

**IN THE NATIONAL COMPANY LAW TRIBUNAL
HYDERABAD BENCH, HYDERABAD**

CA No.281/252/HDB/2017

U/s 252 of the Companies Act, 2013

In the matter of

Mrs. Supriya Patak Gudelli
Former Director & Former Shareholder of
CNS LABS PRIVATE LIMITED
H.No.2-229/1A, Nehru Nagar, Madikonda
Warangal 506142, Telangana.

... Applicant

Versus

The Registrar of Companies
Andhra Pradesh & Telangana
2nd Floor, Corporate Bhavan
Bandlaguda, Nagole, Hyderabad
Telangana 500068.

... Respondent

Date of order: 29.12.2017

CORAM

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

Counsels / Parties Present:

For the Appellant : Mr.R.Ramakrishna Gupta, PCS

For the Respondent : Mr. R.C. Mishra, ROC
Mr.Josekutty V.E., Dy.ROC.

Per: Rajeswara Rao Vittanala, Member (Judicial)

ORDER

1. The present Company Application bearing CA No. 281/252/HDB/2017, is filed by Mrs. Supriya Patak Gudelli Former Director & Former Shareholder of CNS LABS PRIVATE LIMITED under Section 252, by interalia seeking the following reliefs:-



- a) to activate the Corporate Identification Number of the CNS LABS PRIVATE LIMITED allowing it to complete the pending annual filings with additional fees, if any as prescribed under the Companies Act, 2013;
- b) to unfreeze the current account of CNS LABS PRIVATE LIMITED mentioned in clause 4.17 enabling it to meet the fund requirements to complete the filings and other cost to restore the name of CNS LABS PRIVATE LIMITED.

2. The brief facts leading to the filing the present CA are as follows:

- (a) M/s CNS LABS PRIVATE LIMITED (herein after referred as "Applicant Company") is a private limited Company incorporated under Companies Act, 2013 (erstwhile known as Companies Act, 1956) on 23.10.2012.
- (a) The main object of the Applicant Company is to carry on business as manufacturers, producers, processors, fermentators, distillers, refiners, makers, inventors, convertors, exporters, traders, buyers, sellers, retailers, wholesalers, suppliers, bottlers or otherwise deal in basic drugs, pharmaceutical, medicinal, chemical, biological, biochemical, electrolytic drugs, fine chemicals, ingredients, products and compounds used in above or generally to act as analytical chemists and druggists, and non-patent medicines, drugs, mixtures, formulations, capsules, tablets, pills, powders, pharmaceuticals, chemicals, medical and medicinal products, preparations and materials, sterilized injections, needles, syringes,



vaccines, immunogenes, phylacogens, chemical and surgical dressings.

- (b) Its Authorised share capital is Rs. 10,00,000/- divided into 1,00,000 Equity shares of Rs. 10/- each and the issued, subscribed paid-up capital of the Company is Rs.10,00,000/- divided into 1,00,000 equity shares of Rs.10/- each.
- (c) There are three shareholders Ms. Supriya Patak Gudelli, Ms.Pothireddy Lavanya and Mr.Nandigem Eswaraiah are having 33.33% shareholding each. 0
- (d) The Registrar of Companies has issued Notice dated 30th March, 2017 in Form STK-1 to the appellant intending to remove the name of the Company from the Registrar of Companies.
- (e) On receipt of said notice from the respondent, appellant and the remaining Directors of CNS LABS PRIVATE LIMITED have assigned the responsibility of completing the filings of the Financial Statements and Annual Return for the financial year ended 31st March 2015 and 31st March 2016 to the accounts officer of the Company. However, the said accounts officer, due to lack of professional guidance, failed to file the same and all the Directors were under the impression that the same have been filed. They deeply regret for the said non-compliance.
- (f) The CNS LABS PRIVATE LIMITED and the former Directors of it came to know that Registrar of Companies, Andhra Pradesh and Telangana, struck off the name from the Register vide Notice No. ROC(H)/248(5)/STK-7/2017 dated 21st July, 2017.
- (g) The Applicant Company has filed the financial statements and annual returns with the



Respondent up to financial year ended 31st March 2014 and Income Tax Returns have been filed for the financial years ended 31st March, 2015 and 31st March, 2016.

- (h) The Applicant Company is continuously carrying on its business from the date of its incorporation and conducting its Board Meetings and General Meetings in compliance with the provisions of Companies Act, 1956 / Companies Act, 2013.
- (i) That none of the Creditors/Shareholders or other stakeholders of the Company will be prejudiced if the name of the Company is restored in the register of Company, maintained by the Registrar of Companies, Andhra Pradesh and Telangana.

3. Heard Mr.R.Ramakrishna Gupta, Learned PCS for the Applicant Company and Mr.Josekutty V.E., Dy.ROC., Mr. R.C. Mishra, Registrar of Companies who is present today.
4. Mr.R.Ramakrishna Gupta, Learned PCS for the Applicant Company submit that there is an urgency in this matter that due to this impugn action of Respondent of striking off, the Company cannot file its annual returns and other statutory filings with the RoC, thus leading to filing of this Company Application. The Company is very much in business and it does not come under Section 248(1) of the Companies Act, 2013, as submitted by RoC. By virtue of this impugned action, the Company accounts 1483135000001412 maintained with Karur Vysya Bank, Habsiguda branch, Hyderabad - 500051 has been freezed by the said bank by way of blocking the account and all the transactions are restricted viz Debit.
5. The Learned Counsel for the Applicant Company further submits that there are 19 employees in the Company



and due to the order of the Respondent to struck off the name of CNS LABS PRIVATE LIMITED from the Register of Companies, their employment and livelihood is at risk now as their employment stand retrenched / vacated by the impugned order of the Respondent and they get unemployed and the Bankers, apart from the employees even their families are facing hardships. Therefore, there is urgency in this matter and requested the Tribunal to pass interim order permitting the RoC to accept filing of pending statutory filings.

6. Shri R.C. Misha, RoC, who is present today submit that he would file his final report on the impugned striking off of the Company in accordance with law. Further, this Tribunal can pass appropriate interim orders, pending report from RoC, subject to payment of required fees within the stipulated period.
7. I have considered the pleadings of both the parties and I am of the prima facie view that the Company is suffering a lot by virtue of impugned action taken by the RoC. In the interest of justice and in order to ease of doing business, it is necessary to pass interim orders.
8. In view of the above facts and circumstances of the case and in the interest of justice, while pending the main Company Appeal, we pass the following interim orders:
 - (a) Registrar of Companies is directed to activate the Corporate Identification Number of the M/s CNS Labs Private Limited and permit the Applicant Company to upload compliances on MCA Portal by paying necessary prescribed fees;
 - (b) Direct the Registrar of Companies to communicate to the Bank authorities of the Applicant Company about the action of the Registrar of Companies and also compliance of





the Applicant Company so as to facilitate the Bankers of the Applicant Company to unlock/de-freeze so that they may be able to pay salaries to the employees of the Company.

- (c) Directed Registrar of Companies to comply with interim order within 10 days from today.
- (d) Post the CA on 09.02.2018 with the direction to Registrar of Companies to file his report within three weeks.

sd/-
RAJESWARA RAO VITTANALA
MEMBER (JUDICIAL)

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

प्रमाणित प्रति
CERTIFIED TRUE COPY
केस संख्या
CASE NUMBER...CA No. 281/252/HDB/2017
निर्णय का तारीख
DATE OF JUDGEMENT...29.12.2017
प्रति तैयार किया गया तारीख
COPY MADE READY ON...5.1.2018