

**IN THE NATIONAL COMPANY LAW TRIBUNAL
HYDERABAD BENCH – 1
VC AND PHYSICAL (HYBRID) MODE
ATTENDANCE CUM ORDER SHEET OF THE HEARING HELD ON
25-07-2024 AT 10:30 AM**

Company Appeal No. 03/252/HDB/2024
u/s. 252 of Companies Act, 2013

IN THE MATTER OF:

Mr. Puttha Prasada Reddy

...Petitioner

AND

ROC Telangana, in the matter of
M/s. Champak Technologies Pvt Ltd.

...Respondent

C O R A M:-

**DR. VENKATA RAMAKRISHNA BADARINATH NANDULA, HON'BLE MEMBER (JUDICIAL)
SH. CHARAN SINGH, HON'BLE MEMBER (TECHNICAL)**

ORDER

Orders pronounced.

We hereby order that the name of the Company i.e M/s. Champak Technologies Pvt Ltd, be restored in the Register of Companies, subject to compliance of the terms and conditions of our order.

We grant 30 days' time for compliance and in default the restoration order stands vacated.

Compliance shall be filed in the Registry.

Accordingly, **this Company Application is allowed and disposed of.**

Sd/-

MEMBER (T)

Sd/-

MEMBER (J)

**NATIONAL COMPANY LAW TRIBUNAL
BENCH-1 HYDERABAD**

Company Appeal No. 03 of 2024

*Appeal under Section 252(3) of Companies Act, 2013
read with Rule 87A, 34 and 11 of NCLT Rules, 2016*

In the matter of

M/s. CHAMPAK TECHNOLOGIES PRIVATE LIMITED

Filed by

M/s. CHAMPAK TECHNOLOGIES PRIVATE LIMITED

(CIN: U72900TG2009PTC062474)

Having registered office at Plot No.21/A,

Road No.9 Film Nagar,

Jubilee Hills, Hyderabad - 500033,

Telangana.

...Applicant

VERSUS

THE REGISTRAR OF COMPANIES

2nd Floor, Corporate Bhavan,

Tattiannaram, Bandlaguda,

Hyderabad – 500068,

Telangana State.

... Respondent

Date of order: 25.07.2024

Dr. Venkata Ramakrishna Badarinath Nandula, Hon'ble Member (Judicial)
Sh. Charan Singh, Hon'ble Member (Technical)

Appearance:

For Applicant: Shri C.V.Reddy, PCS

For ROC (T): Mr.Sahu, on behalf of ROC

PER: BENCH

1. The present Application is filed under Section 252(3) of the Companies Act, 2013 (herein after referred as Act) by **M/s. CHAMPAK TECHNOLOGIES PRIVATE LIMITED** (herein after referred as Company) praying for restoration of Company's name in the Register maintained by the Registrar of Companies, Telangana (herein after referred to as RoC (T)).

2. Submissions by the Applicant:

- a. That **M/s. CHAMPAK TECHNOLOGIES PRIVATE LIMITED** (hereinafter called "the Company") is a private limited Company incorporated on 06.01.2009 and the Certificate of Incorporation was issued by the Registrar of Companies, Telangana. The Company is in the business to promote, encourage, establish, develop, maintain, organize, undertake, manage, operate, conduct and run in India or Abroad Business Processing Outsourcing, back office data processing, computer training centers, data processing centers, computer coaching classes, software consultancy, hardware consultancy, networking business and other allied activities for sorts of services relating to computer, its maintenance,

repairs, program and operations, for industrial, commercial, domestic, public utility, defence, government and other general customers or section of society. Copies of Memorandum of Association and Articles of Association are attached as **Annexure No. A6** to the Application.

- b. It is averred that the Applicant was carrying on the business at the time of its name being struck off from the register of Companies. The Company is having about 05 employees and some daily wage workers for the purpose. As on 31.03.2023, the balance sheet has the following assets and liabilities of the Company:

(i) Total Liabilities	:	INR 2,02,33,360/-
(ii) Total Current Assets	:	INR 2,02,33,360/-

Some of the documents that are enclosed in the application are:

- Copies of Audited Balance Sheets of the Company for the Financial Years 2010 - 2023;
- Copies of IT returns & Acknowledgements;
- Affidavit confirming that the Bank Account of the Company had been freezed;
- Affidavit confirming that the Bank Account of the Company not used for transactions of tainted money during period of demonetization period;

- c. It is averred that the Company has not filed annual returns for the financial years 2009-2010, 2010-2011, 2011-2012, 2012-2013, 2013-2014, 2014-2015, 2015-2016, 2016-2017, 2017-2018, 2018-2019, 2019-2020, 2020-2021, 2021-2022 and 2022-2023 due to some operational issues, and further stated that recently the Company is in the process of obtaining new projects and wished to restart the business of the Company.
- d. It is averred that the respondent has initiated the proceedings under the provisions of Section 248 of the Companies Act, 2013 and consequently struck off the name of the Company from the Register. As per Section 252 of Companies Act, 2013, to restore the Status of the Company as Active on MCA, the Company needs to file an Appeal to the NCLT for restoration of Name in the Register of Companies. Thus, the present application is filed with an intention to get the Name of the Company restored in the Register of Companies in order to carry on the business.
- e. It is averred that non-filing of the above annual returns is neither willful nor wanton but due to lack of proper coordination between the staff and the Chartered Accountant/Company Secretary in Practice who were authorized to file the annual returns. The Learned Counsel submits that unless the present Application is allowed and the name of the Company is restored on the Register of the

Companies maintained by the RoC (T), the Applicant shall suffer irreparable loss and hardship. The Applicant submits that no prejudice will be caused to anyone if order for restoration is passed and reliefs sought for are granted.

3. Submissions by Respondent/Registrar of Companies (Telangana) (in short “ROC (T))

- a. The RoC (T) has forwarded its report dated 10.06.2024 stating therein that the Company had defaulted in filing the financial statements and annual returns for more than 2 years and hence identified for strike off under section 248(1) of the Companies Act, 2013. Accordingly notice under section 248(1) was issued to the company and its directors. Further STK-5 notice dated 19.08.2019 was issued and same was published in the Government of India Gazettee and in MCA website. Newspaper publication was made informing all the stakeholders about the list of companies published in the website. Finally, the company was struck off and STK-7 notice dated 29.10.2019 also published in the Gazette.
- b. RoC (T) further stated in his report that the applicant has not filed Annual Returns and Balance Sheets since its incorporation. However, copies of the audited Balance Sheets for the financial years 2009-10 to 2022-23 are enclosed along with the petition. It is stated that the Applicant has not produced I.T. Returns acknowledgement since its incorporation. However, the

Applicant has submitted a copy of Affidavit dated 06.06.2024 undertaking to file pending I.T>Returns of the Applicant Company after restoration.

- c. Further prayed the Tribunal to pass appropriate orders on the merits of the case.
4. We heard the Learned PCS Mr.C.V.Reddy, for the Applicant and Mr.Sahu, appearing for the Respondent and perused the documents on record. The Applicant is the shareholder of the Company. Learned PCS submitted that the failure of the Company in filing the statutory returns and statements was due to inadvertence and was not intentional and further submitted that the Company however will pick up its activities after its restoration. Report of the RoC(T) has been received. We are satisfied with the reasons shown by the Applicant for restoration of the name of the Company in the register of companies maintained by the Respondent.
5. We are satisfied with the reasons shown by the Applicant for restoration of the name of the Company in the register of companies maintained by the Respondent.
6. Therefore, by exercising the powers conferred on this Tribunal under Section 252 of the Companies Act, 2013, and Rule 87-A of NCLT (Amendment) Rules 2017, R/w NCLT Rules, 2016 and based on the assurance given by the Learned PCS for Applicant that

Company undertakes to carry out pending statutory compliances on restoration of the Company, we feel it is a fit case to order restoration of the Company by RoC (T) in the interest of the Company, its shareholders and the Creditors.

7. ORDER

- a. The Registrar of Companies, the Respondent herein, is ordered to restore the original status of the Company as if the name of the company has not been struck off from the Register of Companies and take all consequential actions like change of company's status from 'struck off' to Active (for e-filing), to restore and activate the DINs if applicable, to intimate the bankers about restoration of the name of the company so as to defreeze its accounts on payment of costs of Rs. 1,00,000/- (Rupees One lakh only) through online payment in www.mca.gov.in under miscellaneous fee by mentioning particulars as "payment of cost for revival of company pursuant to orders of Hon'ble NCLT in Company Appeal No. 03/252/HDB/2024", which should be made within 10 days from the date of this order.
- b. The Applicant/the company is directed to file all the statutory document(s) and prescribed fees/ additional fee/fine as decided by Registrar of Companies, Telangana, within 30 days from the date on which its name is restored and personally ensure compliance of this order.

- c. The Applicant/the Company is directed to comply with the observations/ clarifications as required by the RoC, Telangana.
- d. The Company is permitted to deliver a certified copy of this order with Registrar of Companies, Telangana within thirty days of the receipt of this order. On such delivery and after duly complying with above directions, the Registrar of Companies, Telangana is directed to, on his office name and seal, publish the order in the official Gazette.
- e. This order is confined to the violations, which ultimately led to the impugned action of striking of the Company, and it will not fetter ROC (T) to take appropriate action(s) in accordance with law, for any other violations /offences, if any, committed by the company prior or during the striking off of the company.
- f. Company Appeal No.03/252/HDB/2024 stands allowed and disposed of as per the above terms.
- g. A certified copy of this order, if applied for, be issued upon compliance with all requisite formalities.

SD

Charan Singh
Member (Technical)

SD

Dr. Venkata Ramakrishna Badarinath Nandula
Member (Judicial)

Pavani