

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

CA No.113/252/HDB/2017

U/s 252 of the Companies Act, 2013

In the matter of:

Brown Consultancy Services Private Limited,
Registered office at 501 & 502, KTC Towers,
Plot No. 32 to 34 , Ghafoor Nagar,
Madhapur, Hyderabad – 500081,
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
Near Indu Aranya, Tattiannaram,
Nagole, Bandlaguda,
Hyderabad – 500068.
Telangana.

...Respondent

Order Pronounced on: 10.11.2017

CORAM

Hon'ble Shri Rajeswara Rao Vittalala, Member (Judicial)

Hon'ble Shri Ravikumar Duraisamy, Member (Technical)



Parties / Counsel present

For the Applicant : Ms. A. Padmasri (PCS)

Per: Ravikumar Duraisamy, Member (Technical)

ORDER

1. The Present Company Application bearing CA. No. 113/252/HDB/2017, is filed by Brown Consultancy Services Private Limited under section 252 of the Companies Act, 2013, on 04.09.2017 by inter-alia, seeking to restore the name of the company in the Register of Companies and to carry on the business.

Brief facts mentioned in Application:

2. The Applicant Company was incorporated as a Brown Consultancy Services Private Limited in the state of Telangana, on 14.12.2004 and later the name was changed to Brown Consultancy Services Limited on 24.10.2005. Again as Brown Consultancy Services Private Limited on 30.11.2015. The Authorized share capital of the Company is Rs.20,00,000/- (Rupees Twenty Lakh only) divided into 2,00,000/- (Two Lakhs only) Equity shares of Rs. 10/- (Rupees Ten only) each. The current issued, subscribed and paid-up capital of the Company is Rs. 6,90,000/- (Rupees Six Lakh Ninety Thousand only) divided into 69,000/- (Sixty Nine Thousand only) equity shares of Rs.10/- (Rupees Ten only) each.

3. 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 purchase and/ or sale of share, stocks, debentures, securities, and any other financial instruments including derivatives, commodity futures and options.



- b. To act as agents or distributors for life Insurance Corporation of India.
 - c. To act as agents or distributors for General Insurance companies in India.
 - d. To act as agents or distributors of RBI Bonds, Postal Scheme and other Fixed Income Schemes or Securities issued by State or Central bodies.
 - e. To act as consultants or advisors to deal, direct or undertake on behalf of a person or persons for managing shares, stocks debentures, debt instruments, mutual funds or any other securities for commission or fees.
4. The Company has filed its Income Tax Returns upto the year ended 31st March, 2016. The Audit for the financial year ended 31st March 2017 is in the progress. The Company did not file the Annual Accounts and Balance Sheet consecutively for 2014-15 and 2015-16 financial years.
5. The company carried on its business but due to some Operational Issues did not file ROC Annual Filings within Stipulated time, when the Company has decided to go for regularising the Company by filing all necessary ROC Filings, it was found that the Registrar of Companies has strike off the name of the Company from the Register of Companies and the Company has intended to restore its status and then regularise the Filings of the Company accordingly.
6. The case was first listed on 26.09.2017 and Ms. A. Padmasri (PCS) the Ld. Counsel for Applicant was heard and was directed to comply with objections raised by the registry. The Ld. PCS was also directed to serve a copy to ROC and the case was posted on 03.10.2017.
7. During the hearing held on 03.10.2017 the Ld. Counsel for the Applicant confirmed that the objections raised by the Registry were



complied and she was directed to approach ROC for revival of the name of the Company struck off by the ROC and to pay necessary fees as imposed by ROC. Upon receipt of report from ROC, the matter would be taken up by this Bench. Case was posted on 25.10.2017.

8. ROC vide its letter No: ROCH/LEGAL/SEC252/44865/SVSIL-/STACK/2017 dated 24.10.2017 has filed its Report reiterating the averments made in the Application and submitted that pursuant to interim orders passed by this Hon'ble Bench, this office has changed the status of Applicant to active and Applicant has filed all the due returns i.e. Annual Return and Balance Sheet up to financial year 2016-17 with fees and additional fees as prescribed under the section 403 of the Companies Act, 2013.
9. 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 default in future. The Application may be considered on merits.
10. We have heard Ms. A. Padmasri (PCS) the Ld. Counsel for the Applicant and We have carefully perused all the facts and ROC Report of the present Company Application bearing CA No. 113/252/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 Registrar of Companies maintained by the Respondent.
11. Accordingly, the Application bearing CA No. 113/252/HDB/2017 is allowed as the Applicant has filed all the due returns i.e. Annual Return and Balance Sheet up to Financial Year 2016-17 with fees/ additional fees with following directions:





- a. Subject to payment of costs of Rs. 1,00,000/- (One Lakh only) to "Prime Minister's Relief Fund" within 2 weeks from the date of receipt of copy of this Order.
- b. 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.
- c. 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.
- d. 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 DURASAMY
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 16/11/2017/HDB/2017
निर्णय का तारीख
DATE OF JUDGEMENT 10-11-2017
प्रति तैयार किया गया तारीख
COPY MADE READY ON 21-11-2017