

F.No:9/31/ADJ/SEC.203 of 2013/KARNATAKA/RD(SER)/2023

16529

BEFORE THE REGIONAL DIRECTOR, SOUTH EAST REGION

MINISTRY OF CORPORATE AFFAIRS, HYDERABAD

IN THE MATTER OF COMPANIES ACT, 2013

IN THE MATTER OF WEBEX COMMUNICATIONS (INDIA) PRIVATE LIMITED

1. M/s. Webex Communications (India) Private Limited
2. Mr. Joseph Vattarambil Antony, Director
3. Mr. Pradhyumna Ghosh, Director
4. Mr. Srihari Varanasi, Director
5. Mr. Rejenish Umapathy, Director

Appellants

Date of hearing : 05.01.2024

Present : Mr. Abhijeet Talwar, Advocate

ORDER

This is an appeal filed under section 454(5) of the Companies Act, 2013 by the above appellants in e-form ADJ vide SRN F79137527 dated 08.11.2023 against the adjudication order No. ROC(B)/Adj.Ord.454-203/Webex/Co.No.019075/2023 dated 13.09.2023 under section 454 passed by the Registrar of Companies, Karnataka for default in compliance with the requirements of Section 203 read with Rule 8A of the Companies (Appointment and Remuneration of Managerial Personnel) Rules, 2014.

2. Registrar of Companies in his order of adjudication has stated that the company has filed a suo-motu application on 10.07.2023 for violation of section 203 of the Act. The company has submitted that the paid-up capital of the company was increased to Rs.10,00,43,750 on 27.04.2020 pursuant to further issue of equity shares and the company was required to appoint a whole-time company secretary from this date onwards. As per records, it is seen that the company has appointed company secretary on 18.05.2023. Hence the company has violated the provisions of section 203 of the Act for a period of 1116 days from 27.04.2020 to 17.05.2023. The company and its officers in default have violated the provisions of section 203(1) of the Act for delay as mentioned above and are liable to penalty under section 203(5) of the Act.

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Hearing was held before Registrar of Companies on 10.08.2023 and after hearing the authorized representative had levied a penalty of Rs.5.00 Lakhs each on the Company and 2 directors i.e., Mr. Srihari Varanasi and Mr. Rejenish Umapathy and Rs.4,38,000/- on Mr. Joseph Vattarambil Antony and Rs.2,09,000/- on Mr. Pradhyumna Ghosh, Director (total aggregating to Rs.21,47,000/-).

3. An opportunity of being heard was given to the Appellants on 05.01.2023. The authorized representative Mr. Abhijeet Talwar, Advocate appeared on behalf of the appellants and reiterated the submissions made in the appeal and from the appeal filed by the company it has been stated that the said default was committed by the Company inadvertently and due to impact of Covid 19 pandemic as Company was unable to find a suitable candidate to fill the position of the Whole-time Company Secretary of the Applicant Company. The Company was required to identify and appoint a Whole-time Company Secretary within 6 months from the date of the allotment/ eligibility i.e., on or before October 27, 2020. The Company appointed a Whole-time Company Secretary on May 18, 2023. Accordingly, there was a delay of 933 days in appointing the Whole-time Company Secretary. Which is from October 27, 2020, to May 18, 2023.

4. Though there is a default committed, there is a ground in interfering with the impugned adjudication order of Registrar of Companies to the extent of reducing the quantum of penalty. Hence, taking into consideration the facts of the appeal and submissions made by the authorized representative. I deem it would meet the end of justice if the penalty imposed by Registrar of Companies is reduced to 25% for Company and 2 directors i.e., Mr. Srihari Varanasi and Mr. Rejenish Umapathy amounting to Rs.1,25,000/- each and for Mr. Joseph Vattarambil Antony, Director amounting to Rs.1,09,500/- and for Mr. Pradhyumna Ghosh, Director amounting to Rs.52,250/- (total aggregating to Rs.5,36,750/-). The appellants are directed to comply with this order and also provisions of Section 454(8) of the Companies Act, 2013 read with Companies (Adjudication of Penalties) Rules, 2014.



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5. Accordingly, penalty was paid by the Company and 2 directors i.e., Mr. Srihari Varanasi and Mr. Rejenish Umapathy amounting to Rs.1,25,000/- each and by Mr. Joseph Vattarambil Antony, Director amounting to Rs.1,09,500/- and by Mr. Pradhyumna Ghosh, Director amounting to Rs.52,250/- (total aggregating to Rs.5,36,750/-) vide SRN's X64306954, X64321672, X64323470, X64310691 and X64319411 dated 12.01.2024 respectively. Accordingly, this order is issued to the Appellants with a copy to Registrar of Companies, Karnataka and Joint Secretary, E-Governance Cell, Ministry of Corporate Affairs, New Delhi for information and necessary action.

Issued under my hand and seal on this the 01st day of February 2023.



(DR. RAJ SINGH)
REGIONAL DIRECTOR (SER)
HYDERABAD

Copy for information and necessary action to :

1. M/s. Webex Communications (India) Private Limited
Brigade South Parade, 2nd Floor, No.10, Mahatma Gandhi
Road, Bangalore, Bangalore North, Karnataka- 560001.
2. Mr. Srihari Varanasi, Director
No.848 I A Main 6th Cross, Banashankari III Stage,
III Phase III Block, Bangalore, Karnataka- 560085.
3. Mr. Joseph Vattarambil Anthony, Director
56/2, Ravi Prakash Nagar, HAL, Bangalore,
Karnataka- 560017.
4. Mr. Pradyumna Ghosh, Director
M1301, Purva Fountain Square Varthur Main Road,
Marathahalli, Bangalore, Karnataka- 560037.
5. Mr. Rejenish Umapathy, Director
No.65 N 1st N Block, Dr. Rajkumar Road, Opp
Subramanya Nagar, Police Station, Rajajinagar,
Bangalore North, Bangalore, Karnataka- 560010.
6. Registrar of Companies, Ministry of Corporate Affairs,
Karnataka, Bangalore.
7. The Joint Secretary, E-Governance Cell, Ministry of Corporate Affairs, New Delhi.