

SL No.5

**NATIONAL COMPANY LAW TRIBUNAL
HYDERABAD BENCH
COURT HALL NO: II**

Special Bench (PHYSICAL HEARING)

CORAM: DR.VENKATA RAMAKRISHNA BADARINATH NANDULA – HON’BLE MEMBER (J)

CORAM: SHRI SATYA RANJAN PRASAD- HON’BLE MEMBER (T)

**ATTENDANCE-CUM-ORDER SHEET OF THE HEARING OF NATIONAL COMPANY LAW TRIBUNAL,
HYDERABAD BENCH, HELD ON 13.03.2023 AT 04:00 PM**

TRANSFER PETITION NO.	
COMPANY PETITION/APPLICATION NO.	IA (CA)/107/2022 in Company Appeal/32/2021
NAME OF THE COMPANY	Rasumati Hotels Ltd
NAME OF THE PETITIONER(S)	Sri Ponnala Rammohan
NAME OF THE RESPONDENT(S)	Registrar of Companies Hyderabad
UNDER SECTION	252

ORDER

IA 107/2022 - Ms. Sandhya Rani, Learned Counsel for Applicant appeared in person. This application is rejected as not maintainable. On the basis of the material placed before us, we are not inclined to interfere with the order. We, therefore, reject this application. However, this Order will not preclude the Applicant from pursuing appropriate remedies as per law.

Sd/-
MEMBER (T)

Sd/-
MEMBER (J)

Syamala

**IN THE NATIONAL COMPANY LAW TRIBUNAL
HYDERABAD BENCH-II**

**I.A. No.107/2022 in
CA 32/252/HDB/2021
(Under Rule 155 r/w Rule 11 of the NCLT Rules, 2016)**

In the matter of :

Mr. Ponnala Rammohan
Member and Director of
M/s.Rasumati Hotels Limited
H.No.1-8-209, Balasamudram
Hanumakonda, Warangal – 506 001

...Applicant

Vs.

Registrar of Companies
2nd Floor, Corporate Bhawan
Near Central Water Board
GSI Post, Bandlaguda
Nagole
Hyderabad – 500 068
Telangana

...Respondent

Date of Order: 13.03.2023

CORAM:

Hon'ble Dr. Venkata Ramakrishna Badarinath Nandula, Member(Judicial)
Hon'ble Sri Satya Ranjan Prasad, Member (Technical)

Counsels present:

For the Applicant : Ms. Kritika Sharma, PCS
Ms. Sandhya Rani, Advocate

Date of Order: 13.03.2023

[PER: BENCH]

ORDER

- I. The instant application is filed on behalf of the Applicant under Rule 155 r/w Rule 11 of the NCLT Rules, 2016 seeking to Order for reduction in cost of restoration fee payable to the Registrar of Companies, Hyderabad from Rs.9,00,000/- to a minimum cost.

- II. The gist of the Applicant's brief is –
 - i. The Company Application No.32/252/HDB/2021 filed under Section 252 of the Companies Act, 2013 for restoration of the Company was allowed by this Adjudicating Authority, vide Order dated 16.03.2022 by imposing a cost of Rs.9,00,000/- (Rupees Nine Lakhs only).

 - ii. In view of the huge amount of additional fee payable on filing of statutory returns with ROC, which amounts to approximately Rs.17,53,800/- as on 04.05.2022, the Applicant requested to reduce the cost of revival of the Company from Rs.9,00,000/- to a nominal sum.

Date of Order: 13.03.2023

Details of MCA fee payable by the Applicant -

Form Particulars	Financial Year	Filing Fee (Normal) (Rs.)	Additional Fee (Rs.)
E-Form AOC 4 (Annual Report including Financial Statements)	2013-14	600	1,47,600
E-Form MGT-7 (Annual Return)	2013-14	600	1,47,600
E-Form AOC 4 (Annual Report including Financial Statements)	2014-15	600	1,47,600
E-Form MGT-7 (Annual Return)	2014-15	600	1,47,600
E-Form AOC 4 (Annual Report including Financial Statements)	2015-16	600	1,47,600
E-Form MGT-7 (Annual Return)	2015-16	600	1,47,600
E-Form AOC 4 (Annual Report including Financial Statements)	2016-17	600	1,47,600
E-Form MGT-7 (Annual Return)	2016-17	600	1,47,600
E-Form AOC 4 (Annual Report including Financial Statements)	2017-18	600	1,22,200
E-Form MGT-7 (Annual Return)	2017-18	600	1,25,200

Date of Order: 13.03.2023

E-Form AOC 4 (Annual Report including Financial Statements)	2018-19	600	91,800
E-Form MGT-7 (Annual Return)	2018-19	600	88,700
E-Form AOC 4 (Annual Report including Financial Statements)	2019-20	600	55,200
E-Form MGT-7 (Annual Return)	2019-20	600	52,100
E-Form AOC 4 (Annual Report including Financial Statements)	2020-21	600	12,600
E-Form MGT-7 (Annual Return)	2020-21	600	15,600
Total		9600	17,44,200
Grand Total			17,53,800

- iii. It is averred that the delay in filing the present application is neither wilful nor intentional and is due to uncertain circumstances and requested to condone the delay.
- iv. The Applicant undertakes that the Applicant/promoters will ensure adherence to all statutory compliances.
- III. We have heard Ms. Sandhya Rani, Learned Counsel for the Applicant, and perused the record.

Date of Order: 13.03.2023

According to the Applicant, the restoration fee Rs.9,00,000/- ordered by this Adjudicating Authority is exorbitant besides disproportionate to fee payable by the Applicant as per MCA. It is further contended that it will be huge burden on the part of the Applicant to pay the penalty amount of Rs.9,00,000/-, the Adjudicating Authority may therefore reduce the restoration fee to a reasonable amount. Respondent have not opposed the application. We do find force in the contention of the Applicant that the restoration fee amount for non-filing of the financial statements prescribed by the MCA is less than the amount that has been ordered to be paid by this Adjudicating Authority, vide its order dated 16.03.2022. However, a proper application needs to be filed as per Form-NCLT 9. On the basis of the material placed before us, we are not inclined to interfere with the order. We, therefore, reject this application. However, this Order will not preclude the Applicant from pursuing appropriate remedies as per law. With this observation, the application **IA 107/2022 in CA 32/252/HDB/2021 is dismissed.**

Sd/-

**SATYA RANJAN PRASAD
MEMBER (TECHNICAL)**

Sd/-

**Dr.N.V.RAMA KRISHNA BADARINATH
MEMBER (JUDICIAL)**

Syamala