

IN THE MATTER OF ATR WAREHOUSING PRIVATE LIMITED

1. M/s. ATR Warehousing Private Limited
2. Avnash Anumolu, Director
3. Ammaji Anumolu, Whole-time Director

Appellants

Date of hearing : 15.11.2022

Present : Mr. P. Srikant Kumar, Practicing Company Secretary

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 F28314664 dated 10.10.2022 against the adjudication order No.ROC(V)/ADJ(454)/SEC203(5)/AWPL/2022/1379 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 Whole Time Company Secretary since the applicable provisions of the Act came into force i.e., on 02.11.2018 to till date despite paid up capital has exceeded the prescribed limit as stated in the provisions of Section 203(1) of the Companies Act, 2013. 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 each on the Company, Mr.Avnash Anumolu, Director and Mr. Ammaji Anumolu, Whole-time Director (total aggregating to Rs.15.00 Lakhs).

3. An opportunity of being heard was given to the Appellants on 15.11.2022. The authorized representative Mr. P.Srikant Kumar, Practicing Company Secretary appeared on behalf of the appellants and reiterated the facts made in the appeal and also submitted that the company had tried its best to find suitable candidates for the position, owing to scarcity of qualified Company Secretary in and around Visakhapatnam and the professionals who have consented for relocation to remote area demand a higher pay scale which was not feasible for Company to fulfill the same. However, company has appointed Kriti Bareja as Company Secretary with effect from 15.09.2022 vide e-form DIR-12 bearing SRN F28223188 dated 08.10.2022.

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. I deem it would meet the end of justice, if the penalty imposed is reduced for Company to Rs.2,64,000/-, Mr.Avnash Anumolu, Director to Rs.54,000/- and for Mr. Ammaji Anumolu, Whole-time Director to Rs.54,000/- (total aggregating to Rs.3,72,000/-). The appellants are directed to comply with this order also provisions of Section 454(8) of the Companies Act, 2013 read with Companies (Adjudication of Penalties) Rules, 2014.

5. Accordingly, penalty was paid by the Company amounting to Rs.2,64,000/-, Mr.Avnash Anumolu, Director to Rs.54,000/- and for Mr. Ammaji Anumolu, Whole-time Director to Rs.54,000/- (total aggregating to Rs.3,72,000/-) vide SRN X30130595, X30133185 and X30132955 dated 12.12.2022. Accordingly this order is issued to the Appellant Company 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 31st day of January 2023.



B. Mohanty
(B. MOHANTY)

REGIONAL DIRECTOR(SER)

Contd..2.

Copy for information and necessary action to :

1. M/s. ATR Warehousing Private Limited,
No.11-8-34, Dasapalla Hills, Vishakhapatnam,
Andhra Pradesh- 530003.
2. Registrar of Companies,
Ministry of Corporate Affairs,
Andhra Pradesh, Vijayawada.
3. The Joint Secretary, E-Governance Cell,
Ministry of Corporate Affairs, New Delhi.