

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

CA No.97/252/HDB/2017  
U/s 252 of the Companies Act, 2013

In the matter of

Mahidhar Transports and Logistics Private Limited,  
R.O at D- No: 45/ 142B,  
Ozili Mandal Chillamanu Chenu,  
524402, Andhra Pradesh.

... Applicant

Versus

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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. 97/252/HDB/2017, is filed by Mahidhar Transports and Logistics 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 (sixty) days for filing all necessary returns with ROC till date and allow to make the Company comply with the provisions of Companies Act, 2013.

### Brief facts mentioned in Application:

- i. The Applicant Company was incorporated in Hyderabad on 30.04.2009. The Authorized share capital of the company is Rs. 50,00,000/- (Rupees Fifty Lakhs only) divided into 5,00,000/- (Five Lakhs Only) equity shares of Rs. 10/- (Rupees Ten Only) each. The current issued, subscribed and paid up capital of the company is Rs. 50,00,000/- (Rupees Fifty Lakhs only) divided into 5,00,000/- (Five Lakhs 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:

To carry on the business of Travel and tourist agents and contractors and to facilitate travelling and to provide for tourists and travellers and promote the provision of conveniences of all kinds in the way of through- tickets, returns tickets, etc..

- 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. However the Registrar of Companies has strike off the Company on 28<sup>th</sup> June, 2017. That company did not even file ROC Annual Fillings within stipulated time.

- 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 in order to carry on the business.
- v. The Applicant Company passed Board Resolution dated 28.08.2017 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 for Petitioner was heard. At the request of Counsel, the case was posted on 27. 09. 2017.
3. On the date of hearing on 27.09.2017, ROC addressed a letter dated 26.09.2017 by stating that the Petitioner can be directed to submit last 2 years audited Balance Sheet along with fee to verify the affairs of the Company. The Learned counsel for the Petitioner 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 Company filed a memo under Section 252 of the Companies Act, 2013 and humbly prayed this Hon'ble Tribunal to permit the Applicant to withdraw CA. No. 97/252/HDB/ 2017 in the matter of Mohidhar Transports and Logistics Private

Limited, as there are some inadvertent errors in pleadings.

5. That 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.”



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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.97/252/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.

प्रमाणित प्रति  
CERTIFIED TRUE COPY  
संख्या  
CASE NUMBER: CA No. 97/252/HDB  
तारीख का तारीख  
DATE OF JUDGEMENT: 16.10.2017  
प्रति रीकार किया गया तारीख  
COPY MADE READY ON: 24.11.2017  
By. Regr./Asst. Regr./Court Officer/  
National Company Law Tribunal, Hyderabad Bench

*Sd/-*  
RAVIKUMAR DURAISAMY  
MEMBER (TECHNICAL)

*Sd/-*  
RAJESWARA RAO VITTANALA  
MEMBER (JUDICIAL)