

F.No:9/57/ADJ/SEC.203/2013/ANDHRA PRADESH /RD(SER)/2022

11564

BEFORE THE REGIONAL DIRECTOR, SOUTH EAST REGION

MINISTRY OF CORPORATE AFFAIRS, HYDERABAD

IN THE MATTER OF COMPANIES ACT, 2013

IN THE MATTER OF ECOREN ONE WIND ENERGY PRIVATE LIMITED

1. M/s. Ecoren One Wind Energy Private Limited
2. Venkata Sunil Kumar Talla, Director
3. Lakshmi Prasad Yerneni, Director

Appellants

Date of hearing : 10.11.2022  
Present : MS. T Durga Pallavi, PCS

### 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 F27895044 dated 07.10.2022 against the adjudication order No. ROC(V)/ADJ/454/Sec.203(5)/EOWEPL/2022/1262 dated 18.08.2022 under section 454 passed by the Registrar of Companies, Andhra Pradesh 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 failed to appoint the Whole-Time Company Secretary after cessation of previous Company Secretary on 31.01.2020. Hearing was held before Registrar of Companies on 18.08.2022 and after hearing the authorized representative had levied a penalty of Rs.5.00 Lakhs on the Company and Rs.50,000/- each for Venkata Sunil Kumar Talla (Director), Lakshmi Prasad Yerneni (Director) and Bradley Regal Fierstein (Nominee Director) (total aggregating to Rs.6.50 Lakhs).

Contd..2.



3. An opportunity of being heard was given to the Appellants on 10.11.2022. The authorized representative Ms. T Durga Pallavi, Practicing Company Secretary appeared on behalf of the appellants and reiterated the submissions made in the appeal and also submitted that though the company is doing some business still it incurs losses since incorporation and not in a position to engage a fulltime Company Secretary. However for sake of compliance it has already appointed Rakshita Bansal as Company secretary with effect from 01.08.2022 and requested to waive off the penalty as levied by Registrar of companies on Bradley Regal Fierstein (Nominee Director).

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 due to the following reasons:

- (a) Company is incurring losses for the last few years.
- (b) Company is private limited and there is no injury to the public interest.
- (d) imposing maximum penalty by the Registrar of Companies on the company, its Director and other Nominee director is, burdensome on the Company.
- (e) Registrar of Companies have not taken into consideration the facts that the Company is having a Directors, hence other nominee director should not have been penalized.

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 for the Company to Rs.70,000/- and for 2 Director i.e., Venkata Sunil Kumar Talla and Lakshmi Prasad Yerneni to Rs.40,000/- each (total aggregating to Rs.1,50,000/-) and penalty as imposed by Registrar of Companies is waived off for Bradley Regal Fierstein (Nominee Director). 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.



Contd..3.

5. Accordingly, penalty was paid by the Company amounting to Rs.70,000/- and for two Director i.e., Venkata Sunil Kumar Talla and Lakshmi Prasad Yerneni to Rs.40,000/- each (total aggregating to Rs.1,50,000/-) vide SRN's X43471382, X43481191 and X43479435 dated 25.05.2023 respectively. Accordingly, this order is issued to the Appellants with a copy to Registrar of Companies, Andhra Pradesh 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 30<sup>th</sup> day of May 2023.

M/s. Ecoren One Wind Energy Private Limited  
# 32-5-3, Lakshmi Nilayam, Prajasakti Nagar,  
Vijayawada, Krishna, Andhra Pradesh- 520010



*B. Mohanty*  
(B. MOHANTY)  
REGIONAL DIRECTOR( SER)  
HYDERABAD

Copy for information and necessary action to :

1. Registrar of Companies, Ministry of Corporate Affairs,  
Andhra Pradesh, Vijayawada.
2. The Joint Secretary, E-Governance Cell, Ministry of Corporate Affairs, New Delhi.

*Sdr*  
(B. MOHANTY)  
REGIONAL DIRECTOR( SER)  
HYDERABAD