

IN THE NATIONAL COMPANY LAW TRIBUNAL
HYDERABAD BENCH, HYDERABAD

CA No.73/252/HDB/2017
U/s 252 of the Companies Act, 2013

In the matter of

Sri Balaji Hollow Bricks & FRC Covers Private Limited,
R.O at S Y No. 384, D No. 3-5-107,
OPP: Star Hotel,
Near RTA Office, Pillar No. 144,
Hyderguda X Road,
Hyderabad- 500048,
Telangana.

CERTIFIED TO BE TRUE COPY
OF THE ORIGINAL

...Applicant

Versus

Registrar of Companies, Hyderabad
For Andhra Pradesh and Telangana
2nd Floor, Corporate Bhawan, GSI Post
Nagole, Bandlaguda,
Hyderabad - 500068,
Telangana.

...Respondent

Order pronounced on: 16.10.2017

CORAM

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

Parties / Counsel present

For the Applicant : Dr. S. V. Rama Krishna along with
Shri Ch. K. Venkat Reddy (PCS)

For ROC & RD : Shri B. Appa Rao

For: Ravikumar Duraisamy, Member (Technical)



ORDER

1. The Present Company Application bearing CA. No. 73/252/HDB/2017, is filed by Sri Balaji Hollow Bricks & FRC Covers Private Limited under section 252 of the Companies Act, 2013, by inter-alia, seeking to restore the name of the company in the Register of Companies and further grant time for filing closure of the Company in Form STK-2 along with requisite attachments and permit the Applicant Company to comply with the provisions of Companies Act, 2013.

Brief facts mentioned in Application:

- i. The Applicant Company was incorporated in Hyderabad on 26.02.2010. The Authorized share capital of the company 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 current issued, subscribed and paid up capital of the company 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.
- ii. The main objects for which the company was incorporated, as given in the Memorandum of Association are as under:
 - a. To carry on in India or elsewhere the business to manufacture, produce, process, repairs, press, mould, convert, design, develop, draw, tescour, import, buy, sell, manipulate, retread, disinfect, cut to size, transport or to act as agent, broker, franchiser, stockiest, distributor, advisor, consultant, marketing agent, sales promoter or otherwise to deal in all sorts and varieties of Hollow Bricks and FRC Covers, reinforce concrete Hollow Bricks, marbles, all types of cement works in all its branches such as heavy bricks, RCC Manhole Chambers and solid, cement RCC pipes nylon pipes,



- iii. It is submitted by Applicant Company that due to some operational issues and financial crises, the Applicant company couldn't continue its business so effectively, however, recently the Company has received new projects and wished to continue the business of the company and was in the process of the same. But the Registrar of Companies has strike off the Company on 28th June, 2017 without any prior notice.
- iv. Thus this Company Application is filed by the Applicant with the intention to get the Name of the Company restored in the Register of Companies by following required procedure under Companies Act, 2013.
- v. The Applicant Company passed Board Resolution dated 17.07.2017 to make an application for restoration of name before Hon'ble National Company Law Tribunal (NCLT) and authorised Managing Director of the Company to take necessary steps in this regard.



2. The case was first listed on 31.08.2017 for admission, and the Ld. Counsel Shri Ch. K. Venkat Reddy (PCS) for Petitioner was heard. The Registry raised certain objections and the Ld. Counsel for the Petitioner submitted that he would comply with all objections. He was also directed to take personal notice to ROC and submit proof of the same and the case was posted on 27.09. 2017.
3. On the date of hearing on 27. 09. 2017. The ROC addressed a letter dated 26. 09. 2017 by stating that the Applicant be directed to submit last 2 years audited Balance Sheet along with fee to verify the affairs of the Company. The Ld. Counsel for the Petitioner submits that he would submit the same immediately. ROC was also directed to submit its report in accordance with prescribed rules. Case was posted on 16.10.2017.
4. However, on 03.10.2017 the Applicant Company filed a memo under Section 252 of the Companies Act, 2013 and humbly prayed this Hon'ble Tribunal to permit the Applicant to

Hollow Bricks & FRC Covers Private Limited as there are some inadvertent errors in pleadings.

5. On 16.10.2017, the Ld. Counsel Dr.S.V.Rama Krishna and Shri. Ch.K.Venkat Reddy (PCS) submitted that they are withdrawing the Petition to rectify the defects. The Memo stated:

“It is humbly submitted that the Applicant/ Petitioner has filed the above Company Application u/s 252 of the Companies Act, 2013 aggrieved by the Notice No. (H)/248(5)/STK-7/ 2017 dated the 21st July, 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 was listed for hearing on 27th September, 2017. As there are some inadvertent errors in pleadings, it is very humbly prayed that this Hon’ble Tribunal may permit the Applicant to withdraw the above CA with liberty to file afresh with appropriate pleadings, in the interest of justice.”

6. In the facts and circumstances of the case and in view of the aforesaid memo filed by the Ld. Counsel for the Applicant Company, the Applicant Company is permitted to withdraw the Company Application bearing CA No.73/252/HDB/2017, with a liberty to the Applicant to file a fresh Company application in accordance with law after complying with all the provisions of the Companies Act, 2013 and the objections raised by the Registry.

7. No order as to costs.

Sd/-

RAVIKUMAR DURAISAMY
MEMBER (TECHNICAL)

Sd/-

RAJESWARA RAO VITTANALA
MEMBER (JUDICIAL)

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OF THE ORIGINAL

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

प्रमाणित प्रति
CERTIFIED TRUE COPY
केस संख्या
CASE NUMBER CA No. 73/252/HDB/2017
निर्णय का तारीख
DATE OF JUDGEMENT 16.10.2017
प्रति तैयार किया गया तारीख
COPY MADE READY ON 24.11.2017