

**IN THE NATIONAL COMPANY LAW TRIBUNAL
DIVISION BENCH, CHENNAI**

CP/172(252)/2017

Under Section 252 of the Companies Act, 2013

In the matter of

**M/s. D.D. HOSPITALS PRIVATE LIMITED
(CIN: U85110TN2009PTC073765)**

V/s

The Registrar of Companies, Chennai

Order delivered on: 28.12.2017

CORAM

**K. ANANTHA PADMANABHA SWAMY, MEMBER (J)
S. VIJAYARAGHAVAN, MEMBER (T)**

For Petitioner: *Shri. M Rathinakumar, PCS*

For Respondent: *Shri. B.Sarath Babu, Advocate*
For ROC, Chennai

ORDER

Per: K. ANANTHA PADMANABHA SWAMY, MEMBER (J)

1. This is an application No.172(252)/2017 filed under Section 252(1) of the Companies Act, 2013 (hereinafter called as the 'Act') filed by M/s. D D Hospitals Private Limited, seeking a direction to The Registrar of Companies, Chennai, (the RoC), to restore the Company in the Register of Companies.
2. Brief averments of the Petition are that the Company was incorporated on 03.12.2009 in the State of Tamilnadu and the Authorised Share Capital of the Company is Rs.10,00,00,000/- divided into 10,00,000 equity shares of

Rs.100/- each and the paid up capital of the Company is Rs.10,00,00,000/- divided into 10,00,000 equity shares of Rs.100/- each. The main objects of the Company are to establish, to take on lease, maintain and operate, Health city, Health Zone and General Hospitals for treatment for all types of diseases, both clinical and non-clinical, Super Speciality Hospitals, Multi-Speciality Hospitals, Higher Speciality Hospitals, Dispensaries, Clinical Laboratories, X-ray and Radiology Centres, Diagnostic Centres, Scanning Centres including MRI and CT Scans, Operation Theatres, Cancer Institute, Public Health Centres, Blood Banks, Eye Banks, Ophthalmology Centres, Investigation in the Medical Profession from First aid to Transplant Surgery and Research Centres and Innovative Programme to acquire and maintain fully or partly equipped ambulances. The Company had not filed the Balance Sheet and Annual Returns for the financial years 31.03.2013 to 31.3.2016. The company received a Show Cause Notice for non-filing of annual returns and financial statements. ROC, Chennai has struck off the name of the company w.e.f. 15.07.2017 as per the Public Notice No. ROC/CHN/STK-7/1/2017 of MCA in form STK-7 at S.No.7973. The Company is still carrying on its business and its activities and therefore the present Petition is filed for

restoration of the name of the company in the Register of Companies.

3. The petitioner submitted that non-filing of the balance sheet and annual returns from the financial year ending 31.03.2013 onwards is only due to inadvertence and as the person entrusted for filing annual accounts and annual returns has left the job and not coordinated with the professionals for completion of compliance of annual filing. The petitioner confirms the availability of all audited financial statements upto date and undertakes to update the filing of the pending annual returns and financial statements with the Register of Companies within such time as may be allowed. However, action under Section 248 of the Act was initiated by striking off the name of the Company by the Registrar of Companies and consequently the order of “struck off” was published in the Gazette of India dated 15th-21st July, 2017 in page No.14715 under S.No.7973.

4. The ROC who is Respondent herein has filed the Report wherein the details of the Company such as incorporation, address of the registered office and its main objects as per the Memorandum of Association are mentioned. While submitting the above facts, the ROC has stated that the application may be considered on merits and to direct the

applicant to file all pending financial statements and annual returns and pass orders imposing costs on the applicant. The RoC inter-alia mentioned in his Report that the Company be directed to file an undertaking stating that the accounts of the company was not used as means to transact tainted money during the period of demonetisation.

5. Heard. Perused pleadings and the documents filed in support of the contention of the both parties.


ORDER

1. Having satisfied with the reasons mentioned above, we are of the opinion that it would be just and proper to order **restoration of the name of the Company in the Register of Companies.**
2. The Company shall file all the pending financial statements and Annual Returns with RoC as per the Act and Rules made thereunder besides filing an Affidavit stating that the Company was not involved in money laundering activities during demonetization period or any unlawful activities during the relevant period.
3. Further the Applicant Company is directed to pay the cost **of Rs. 20,000/- (Rupees Twenty Thousand Only)** to the ROC while submitting the documents. This is for the

expenses incurred by ROC for publication in the Official Gazette and for other related expenses. Accordingly, the **application is allowed.**

4. The RoC is directed to restore the Company in the Register of Companies. The applicant is directed **to place this order with ROC within 30 days** from the date of receipt of this order.

5. Accordingly, the Company Petition No.168/(252)/2017 is stands **disposed of.**


(S. Vijayaraghavan)
Member (Technical)

TJS


(K. Anantha Padmanabha Swamy)
Member (Judicial)