

IN THE NATIONAL COMPANY LAW TRIBUNAL
HYDERABAD BENCH, HYDERABAD

CA No.269/252/HDB/2017

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

In the matter of

Mr.Vishnu Dutt Gupta,
Shareholder of Blue Sea Industries Private Limited,
Patwari Sadan, House No.16-2-705/1/7,
Professors' Colony, New Malakpet,
Hyderabad-500036.

... 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 Applicant : Ms. C.Shilpa, Advocate

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. 269/252/HDB/2017, is filed by Mr.Vishnu Dutt Gupta, a shareholder of Blue Sea Industries Private Limited, under Section 252 of the Companies Act, 2013 R/w Rule-87A of the National Company Law Tribunal



(Amendments) Rules 2017, by interalia seeking to direct the Respondent to place the Company and all other persons in the Applicant Company such as Directors, Shareholders, Employees and all other related to the Company, in the same position as if the name of the Company had not been struck off; to activate the status of the Applicant Company from "strike off" to "Active" (for e-filing), for uploading the compliance along with the prescribed fee on MCA portal, etc.

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

- (a) M/s Blue Sea Industries Private Limited (hereinafter referred to as the Applicant Company) was incorporated under the Companies Act, 1956 on 26.05.2013.
- (a) The main object of the Applicant Company is to carry on business of manufacturing, providing, dealing, importing, exporting wide variety of Products useful for Human life not restricted to high quality products, world class products, Environmental friendly products not limited to garments, textiles, handicrafts, leather goods, art goods, rubber goods, plastic products, chemicals, engineering products, electrical and electronic goods, computer hardware and software, telecommunication equipment, precious and semi-precious stones, sea foods, agri foods, packaged and canned food, biscuits, juices, beverages, commodities, agriculture, horticulture, etc .
- (b) Its Authorised share capital is Rs. 1,00,000/- divided into 10,000 Equity shares of Rs. 10/- each.

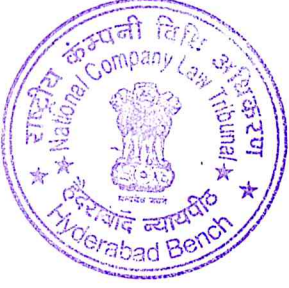




- (c) There are two shareholders Mr.Vishnu Dutt Gupta and Mr.Vineet Gupta having 49.99% & 0.01% shareholding respectively.
- (d) As on date there are two Directors in the Company and their DIN status are; one is active and other one is disqualified. It has neither business nor transactions and no Bank Account till August, 2016 due to some financial and personal reasons. The Company started its Business and opened Bank Account on September, 2016. So, till 2015 all Balance Sheets and ITR's are Nil with the Applicant Company. And it has filed its for the Assessment Year 2017-18.
3. The Applicant Company is carrying out its business successfully from September, 2016 in Compliance with the provisions of the Companies Act, 1956 as well as the provisions of Companies Act, 2013 whichever is in force at the relevant period. Heard Ms. C.Shilpa, Learned Counsel for the Applicant Company and Shri R.C. Mishra, Registrar of Companies.
4. Ms. C.Shilpa, Learned counsel for the Applicant Company submit that there is an urgency in this matter that due to this impugned 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 stated by RoC. By virtue of this impugned action, the following bank accounts of the Company have been freezed.
- a) Current A/c. No.1326102000003834 with IDBI Bank, at Dilsukhnagar Branch, Hyderabad.



- b) Current A/c No. 50200021579836 with HDFC Bank, at Dilsukhnagar Branch, Hyderabad.
5. The Learned Counsel for the Applicant Company further submits that there are 20 employees working in the Company and they are unable to pay their salaries because of the impugned action of the RoC and the Bankers, apart from the employees even their families are facing hardships. Therefore, there is an 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 and requested time for the same and in the meanwhile Tribunal can pass appropriate interim orders, 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, I pass the following interim orders:
- (a) Registrar of Companies is directed to change the status of the M/s Blue Sea Industries Private Limited from "Strike off" to active (for e-filing) 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 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)


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

प्रमाणित प्रति
CERTIFIED TRUE COPY
केस संख्या
CASE NUMBER. CA No. 269/252/HDB/2017
निर्णय का तारीख
DATE OF JUDGEMENT. 29.12.2017
प्रति तैयार किया गया तारीख
COPY MADE READY ON. 5.1.2018