

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

C.A. No.7/252/HDB/2018
U/S 252 of the Companies Act, 2013.

In the matter of:

Varang Information Technologies Private Limited
Having its Registered Office at
Flat No.29, Anmol Mansion,
Moti Nagar, Hyderabad – 500 018.

.....Appellant

Versus

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

....Respondent

Date of Order : 05.01.2018

CORAM:

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

Parties / Counsels Present:

For the Appellant : Mr.M.B.Suneel, PCS

For the Respondent : None appeared

Per: Ravikumar Duraisamy, Member (Technical)

ORDER

1. The present Company Application bearing No.7/252/HDB/2018 is filed by Varang Information Technologies 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) direct the Respondent to restore the name of the Company in the Register of Companies under Section 252(3) of the Companies Act, 2013;
- b) direct the Appellant to deliver a copy of the order of this Hon'ble NCLT within 30 days from the date of receipt of the order as required under rule 87A(3)(a);
- c) direct the Respondent to publish the order of this Hon'ble NCLT in the Official Gazette as required under rule 87A(3)(b);
- d) grant time of 30 days from the date of restoration of the Appellant Company to file the pending Financial Statements and Annual Returns
- e) any other consequential, incidental or other order(s) as this Hon'ble Regional Director / Tribunal may deem fit.



2. The Appellant Company has filed Interlocutory Application bearing C.A.No.2 of 2018 in C.A.No.7/252/HDB/2017 on 07.12.2017 praying for the following reliefs in addition to the reliefs sought in original Company Application:

- a) That the disqualification attached with DIN of any one of the Directors of the Company be removed and the corresponding DIN be activated;
- b) That the Registrar of Companies, Andhra Pradesh and Telangana be directed to activate the DIN and permit the Company to enable the filing of Balance Sheets and Annual Returns with the Registrar of Companies by uploading the same on the Portal of Ministry of Corporate Affairs (MCA)
- c) to pass such other order or orders as this Hon'ble Tribunal deems fit in the circumstances of the case.

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

- a) The Appellant Company was incorporated on 16.06.2011 under the Companies Act, 1956 under Corporate Identity No. U72200TG2011PTC075013. The Company is having Two

Directors namely Mr.Rangarao Venkata Subrahmanya Kuntamukkala and Mr. Pradeep Venkata Satya Kuntamukkala.

b) The Company is established with main object to carry on the business of

- i) Software Design, Customization, Development;
- ii) Web Designing, web enabled services to act as Content Developers and Providers, Information Technology enabled services,
- iii) Buying, selling, dealing, importing software which includes marketing
- iv) all sorts of communications such as Mobile Development, Internet Communications, Computer Communications etc.



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 Issued, Subscribed and Paid-up 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.
5. The Appellant Company submitted that the revenue from operations for the year ended 31.03.2016 stands at Rs.21,01,651/- and for the year ended 31.03.2017 stands at Rs.23,65,551/- as per the Audited Balance Sheets of the Company. The company is regular in filing the Income Tax Returns with the IT Department.
6. The Appellant Company submitted that the non-filing of Balance Sheets and Annual Returns with the Registrar of Companies was not intentional and purely due to oversight. The non-filing of the said documents does not result any prejudice to the public at large.
7. The Appellant Company is genuinely doing business entity in the field of software development and also further submitted that there is no intention on the part of the company to close or cease its business operations.

8. The Appellant Company accepts default of compliances with RoC due to ignorance. The Appellant Company undertakes to ensure to file all the returns, statements and documents that are required under the Companies Act, 2013 within the prescribed time.
9. The Appellant Company confirmed that the company has not deposited or received any cash during the period of demonetisation.
10. The Registrar of Companies in his Report ROCH/LEGAL/SEC 252/75013/Varang/STACK/2017/2710, dated 01.12.2017 has stated that Varang Information Technologies Private Limited was incorporated on 16.06.2011 with CIN U72200TG2011PTC075013. The Appellant 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 01.12.2017, 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.Rangarao Venkata Subrahmanya Kuntamukkala	5000
2	Mr. Pradeep Venkata Satya Kuntamukkala	5000
TOTAL		10000

Sl.No.	Name of the Directors
1	Mr.Rangarao Venkata Subrahmanya Kuntamukkala
2	Mr. Pradeep Venkata Satya Kuntamukkala

12. The RoC further submits the Bench to direct the Appellant 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 Appellant 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.M.B.Suneel, Learned PCS for Appellant Company submitted that the Company has filed Returns with the IT Department but due to lack of professional advice they could not file Annual Returns and Audited Balance Sheets with the RoC.

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.7/252/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 30 days from the date of receipt copy of this order.
- b. The Appellant is 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 Appellant to submit a copy of this order to RoC, within 2 weeks from the date of receipt copy of this Order.
- d. The Appellant 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.





- e. The name of the Appellant 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.
- f. Liberty is granted to the RoC to proceed with penal action against the Appellant, if so advised, on account of the Appellant's alleged defaults in compliance with any other provisions of the Companies Act, 2013.

Sd/-
RAVIKUMAR DURAISAMY
MEMBER (TECHNICAL)

Sd/-
RAJESWARA RAO VITTANALA
MEMBER (JUDICIAL)

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

प्रमाणित प्रति
CERTIFIED TRUE COPY
केस संख्या
CASE NUMBER *CA No. 7/2018/HDB/2018*
निर्णय का तारीख
DATE OF JUDGEMENT *5.1.2018*
प्रति तैयार किया गया तारीख
COPY MADE READY ON *6.1.2018*