

IN THE NATIONAL COMPANY LAW TRIBUNAL  
HYDERABAD BENCH, HYDERABAD

CA No.96/252/HDB/2017  
U/s 252 of the Companies Act, 2013

In the matter of

Coastal Granites Private Limited,  
R.O at 45-1-146, K.P.Road, Ongole,  
Andhra Pradesh, 523001

CERTIFIED TO BE TRUE COPY  
OF THE ORIGINAL

... Applicant

Versus

Registrar of Companies, Hyderabad  
For Andhra Pradesh and Telangana  
2<sup>nd</sup> 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 the ROC and RD : Shri B. Appa Rao

Per: Ravikumar Duraisamy, Member (Technical)



## ORDER

1. The Present Company Application bearing CA. No. 96/252/HDB/2017, is filed by Coastal Granites 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 of 60 days 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 Ongole on 12.09.2011. 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 the business of granites, minerals, metals, metal ores including that of iron ore, other metal ore, chemicals and stones including that of limestone, both chemicals grade and other, to dig quarries using sophisticated machinery, to acquire, develop, maintain mines, mining rights whether own or on lease in India or abroad and also to carry on the business of refining, processing, preparing, raising, acquiring etc..
- iii. It is submitted by Applicant Company that due to some operational issues and financial crises. the Applicant



company couldn't start its business since incorporation (12. 09.2011) and company did not even file ROC Annual Fillings within stipulated time. However, the Applicant Company has decided to close the Applicant Company by filing requisite Form STK- 2 along with necessary attachments and was in the process of same. But the Registrar of Companies has strike off the Company on 28<sup>th</sup> July, 2017.

- iv. Thus this Company Application is filed by the Applicant Company with the intention to get the Name of the Company restored in the Register of Companies in order to close the Company by following required procedure under Companies Act, 2013.
- v. The Applicant Company passed Board Resolution dated 29.08.2017 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 19.09.2017 for admission, and the Ld. Counsel Shri Ch. K. Venkat Reddy (PCS) for Petitioner was heard. At the request of the learned counsel, case was posted on 27.09.2017 .
3. On 27. 09. 2017, the Ld. Counsel for Applicant Shri. Ch. K. Venkat Reddy (PCS) was heard. The ROC addressed a letter dated 26.09. 2017 by stating that the Applicant can 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 Applicant submits that he would submit the same immediately. ROC is directed to submit his report in accordance with prescribed rules. Case was posted on 16.10.2017.
4. However, on 03.10.2017 the Applicant filed a memo under Section 252 of the Companies Act, 2013 and humbly prayed this Hon'ble Tribunal to permit the Applicant to withdraw

Private Limited as there are some inadvertent errors in pleadings.

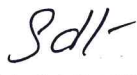
5. On last date of hearing held on 16.10.2017, the Ld. Counsel Dr. S.V. Rama Krishna and Shri. Ch. K. Venkat Reddy (PCS) submitted that they are withdrawing the Petition to rectify the defects. The Memo stated:

“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 21<sup>st</sup> 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 27<sup>th</sup> September, 2017. As there are some inadvertent errors in pleadings, it is very humbly prayed that this Hon’ble Tribunal may permit the Applicant/ Petitioner 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.96/252/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.

  
RAVIKUMAR DURAISAMY  
MEMBER (TECHNICAL)

  
RAJESWARA RAO VITTANALA  
MEMBER (JUDICIAL)

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OF THE ORIGINAL

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

प्रमाणित प्रति  
CERTIFIED TRUE COPY  
केस नंबर  
CA No. 96/252/HDB/2017  
निर्णय का तारीख  
DATE OF JUDGEMENT... 16.10.2017  
प्रति देवार किया गया तारीख