

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

CA No.62/252/HDB/2017
U/s 252 of the Companies Act, 2013

In the matter of

SSPDL Infrastructure Developers Private Limited,
Registered office at 8-2-595/3/6, Eden Gardens,
Road No.10, Banjara Hills, Hyderabad – 500034,
Telangana.

...Applicant

Versus

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OF THE ORIGINAL

Registrar of Companies, Hyderabad,
For Andhra Pradesh and Telangana
2nd Floor, Corporate Bhawan, GSI Post
Near Indu Aranya, Thatte annaram,
Nagole, Bandlaguda,
Hyderabad – 500068,
Telangana.

...Respondent

Order Pronounced on: 13.11.2017

CORAM

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

Parties / Counsel present

For the Applicant	:	Shri M. Rathna Kumar (PCS)
For the ROC	:	Shri B. Appa Rao, CGSC



Per: Ravikumar Duraisamy, Member (Technical)

ORDER

1. The Present Company Application bearing CA. No. 62/252/HDB/2017, is filed by SSPDL Infrastructure Developers Private Limited under section 252 of the Companies Act, 2013, on 07.08.2017, by inter-alia, seeking following reliefs:
 - a. The name of the Company namely SSPDL Infrastructure Developers Private Limited be restored to the file and/or Register of the Registrar of Companies.
 - b. The respondent to be directed to rectify the master data by modifying the status from strike off to Active within the specific time.
 - c. An order to be passed for directing the Respondent to place the name of the Company in the same position as if the name of the Company had not been struck off.
 - d. Directing the applicant to file the pending financial statements and annual returns with respondent and comply with the requirements of the Companies Act, 1956 as well as Companies Act 2013 and rules made thereunder.



Brief facts mentioned in Application:

- i. The Applicant Company was incorporated on 17.02.2007 in the state of Telangana. The authorized, issued, subscribed and paid up capital of the Company as on 31.03.2015 is as follows:

SL NO	Particulars	Equity Shares	Amount
1.	Authorized Share Capital	20,00,000 Shares @ Rs.10/- each	Rs.2,00,00,000/-

2.	Issued, subscribed and paid-up share capital	13,50,856 Shares @ Rs. 10/- each	1,35,08,560/-
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- ii. The main objects for which the company was incorporated, as given in the Memorandum of Association are as under:

To carry on the business of builders, property developers, real estate developers, infrastructure developers and general construction contractors and to construct, develop and turn any land acquired or belonging to Company.

To carry on the business of Real estate developers, promoters, builders, colonizers, collaborators, and to act as civil Engineer, architectural Engineer, interior decorators, consultant, advisor, valuers, surveyors, construction engineers, consultants, real estate agents, brokers, supervisor, contractor, sub-contractors, turnkey contractor and manager of all types of constructions and developmental work etc.

2. That the Applicant Company has filed Annual Accounts and Annual Return till the financial year 2014-2015 with the Registrar of Companies, Hyderabad. However, the Company inadvertently did not file the Annual Accounts for the financial year ended 2016 as per the provision of the Companies Act, 2013.
3. It is submitted by the Applicant Company that as they have not filed the Annual Accounts and Annual Return for the Financial Years 2015-16 so, the ROC, Hyderabad has removed the Name of the Company by giving Public Notice Under section 248 of Companies Act, 2013. The Applicant came to know about the



same when the applicant Company attempted for filing of Annual Accounts and for the Financial Year 2016.

4. The Company was in the process of filing the Annual Accounts for the Financial Year ended 2016, but the Company has been struck off from the Register of the Registrar of Companies U/s 248 of the Companies Act, 2013.
5. Thus this Company Application is filed by the Applicant seeking Admission/ permission that the Shareholders and Directors will immediately file the pending compliances within the time prescribed by the Registrar of Companies and needs to restore the Company to continue and carry on its business.
6. During the hearing held on 21.08.2017, the Ld. Counsel for the Applicant was directed to serve copy of the Petition along with material papers and intimate the next date of hearing of ROC. It was directed to ROC to furnish its Report positively well before the next date of hearing. The Office has raised some objections and the Ld. Counsel was directed to comply with those objections well before the next date of hearing. The case was posted on 15.09.2017.
 - a. That ROC vide its letter No: ROCH/LEGAL/SEC252/-/052815/SSPDL/STACK/2017/1284 dated 14.09.2017 has filed its Report reiterating the averments made in the application and submitted that the Company shall be directed to file all pending returns, namely Annual Returns/ Balance Sheet with fees and additional fees as prescribed under the provisions of the Companies Act, 2013.
 - b. The Company did not file the Annual Accounts and Annual Returns consecutively for the two Financial Years 2014-15 and 2015-16 hence the company was identified for strike off U/s 248(1) and notice was issued and also STK5 notice dated



05.05.2017 was issued and published in the Gazette and there after company was marked strike off in MCA portal. Company has filed Annual Return and Balance Sheet for the year 2014-15 on 04.07.2017, hence this office has not taken further steps to issue STK7 final notice u/s 248(5) of Companies Act, 2013 for strike off. In view of the above facts and circumstances company is seeking to revive the Company from strike off and change the status of the Company in MCA portal as active Company.

- c. It is further submitted by ROC that the Applicant may also be directed to ensure Statutory Compliance of applicable provisions of the Companies Act, 2013 without any delay in future.

7. Written submission was filed by the Ld. Counsel for Applicant mentioning Citations in support of his pleadings, they are as follows:

i. Case Law No.1:

In the matter of CP No. 561 of 2016

M/s Hamilton Estate Private Limited

Versus

The Registrar of Companies

The NCLT, New Delhi Bench on 19th April 2017, decided for the revival of the Company;

ii. Case Law No. 2:

In the matter of: INTEC Corporation Private Limited

VERSUS

Registrar of Companies, NCT of Delhi and Haryana,



High Court of Delhi at New Delhi (Judgment Dated 21.12.2016) decided for the revival of the Company.

Shri M. Rathna Kumar (PCS) the Ld. Counsel for the Applicant humbly submit that both case laws may be considered for Restoring and Revival of the Company subject to absolute discretion.

8. During the hearing held on 15.09.2017 the Applicant was directed to file all the pending returns namely Annual Returns/ Balance Sheet with additional fees as prescribed in the provisions of Companies Act 2013 and also the Applicant may be directed to ensure all statutory compliances of the provisions of the Companies Act without any delay in future. The case was posted on 10.10.2017



During the hearing held on 10.10.2017 it was submitted by Shri. Rathna Kumar, (PCS) the Ld. Counsel for the Applicant that he has already complied with all the objections raised by the ROC and filed required documents with ROC.

10. We have carefully perused all the facts and circumstances and ROC Report of the present Application bearing CA No. 62/252/HDB/2017 and we are of the considered view that it would be just and proper to order restoration of the name of the Applicant Company in the Register of Companies maintained by the Respondent.
11. The Applicant Company has filed Annual Return and Balance Sheet for Financial Year 2014-15 on 04.07.2017 by paying fees/ additional fees.

12. In view of the above background the Application bearing CA No. 62/252/HDB/2017 is allowed subject to:

- Completion of all formalities including payment of late fee or any other charges which can be levied by the Respondent for the late deposit of statutory documents.
- Payment of costs of Rs. 1,00,000/- (One Lakh) to "Prime Minister's Relief Fund" within 2 weeks from the date of receipt of copy of this Order.
- The Applicant Company shall file an affidavit confirming Non receipt/ deposit of any huge amount of cash in violation of Income tax Act/Rules, or any other Applicable Banking Rules and Regulations, post Demonetisation.
- The name of the Applicant Company, shall stand restored to the Register of ROC as if the name of the Company had not been struck off in accordance with Section 252 of the Companies Act, 2013.



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Liberty is granted to the ROC to proceed with penal action against the Applicant, if so advised, on account of the Applicant's alleged defaults in compliance with any other provisions of the Companies Act, 2013.

Sd/-
RAVIKUMAR DURAISAMY
MEMBER (TECHNICAL)

Sd/-
RAJESWARA RAO VITTANALA
MEMBER (JUDICIAL)

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

प्रमाणित प्रति
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केस संख्या
CASE NUMBER CA No. 62/252/HDB/2017
निर्णय का तारीख
DATE OF JUDGEMENT 13.11.2017
प्रति तैयार किया गया तारीख
COPY MADE READY ON 13.11.2017