

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

CA. No.95/252/HDB/2017
U/s 252 of Companies Act, 2013

In the matter of

MJM Industries Private Limited
Flat No. T201, II Floor
MCH No. 1-10-44/B Technopolis
Begumpet, Hyderabad

... Petitioner

Versus

The Registrar of Companies
2nd Floor, Corporate Bhawan
GSI Post, Near Indu Aranya
Thatti Annaram, Bandlaguda
Hyderabad - 500068

**CERTIFIED TO BE TRUE COPY
OF THE ORIGINAL**

...Respondents

Date of order: 19.09.2017

CORAM:

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

Parties / Counsel present

For the Petitioner : Shri K. Ch. Venkat Reddy, PCS

Per: Ravikumar Duraisamy, Member (Technical)

ORDER

1. The present Company Application bearing CA No.95/252/HDB/2017 is filed by MJM Industries Private Limited under Section 252 of the Companies Act, 2013, seeking appeal for Restoration of the 'Name of the Company in the Register of Companies' received on 28th August 2017.



2. Brief facts of the case are as under:-

- (a) MJM Industries Private Limited was incorporated as Private Limited Company under the Companies Act, 1956. Its Registered office is situated at Flat No. T201, II Floor, MCH No. 1-10-44/B Technopolis, Begumpet Hyderabad - 500016.
- (b) The Authorised share capital of the Company is Rs. 5,00,000/- divided into 50,000 equity shares of Rs. 10/- each. The current issued, subscribed and paid up capital of the Company is Rs. 5,00,000/- divided into 50,000 equity shares of Rs. 10/- each.
- (c) The main objects of the Company is to carry on the Business of Manufacturers, Assemblers, Dealers, Traders, Exporters and Importers, clearing and forwarding Agents, Wholesalers of all kinds and varieties of Industries used for production of all kinds and varieties of goods and commodities including Iron Boxes meant and used for pressing clothes by use of Liquefied Petroleum Gas as fuel.
- (d) The Company could not carry on the business due to some operational issues and did not even file RoC Annual filings within the stipulated time.
- (e) Now the Company has decided to go for regularising the Company by filing all necessary statutory documents with RoC, it came to their notice that the RoC has struck off the name of the company from the RoC and hence, filed this appeal to restore its status and then regularise the filings of the Company with RoC.

3. Heard Shri K. Ch. Venkat Reddy, Learned PCS for the Petitioner Company.
4. Upon perusal of the documents of Form No. NCLT 9 submitted by the Petitioner, they made an averment that the Registrar of Companies (RoC) has struck off the name of the Company



on 28.07.2017 without any prior notice. However, RoC vide Notice No. ROC (H)/248(5)/STK-7/2017 dated 21.07.2017 has observed that RoC issued notices in form No. STK-1 on various dates and notice in Form STK-5 on 05.05.2017 and published in Official Gazette on 27.05.2017 and 03.06.2017. Further stated that notice is hereby published that pursuant to Section 248 (5) of Companies Act, 2013 from 21.07.2017 the list of companies' names struck off are made available and the said companies are dissolved. The list of name includes the petitioner's company name i.e MJM Industries Private Limited.

5. In spite of the above facts available on record, the Petitioner Company has casually submitted that the RoC has struck off the name of the company on 28.07.2017 without any prior notice. In spite of publicising the information about the steps taken by the Government through various modes of communications including newspapers, notices from RoC, Gazette notification for striking off the names of Companies for various reasons, the Petitioner Company made such unwanted averments in the Petition which the Bench would like to view it very seriously.
6. From the records made available by the Learned Counsel for the Petitioner, no record in support of their prayer is submitted by the Learned Counsel for making an appeal to NCLT, when the company itself is dissolved.
7. In the light of above facts and circumstances of the case, the Bench has no other option but to reject the Appeal dated 14.07.2017 filed through CA 95/252/HDB/2017.

No order as to costs.



Sd/-
Ravikumar Duraisamy
Member (Technical)

Sd/-
Rajeswara Rao Vittanala
Member (Judicial)

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OF THE ORIGINAL

[Signature]
for Dy. Regr./Asst. Regr./Court Officer/
National Company Law Tribunal, Hyderabad Bench

[Signature]
प्रसंगित प्रति
CERTIFIED TRUE COPY

केस संख्या
CASE NUMBER CA No. 95/252/HDB/2017
निर्णय का तारीख
DATE OF JUDGEMENT 19.9.2017
प्रति तैयार किया गया तारीख
COPY MADE READY ON 22.9.2017