

ADJ/22/RD (SR)/2023-24

BEFORE THE REGIONAL DIRECTOR
(SOUTHERN REGION)
MINISTRY OF CORPORATE AFFAIRS, CHENNAI
IN THE MATTER OF THE COMPANIES ACT 2016
SECTION 454(7) OF COMPANIES ACT 2013
IN THE MATTER OF M/s. ONECUP BEVERAGES PRIVATE LIMITED

1. M/s. Onecup Beverages Private Limited
XVI-444, Palakuzhiyil South of Petta
Arakuzha Road, Muvattupuzha, Ernakulam
Kerala.
2. Shri Ricky WilsonAppellant

Date of hearing 15.11.2023
Present Smt. Kavitha Surana,
Practicing Company Secretary

ORDER

M/s. Onecup Beverages Private Limited (hereinafter referred to as the Company), was incorporated on 29.01.2019. As per provisions of Section 10A of CA 2013, a company incorporated after the commencement of the Companies (Amendment) Ordinance, 2018 and having a share capital shall not commence any business or exercise any borrowing powers unless a declaration is filed by a Director within a period of one hundred and eighty days from the date of incorporation of the company in such form and verified in such manner as may be prescribed, with the Registrar that every subscriber to the memorandum has paid the value of the shares agreed to be taken by him on the date of making of such declaration. The Rule 23A of Companies (incorporation) Rules, 2014 provides that the declaration u/s 10A by a director shall be in the prescribed e-form 20A and that it shall be filed with the Registrar. However the company has filed the declaration in form INC 20A on 18.11.2019 with the delay of 113 days. The Registrar of Companies, Kerala on perusal of the said default, passed the Adjudication Order No. ROC/S-454/10A/81/2020 dated 13.1.2020 for the delay of 113 days under Section 454 (3) & (4) of the Act, 2013 and imposed a penalty of Rs. 50,000/- upon the company and Rs.1,00,000 on the Director in default viz. Shri Ricky Wilson.

2. Aggrieved by the said Order dated 13.01.2020 of ROC, Kerala, the appeal was filed by the Appellants in terms of Section 454 (5) of the Act in Form ADJ on 09.08.2022 vide SRN: F20260154. The appeal was filed within the limitation period.
3. The appellants have sought to take a lenient view keeping in view that there was no intentional or deliberate action on the part of the appellant to violate the provisions of law and taking into consideration of the fact that no prejudice is caused to the public interest, prayed for lesser penalties.

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4. That the hearing of the appeal was held on 15.11.2023. The authorized representative has reiterated the submissions made in the appeal.
5. There is a ground in interfering with the impugned adjudication order of the Registrar of Companies to the extent of reducing the quantum of penalty. Accordingly, in the hearing held on 15.11.2023, the penalties imposed by ROC, Kerala are reduced from Rs. 50,000/- to 20 % of the penalty imposed i.e Rs.10,000/- for the company and from Rs.1,00,000/- to 20 % of the penalty imposed i.e. Rs.20,000/- on director in default viz. Shri Ricky Wilson.
6. Pursuant to the directions of the undersigned, the appellant has remitted the penalty amount and had submitted copies of receipts evidencing payment of penalty as detailed below :

Sl. No	Name of the company/Officers-in-default	SRN and Date	Total Amount (Rs.)
1.	Onecup Beverages Private Limited	X58670837/17.11.2023	10,000.00
2.	Shri Ricky Wilson, Director	X58671041/17.11.2023	20,000.00
		Total	30,000.00

7. That the Appellants are directed to file this order in Form No. INC-28 within a period of 30 days on MCA-21 Portal.

Dated at Chennai this the 18th day of January, 2024.



(Dr. RAJ SINGH)
REGIONAL DIRECTOR (SR)

To

1. M/s. Onecup Beverages Private Limited
XVI-444, Palakuzhiyil South of Petta
Arakuzha Road, Muvattupuzha, Ernakulam
Kerala.
2. The Registrar of Companies, Kerala.
3. The Officer in Charge, e-Gov. Cell, Ministry of Corporate Affairs, A-Wing, Shastri Bhavan, Dr. Rajendra Prasad Road, New Delhi -110 001- with a request to upload this Order on the website of the Ministry. Mail sent to Shri Vivek Meena, Dy. Director (vivek.meena@gov.in)