

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

C.A. No.8/252/HDB/2018
U/S 252 of the Companies Act, 2013.

In the matter of:

1. Boppana Shiva Kiran
S/o. Satyanarayana Murthy Boppana
Aged about 35 years,
R/o. Plot No.541, EC Nagar,
HCL Post, Cherlapalli,
Hyderabad – 500 051, Telangana.

2. Boppana Sai Kiran
S/o. Satyanarayana Murthy Boppana
Aged about 37 years,
R/o. Plot No.541, EC Nagar,
HCL Post, Cherlapalli,
Hyderabad – 500 051, Telangana.

.....Appellants

Versus

1. Haru Rensource Private Limited
Having its Registered Office at
41-1/5-15, 2nd Lane,
Gothami Nagar, Krishna Lanka,
Vijayawada, Andhra Pradesh – 520013.

2. Registrar of Companies,
Andhra Pradesh and Telangana,
2nd Floor, Corporate Bhawan,
GSI Post, Tattiannaram,
Nagole, Bandlaguda,
Hyderabad- 500 068, Telangana.

....Respondents

Date of Order : 05.01.2018

CORAM:

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

Parties / Counsels Present:

For the Appellant : Mr.Vasudeva Rao Devaki, PCS

For the Respondent : None appeared



Per: Ravikumar Duraisamy, Member (Technical)

ORDER

1. The present Company Application bearing No.8/252/HDB/2018 is filed by Boppana Shiva Kiran, authorised Shareholder/Member, Haru Rensource Private Limited under Section 252 of the Companies Act, 2013 r/w NCLT Rules, 2016 r/w Rule-87A of the NCLT (Amendment) Rules, 2017, by inter alia seeking following reliefs from Tribunal:

- a) to set aside the order of the Respondent No.2 with regard to striking off the name of the Respondent No.1 Company from the Register of Companies;
- b) to pass an order for restoration of the name of the Respondent No.1 Company in the Register of Companies maintained by the Registrar of Companies, AP & Telangana;
- c) direct the Registrar of Companies to place the Respondent No.1 Company and all other persons in the Respondent No.1 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 Respondent No.1 Company shall deliver a certified copy of the order of this Tribunal to the Registrar of Companies 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 enables the Respondent No.1 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;



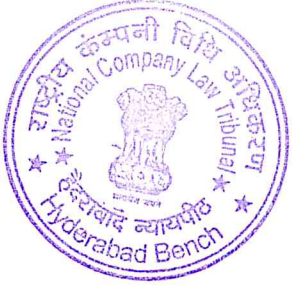
- f) order that upon such delivery, the Registrar of Companies do, in his Official Name and Seal, publish the order in the Official Gazette enabling the Respondent No.1 Company to be in the Register of Companies maintained by RoC;
- g) allow the Respondent No.1 Company to file the pending Financial Statements 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 (Registration Offices and Fees) Rules, 2014, or 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 Respondent No.2 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 and
- i) pass such other order or orders as deemed fit and proper in the circumstances of the case.

2. The Appellant No.1 submitted that pending disposal of the final prayers, the Tribunal may pass the following interim order:

“to pass an interim order to “unfreeze” the bank account of the Company to the extent to facilitate the company to honour payments to be made to the Telangana State Forest Development Corporation Limited, a Telangana State Government Company”

3. **Brief facts of the case are as follows:**

- a) The Respondent No.1 Company was incorporated on 07.12.2012 under the Companies Act, 1956 as a Private Company Limited by shares in the name and style as “Haru Rensource Private Limited” under Corporate Identity No.U40108AP2012PTC084700. Mr.Boppa Shiva Kiran is a Shareholder of Respondent No.1



Company and Mr.Boppana Sai Kiran is a Promoter shareholder of Respondent No.1 Company.

- b) The Company is established with main object to carry on the business on the Green energy / Non-conventional / Renewable sources of Energy and River Valley Projects, in India and abroad including planning, investigation, research, design and preparation of preliminary, feasibility and detailed of Project Report, EPC and Operation and Maintenance of such power stations and to generate, harness, develop, purchase, accumulate, trade, distribute and supply electricity by setting up generation through renewable energy sources such as power generation from poultry litter, biomass, solar, solar power, photo voltaic, wind, hydel, geo-hydel, tidal waves, municipal waste or through any other means and to supply such power either directly or through transmission lines or through such other means.
4. The Authorised Share Capital is Rs.1,00,000/- (Rupees One Lakh only) divided into 10,000 (Ten Thousand) Equity Shares of Rs.10/- (Rupees Ten) each. The present Subscribed and Paid-up Capital is Rs.1,00,000/- (Rupees One Lakh only) divided into 10,000 (Ten Thousand) Equity Shares of Rs.10/- (Rupees Ten) each.
 5. The Respondent No.1 Company submitted that the non-filing of Financial Statements with the Registrar of Companies is neither wilful nor intentional and the Company and its Members have due respect to the law of land and always adheres to the law and other compliances stipulated under that.
 6. The Respondent No.1 Company has conducted its Annual General Meetings for the Financial Years ended 31.03.2014, 31.03.2015 and 31.03.2016 on 30.09.2014, 30.09.2015 and 30.09.2016 respectively.
 7. The Respondent No.1 Company submitted that the revenue from operations for the Financial Year 2013-14 is Rs.12,40,060/-, for the F.Y. 2014-15 is Rs.17,27,804/- and for the year F.Y. 2015-16 is Rs.10,09,377/-



8. The Respondent No.1 Company is carrying on business since incorporation and also at the time of strike off with various other clients including Telangana State Forest Development Corporation Limited and has good probability of profits, benefiting the Company and its stakeholders and also the Government in the way of taxes and other benefits. The RoC action of striking off the name of the Company without following the mandatory procedure, the Respondent No.1 Company will suffer irreparable loss and damage.
9. The Respondent No.1 Company accepts default of compliances with RoC due to ignorance. The Respondent No.1 Company undertakes to ensure to file all the returns, statements and documents that are required under the Companies Act, 2013 within the prescribed time.
10. The Registrar of Companies in his Report ROCH/LEGAL/SEC 252/84700/HRPL/STACK/2018, dated 04.01.2018 has stated that Haru Rensource Private Limited was incorporated on 07.12.2012 with CIN U40108AP2012PTC084700 and submitted the application by praying to revival of Respondent No.1 Company u/s 252 of the Companies Act, 2013. The Respondent No.1 Company did not file and also failed to file the Annual Accounts and Annual Returns consecutively for Three Financial Years 2013-14, 2014-15 and 2015-16 and hence the Company was identified for strike off u/s 248(1) and a notice was issued to Company and its Directors u/s 248(1). STK-5 Notice dated 05-05-2017 was issued and published in the Gazette and a paper publication also issued informing all the stakeholders about notice published in MCA website and there after company was marked strike off in MCA portal. STK-7 Notice also published in the Gazette on 19-08-2017.
11. As per the report of RoC dated 04.01.2018, the Appellant Company's shareholding pattern and names of the Directors are as follows:

Sl.No.	Name of the Shareholders	No. of Shares
1	Mr.Sai Kiran Boppana	1000
2	Mr.Boppana Shiva Kiran	9000
TOTAL		10000



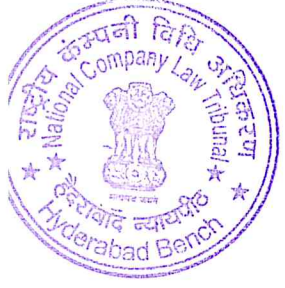
Sl.No.	Name of the Directors
1	Mr.Sai Kiran Boppana
2	Mr.Boppana Shiva Kiran

12. The RoC further submits that the Bench to direct the Appellants to file all the pending Returns viz Annual Returns / Balance Sheet with Fees & Additional fees as prescribed under the provisions of the Companies Act, 2013 and also the Appellants may be directed to ensure statutory compliance of applicable provisions of the Companies Act, 2013 without any delay in future and consider on merits and pass appropriate orders as deem fit and proper.

13. Heard Mr.Vasudeva Rao Devaki, Learned PCS for Appellant's Company.

14. In view of the above submissions, the Company is in operation and has been generating revenue from operations as stated supra, undertaking given by the Company, the Company Application bearing C.A.No.8/252/HDB/2017 is allowed subject to:

- a. Filing of all pending returns i.e. the Audited Balance Sheets and Annual Returns for Financial Years of 2013-14, 2014-15 and 2015-16 shall be filed within 4 weeks from the date of receipt copy of this order.
- b. The Appellants are directed to file all the returns due together with Fees and Additional fees and also ensure statutory compliance of applicable provisions of the Companies Act, 2013 and rules framed therein within the stipulated time in future.
- c. The Respondent No.1 Company to 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 & Regulations, Post demonization.
- d. The Appellants to submit a copy of this order to RoC, within 2 weeks from the date of receipt copy of this Order.





- e. The Respondent No.1 Company is directed to pay a sum of Rs.50,000/- towards cost to be payable in favour of "Pay & Accounts Officer, Ministry of Corporate Affairs, Chennai" by way of D.D. within 2 weeks from the date of receipt copy of this Order.
- f. The name of the Respondent No.1 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.
- g. Liberty is granted to the RoC to proceed with penal action against the Appellants, if so advised, on account of the Appellant's alleged defaults in compliance with any other provisions of the Companies Act, 2013.

Sdk
RAVIKUMAR DURAISAMY
MEMBER (TECHNICAL)

Sd/-
RAJESWARA RAO VITTANALA
MEMBER (JUDICIAL)

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

प्रमाणित प्रति
CERTIFIED TRUE COPY
केस संख्या
CASE NUMBER *C.A.No. 8/252/HDB/2018*
निर्णय का तारीख
DATE OF JUDGEMENT *5.1.2018*
प्रति तैयार किया गया तारीख
COPY MADE READY ON *16.1.2018*