

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

CA No. 246/252/HDB/2017

U/s 252 of the Companies Act, 2013  
R/w NCLT Rules 2016 and  
R/w Rule 87A of NCLT (Amendment) Rules, 2016

**In the matter of:**

1. Venkata Ravindra Yenigalla  
S/o. Purnachandra Rao Yenigalla  
Aged about 55 years,  
R/o. 5-9-8/94, Raghava Kalyan Estates,  
J.J. Nagar, Secunderabad – 500087.
2. M/s. Novus Green Energy Systems Private Limited  
Regd. Office: Suite 1,  
2nd Floor, Siddhi #100, P&T Colony,  
Tirumalagherry, Secunderabad -500015,  
Telangana.

...Appellants



**Verses**

1. Fortis Infra Projects Private Limited  
at Suit 1, 2nd Floor, "Siddhi", # 100,  
P & T Colony, Tirumalagherry,  
Secunderabad – 500015,  
Telangana.
2. Registrar of Companies, Hyderabad,  
For Andhra Pradesh and Telangana  
2<sup>nd</sup> Floor, Corporate Bhawan, GSI Post  
Nagole, Bandlaguda,  
Hyderabad – 500068  
Telangana.

...Respondents

**Order Pronounced on: 13.12.2017**

**CORAM:**

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

**Parties / Counsel present**

For the Appellant : Shri V. Venkata Rami Reddy, Adv.

For the Respondent : None

**Per: Ravikumar Duraisamy, Member (Technical)**

**ORDER**

1. The Present Company Application bearing CA No. 246/252/HDB/2017, is filed by Venkata Ravindra Yenigalla and Novus Green Energy Systems Private Limited U/s 252 of Companies Act, 2013, read with NCLT Rules, 2016 and Rule 87A of NCLT (Amendment) Rules, 2017 on 03.11.2017, by inter-alia, seeking following relief:

- a) To set aside the order of the 2<sup>nd</sup> Respondent with regard to striking off the name of the 1<sup>st</sup> Respondent Company from the register of companies.
- b) To pass an order for restoration of the name of the 1<sup>st</sup> Respondent Company in the Register of Companies maintained by the Registrar of Companies, Andhra Pradesh and Telangana.
- c) Direct the Registrar of Companies to place the 1<sup>st</sup> Respondent Company and all other persons in the 1<sup>st</sup> Respondent Company such as Shareholders, Employees and all other related to the Company are in the same position as nearly as may be as if the name of the Company had not been struck off from the Register of Companies.
- d) Order that the 1<sup>st</sup> Respondent Company shall deliver a certified copy of the order of this Tribunal to the Registrar of Companies (RoC) within 30 Days from the date of the order in physical form,
- e) Order that upon delivery of the physical form of the certified copy of the order of this Tribunal, the Registrar of Companies (RoC)



enables the 1<sup>st</sup> Respondent Company to deliver the order through electronic mode in the form of an attachment to INC-28 or with any other relevant form as prescribed by Ministry of Corporate Affairs.

- f) Order that upon such delivery, the Registrar of Companies (RoC) do, in his Official Name and Seal, publish the order in the Official Gazette enabling the 1<sup>st</sup> Respondent Company to be in the Register of Companies maintained by RoC.
- g) Allow the 1<sup>st</sup> Respondent Company to file pending Financial Statements and Annual Returns with RoC within 30 days, from the date of enabling the Company by RoC in his portal, to file such documents under e-filing with requisite fee and additional fee as prescribed under Section 403 of the Companies Act, 2013 read with Rule 12 of Companies (Regulation of offices and Fees) Rules, 2014, or on or before a date prescribed by the Hon'ble Tribunal.
- h) Order that upon delivery of the certified copy of the order of this Hon'ble Tribunal, the 2<sup>nd</sup> Respondent issue a letter/certificate in his official name and seal addressed to the RBI that the Company's name has been restored in the register of companies and the Bankers shall defreeze/activate the Bank Accounts of the Company.
- i) Order that the 2<sup>nd</sup> Respondent to allow the Promoter shareholders of the company to file an application in physical form with regard to appointment of directors in place of the disqualified directors and to have role check to enable the DINs of such Directors to be activated as soon as the name of 1<sup>st</sup> Respondent Company is restored in the register of companies.





**Brief facts mentioned in Application:**

2. The Appellant Company was incorporated on 17.02.2012 with RoC Hyderabad. The Authorized Share Capital of the Applicant is Rs.2,00,000/- (Rupees Two Lakhs Only) divided into 20,000 (Twenty Thousand) Equity Shares of Rs.10/- (Rupees Ten Only) each. The Issued, Subscribed and Paid-up Share Capital of the Company is Rs.2,00,000/- (Rupees Two Lakhs Only) divided into 20,000 (Twenty Thousand) 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:

To carry on business of real estate and for the purpose of buy, sell, take on lease, give on lease or on license, maintain, develop, demolish, alter, construct, build and turn to account and land or buildings owned or acquired or leased by the company and to enter into contracts, sub contracts and arrangements including the raising of finance from whatsoever sources and giving of loans and advances to give effect and implement the said objects etc.

4. The 1<sup>st</sup> Respondent Company is having 2 (Two) Shareholders as on the date of this Application. Both the Applicants are the promoter shareholders who are having 100% shareholding together. The list of present shareholding of the 1<sup>st</sup> Respondent Company is as under:

Sl. No	Name	No of Shares	% of holding
1	Venkata Ravindra Yanigalla	10,000	50%
2	Novus Green Energy Systems Private Limited	10,000	50%
<b>TOTAL</b>		20,000	100%



5. It is submitted that, the 1<sup>st</sup> Respondent Company has faced several teething problems since its incorporation as most of the real estate, infrastructure including civil, mechanical and electrical contracts under went with lot of competition. However during the 2<sup>nd</sup> half of the year 2017, the Company could get some contracts from some of the main contractors in the area of erection of electrical sub-station and construction of electric lines in Suryapet division of the state of Telangana from which terms of contract an amount of Rs. 14,52,98,315/- has been granted through Chief General Manager, Projects under LOA dated 01.04.2017 as a sub-contract. The act of RoC in striking off of the name of the company will cause irreparable loss to the 1<sup>st</sup> Respondent Company, its shareholders and stakeholders including the State which has granted contracts to the Company to complete the major projects in a time bound manner.
6. The 1<sup>st</sup> Respondent Company has filed its returns up to the financial year ended 31<sup>st</sup> March, 2013 with Registrar of Companies, Hyderabad. The Company has filed its Income Tax Returns for the Assessment Years 2014-15, 2015-16 and 2016-17. The Directors thought that they can file the Annual Returns and Financial Statements for the year 2013-14, 2014-15 and 2015-16 with additional fee as contemplated under Section 92, 137 read with Section 403 of the Companies Act, 2013 otherwise there is no intentional delay in such non-filing of returns.
7. It is submitted that the Company has held its Annual General Meetings for the Financial Years ended 31<sup>st</sup> March 2014, 31<sup>st</sup> March 2015 and 31<sup>st</sup> March 2016 on 30<sup>th</sup> September 2014, 30<sup>th</sup> September 2015 and on 30<sup>th</sup> September 2016 respectively.
8. The case was listed on 08.12.2017, heard Shri V. Venkata Rami Reddy the Ld. Counsel for Appellants and he requested time to file a memo to withdraw the Company Application.



9. On 11.12.2017, the Ld. Counsel for the Appellants has filed a memo seeking permission to withdraw the Company Application stating that:

“Pursuant to the instructions and an Affidavit dated 08.12.2017 received from the Applicant, Mr. Venkata Ravindra Yenigalla, this memo is filed with regard to the withdrawal of the Company Application filed before Hon’ble NCLT, Hyderabad Bench on 11.12.2017”.

10. In view of the aforesaid memo filed by the Appellants, the Appellants/Company is permitted to withdraw the Company Application bearing CA No. 246/252/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 Companies Act, 2013.

11. No order as to costs.

*Sd/-*

**RAVIKUMAR DURAISAMY**  
MEMBER (TECHNICAL)

*Sd/-*

**RAJESWARA RAO VITTANALA**  
MEMBER (JUDICIAL)

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

प्रमाणित प्रति  
**CERTIFIED TRUE COPY**  
केस संख्या  
CASE NUMBER *CA No. 246/252/HDB/2017*  
निर्णय का तारीख  
DATE OF JUDGEMENT *13.12.2017*  
प्रति तैयार किया गया तारीख  
COPY MADE READY ON *10.1.2018*