

IN THE NATIONAL COMPANY LAW TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

CA No.93/252/HDB/2017
U/s 252(3) of the
Companies Act, 2013

In the matter of:

V-Tech Projects (India) Private Limited
#2-40/3/A, Kamala Arcade, 2nd Floor
Besides Harsha Toyota Showroom
Kothaguda, Kondapur,
Hyderabad-500084, Telangana

.... Applicant

Versus

Registrar of Companies,
Andhra Pradesh and Telangana
2nd Floor, Corporate Bhavan,
Near Central Water Board,
GSI Post, Bandlaguda, Nagole,
Hyderabad- 500068, Telangana

CERTIFIED TO BE TRUE COPY
OF THE ORIGINAL

.... Respondent

Date of order:06.10.2017

CORAM:

Hon'ble Mr.Rajeswara Rao Vittalana, Member (Judicial)

Hon'ble Mr.Ravikumar Duraisamy, Member (Technical)

Parties/Counsels Present:

For the Applicant:

Shri Ashish Kumar Gagar
Advocate

Per: Rajeswara Rao Vittalana, Member (Judicial)



ORDER

1. The present Company Application bearing CA No.93/252/HDB/2017 is filed by V-Tech Projects (India) Private Limited (Applicant), under section 252 (3) of the Companies Act, 2013, seeking for restoration of the name of the applicant on file of the Register of Companies etc.
2. Brief facts of the case, leading to filing of the present Company Petition, are as follows:
 - a) V-Tech Projects (India) Private Limited (Applicant) was incorporated under the Companies Act, 1956 on 21st February, 2013 as a Private Limited Company with the Registrar of Companies, Andhra Pradesh and Telangana. Its registered office is situated at #2-40/3/A, Kamala Arcade, 2nd Floor, Besides Harsha Toyota Showroom Kothaguda, Kondapur, Hyderabad-500084, Telangana.
 - b) The Authorized Share Capital of the Applicant is Rs.1,00,000/- (Rupees One Lakh Only) divided into 10,000 (Ten Thousand Only) equity shares of Rs.10/- (Rupees Ten Only) each. The issued, subscribed and paid-up share capital of the Applicant is Rs.1,00,000/- (Rupees One Lakh Only) divided into 10,000 (Ten Thousand Only) equity shares of Rs.10/- (Rupees Ten Only) each.
 - c) When the Company has not been carrying on any business or operation for a period of two immediately preceding financial years and has not made any application within such period for obtaining the status of dormant Company under



section 455, the Registrar of Companies, Andhra Pradesh and Telangana (Respondent), has issued notice dated 17.03.2017 in Form STK-1 to the applicant Company.

- d. On receipt of the notice, the Directors 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. It is contented that the Accounts Officer failed to file the same and the Directors were under the impression that the same have been filed.
- e. Further the applicant came to know that Registrar of Companies, Andhra Pradesh and Telangana i.e. the respondent herein, struck the Applicant's name off the Register vide Notice No.ROC(H)/248(5)/STK-7/2017 dated 21.07.2017.
- f. The applicant states that the Company has filed its financial statements and annual returns up to financial year ended 31st March, 2014. Further, the Company is continuously carrying on its business operations till date. The Form 23AC and 23ACA (Financial Statements) for the financial year ended 31st March, 2013 was filed vide SRN No. Q55107494 dated 30.01.2015 and Form 20B (Annual Return) for the financial year ended 31st March, 2013 was filed vide SRN No.Q55107361 dated 30.01.2015. Further, the Form 23AC and 23ACA (Financial Statements) for the financial year ended 31st March, 2014 was filed vide SRN No.Q55109946 dated 31.01.2015 and Form 20B (Annual Return) for the financial year ended



31st March, 2014 was filed vide SRN No.Q55107858 dated 30.01.2015.

- g. The applicant further states that the Company for the financial year ended 31st March, 2015 has a revenue from operation of Rs.5,88,578/- (Rupees Five Lakhs Eighty Eight Thousand Five Hundred and Seventy Eight Only). However, due to paucity of funds, the applicant did not carry out any business during the financial year ended 31st March, 2016. The applicant has commenced operations again in the financial year 2016-2017 onwards.
- h. The Applicant further states that it has also held its Annual General Meeting (AGM) for the financial year ended 31st March 2015 and 31st March 2016. The AGM for financial year ended 31st March 2015 was held on 30th September 2015 and for financial year ended 31st March 2016 was held on 30th September 2016.
- i. The applicant further states that none of the Creditors/Shareholders or any person at large 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 (Respondent).
- j. The applicant further states that upon granting of the prayer stated in the company application, the applicant shall complete all its pending statutory filings within three months of the name being restored in the register of Company, maintained by



the Registrar of Companies, Andhra Pradesh and Telangana (Respondent).

k. In view of the above stated facts, since the Company is carrying business operations, this application has been filed under section 252(3) of the Companies Act, 2013, seeking restoration of the name of the applicant to the Register of Companies maintained by the Registrar of Companies, Andhra Pradesh and Telangana (Respondent).

l. It is also stated that the present application is within the limitation period stipulated by section 252(3) of the Companies Act 2013, i.e. 20 years from the date of publication of the notice in the Official Gazette.

3. The case is listed for hearing on admission on various dates viz. 06.09.2017, 13.09.2017, 03.10.2017 and 06.10.2017.
4. Heard Shri Ashish Kumar Gaggar, Learned Counsel for the Applicant Company at length. When the case was listed today, the Learned Counsel for the Applicant submitted a memo dated 06.10.2017 which reads as under:-

“It is humbly submitted that the Applicant/Petitioner has filed the above Company Application under section 252 of the Companies Act, 2013 aggrieved by the notice No. ROC(H)/248(5)/STK-7/2017 dated 21.07.2017 issued U/s 248(5) of the Companies Act, 2013 by the Registrar of Companies at Hyderabad for the State of Andhra Pradesh and Telangana. The matter is listed for hearing today, 06.10.2017.

As there are some inadvertent errors in pleadings, it is humbly prayed that this Hon’ble Tribunal may permit the Applicant/Petitioner to withdraw the above C.A with



liberty to file afresh with appropriate pleadings, in the interest of justice”.

5. The Learned Counsel wanted to withdraw the Company Application with a liberty to file a fresh application in accordance with law.
6. In view of the submissions made above, the Company Application bearing CA No. 93/252/HDB/2017 is disposed of as withdrawn, by reserving right to the Applicant to file a fresh case, in accordance with law, for the same cause of action.

6. No order as to costs.

Sdt

RAVIKUMAR DURAISAMY
MEMBER (TECHNICAL)

Sdt

RAJESWARA RAO VITTANALA
MEMBER (JUDICIAL)

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OF THE ORIGINAL

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

प्रमाणित प्रति
CERTIFIED TRUE COPY
केस संख्या
CASE NUMBER *CA No. 93/252/HDB/2017*
निर्णय का तारीख
DATE OF JUDGEMENT *6.10.2017*
प्रति तैयार किया गया तारीख
COPY MADE READY ON *25.10.2017*