

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

CA No.215/252/HDB/2017
U/s 252 of the Companies Act, 2013
Under Rule 87A NCLT Rules, 2016

In the matter of

Bodapati Control Systems Private Limited
Registered office at 8-3-167/D/75,
Kalyan Nagar, Hyderabad – 500 038
Telangana.

...Appellant

Versus

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

...Respondent

Order Pronounced on: 27.11.2017

CORAM

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

Hon'ble Shri Ravikumar Duraisamy, Member (Technical)

Parties / Counsel present

For the Appellant : Shri L. Dhananjay Reddy (PCS)

For the Respondent : None



Per: Ravikumar Duraisamy, Member (Technical)

ORDER

1. The Present Company Application bearing CA. No. 215/252/HDB/2017, is filed by Bodapati Control Systems Private Limited under section 252 of the Companies Act, 2013, on 01.11.2017 by inter-alia, praying that this Honourable Tribunal may graciously be pleased to direct the Registrar of Companies, Andhra Pradesh & Telangana, Respondent to restore the name of the Company on the register maintained by him, and the Tribunal may by the order, give such other directions and make such provisions as deemed just for placing the Company and all other persons in the same position as nearly may be as if the name of the Company had not been struck off from the Register of Companies.



Brief facts mentioned in Application:

2. The Appellant Company was incorporated as Bodapati Control Systems Private Limited in the state of Telangana, on 03.05.1984. The Authorized share capital of the Company is Rs.25,00,000 /- (Rupees Twenty Five Lakhs only) divided into 2,50,000/- (Two Lakh Fifty thousand) Equity shares of Rs. 10/- (Rupees Ten) each. The current issued, subscribed and paid-up capital of the Company is Rs.24,50,000 /- (Rupees Twenty Four Lakhs and Fifty Thousand only) divided into 2,45,000/- (Two Lakh Forty Five Thousand) Equity shares of Rs. 10/- (Rupees Ten) each.
3. The main objects for which the company was incorporated, as given in the Memorandum of Association are as under:

To carry on the business as research, design, manufacture, installation, maintenance, repairing, buying, selling, exporting, importing, agents and dealers of and in Electrical and Electronic

Industrial equipment, Instruments, Power, and Control Panels, Hydraulic and Pneumatic Equipment, Indicating, and Recording Instruments, for the use of Research, Industry, Educational Institutions, Offices, Operational Stations, Domestic users Etc.

4. The Registrar of Companies, Andhra Pradesh and Telangana i.e. Respondent herein, has struck off the Appellant Company's name from the Register U/s 248 of the Companies Act, 2013 due to defaults in statutory compliances, namely, failure to file Financial Statements & Annual Returns for the Period 2013-2014, 2014-2015 & 2015-2016. This caused hardship to the Company and the bank account has been freezed by banks and the Company is not able to pay the salaries to the employees and not able to pay to the suppliers and stakeholders and also not able to receive the amounts from customers due to the Company. The Board of Directors have become disqualified to act as Directors of the Company.

5. The Appellant states that the Appellant Company has been active since incorporation and has also been maintaining all the requisite documentation, as per the Provisions of the Companies Act 1956/ 2013. The Appellant Company has been filing the balance sheets with Income Tax department every year including the Financial Year 2016.

6. The Company being small Company has no full time Company Secretary nor Chartered Accountant to comply with all regular compliances under the Companies Act 1956/ 2013, due to lack of guidance the Company could not file the Balance Sheets and Annual Returns for the Financial Year 2014-2015 & 2015-2016. The management was under the impression that the auditor is taking care of the responsibility of filing income tax return and annual returns to the Registrar of Companies (ROC). It is further submitted that it was only in August 2017, when the Balance



Sheet as at 31.03.2017 and the Auditors Report in respect thereof was ready to be filed with the Respondent that the fact of non-filing of the returns and other documents with the Respondent, as well as the fact that the Appellant Company's name had been struck off from the Register maintained by the Respondent was known to the Appellant Company. It is also submitted that the present Application is within the limitation period stipulated by Section 252(3) of the Companies Act, 2013, i.e. 20 years.



7. The Appellant submits that in the event of revival of the Company and restoration of the name of the Company in the Register maintained by the Respondent, the Appellant Company shall file all outstanding statutory documents i.e. the Financial Statement and Annual Returns for the period 2015 and 2016 along with the filing fees and the additional fee, as applicable on the date of actual filing and the certified copy of order of the Tribunal for the restoration of the name of the Company to the Register maintained by the ROC.
8. The Appellant Company passed Board Resolution dated 19.10.2017 to make an application for restoration of name before Hon'ble National Company Law Tribunal (NCLT) and authorised Director of the Company to take necessary steps in this regard.
9. During the hearing held on 27.11.2017, The Ld. Council for the Appellant has requested for withdrawal of present Company Application and filed a memo stating:

“With reference to CA No. 215/252/HDB/2017 which was heard on even date i.e., 27/11/2017, we hereby withdraw the said Application and praying for necessary directions to file a fresh Application with necessary changes.”
10. In view of the aforesaid memo filed by the Appellant Company, the Appellant Company is permitted to withdraw the Company



Application bearing CA No. 215/252/HDB/2017, with a liberty to the Appellant to file a fresh Company Application in accordance with law after complying with all the provisions of the Companies Act, 2013.

11. No order as to costs.

Sd/-

RAVIKUMAR DURAISAMY
MEMBER (TECHNICAL)

Sd/-

RAJESWARA RAO VITTANALA
MEMBER (JUDICIAL)

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

प्रमाणित प्रति
CERTIFIED TRUE COPY

केस संख्या
CASE NUMBER CA No. 215/252/HDB/2017
निर्णय का तारीख
DATE OF JUDGEMENT 27-11-2017
प्रति तैयार किया गया तारीख
COPY MADE READY ON 16-1-2018