Returns from the year from 2013 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 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.

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 Order is passed pending the main company application:

- a) The Registrar of Companies is directed to change the Status of M/s. DHRUTHI PROJECTS PRIVATE LIMITED, from 'Strike Off' to Active (for e-filing). To defreeze the ICICI Bank Account No.630905010509, Tirupati Branch 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 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. Interim orders are passed by a separate order. Post the case on 16th March 2018 for final hearing.



प्रमाणित प्रति
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केस संख्या
CASE NUMBER: CA No. 123/252/HDB/2018
निर्णय का तारीख
DATE OF JUDGEMENT: 9.2.2018
प्रति तैयार किया गया तारीख
COPY MADE READY ON: 20.2.2018

Ravi Kumar Duraisamy
Member (Technical)

Rajeshwara Rao Vittanala
Member (Judicial)

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