

IN THE NATIONAL COMPANY LAW TRIBUNAL
HYDERABAD BENCH
AT HYDERABD

CA No.118/252/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. Satyanaryana Chava, a shareholder of
M/s. HOME OFFICE ENTERPRISES PRIVATE LIMITED
Registered Office at Plot No.1128, 4th Floor,
Jubilee Hills Square, Road No.36,
Jubilee Hills, Hyderabad - 500 033.

...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 RajeswaraRao Vittanala, Member (Judicial)
Hon'ble Shir Ravikumar Duraisamy, Member (Technical)

Counsels / Parties Present

For the Applicant

: 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.118/252/HDB/2018 is filed by Mr. Satyanaryana Chava, a shareholder of M/s HOME OFFICE ENTERPRISES 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. HOME OFFICE ENTERPRISES 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 Bank Accounts (Axis Bank Current Account No.910010001153955) and 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.

(a) Mrs. C.Shilpa, the learned Counsel for the company has inter-alia submit M/s. HOME OFFICE ENTERPRISES PRIVATE LIMITED (hereinafter referred to as the Company) was incorporated under the Companies Act 2013, on 07th December 2011 as a Private Limited Company with the Registrar of Companies, Hyderabad. Its main object is to carry the business of manufacturing, trading, importing, exporting, dealing and to act as supplier, wholesalers and retailers of all types of construction and furnishing materials for any residential, office, commercial or other buildings etc.,



(b) Its Authorized share Capital is Rs.10,00,000/- (Rupees Ten Lakhs only) divided into 1,00,000/- (One Lakh Only) Equity shares of Rs.10/- each. The issued, Subscribed and paid-up share Capital of the Applicant is Rs.1,00,000/- (One Lakh only) divided into 10,000/- (Ten Thousand) Equity shares of Rs.10/- each. There are two Directors in the Company namely Mr.Satyanarayana Chava (DIN 03618616) and Mr.Arvind Kumar Rangana (DIN 03637128) all of them disqualified.

3. The company could not file its Annual Returns from the year 2012-13, 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.
4. 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.
5. 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.



6. 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.
7. Therefore, the following Interim Order is passed pending the main company application:
- The Registrar of Companies is directed to change the Status of M/s. HOME OFFICE ENTERPRISES PRIVATE LIMITED, from 'Strike Off' to Active (for e-filing) within 7 days from today;
 - Permitted the Company to upload its pending Annual Returns from the year 2012-13, 2013-14, 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;
 - The RoC is directed to intimate the banker of the Company about the change of the status of the Company from Strike off to active;
 - RoC is directed to file his report on the main Company petition within 4 weeks. Post the case on 23rd March 2018.



Sd/-
Ravi Kumar Duraisamy
Member (Technical)

Sd/-
Rajeshwara Rao Vittanala
Member (Judicial)

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

प्रमाणित प्रति
CERTIFIED TRUE COPY

केस संख्या
CASE NUMBER *CA No. 118/252/HDB/2018*
निर्णय का तारीख
DATE OF JUDGEMENT *9.2.2018*
प्रति तैयार किया गया तारीख
COPY MADE READY ON *22.2.2018*