

F.No:9/35/ADJ/SEC.203/2013/ANDHRA PRADESH /RD(SER)/2022 / 6400
BEFORE THE REGIONAL DIRECTOR, SOUTH EAST REGION
MINISTRY OF CORPORATE AFFAIRS, HYDERABAD
IN THE MATTER OF COMPANIES ACT, 2013

IN THE MATTER OF DOOWON CLIMATE CONTROL INDIA PRIVATE LIMITED

1. M/s. Doowon Climate Control India Private Limited
2. Yoon Chang Joon, Director
3. Yong Seung Kang, Director
4. Han Yong Ji, Director

Appellants

Date of hearing : 16.12.2022

Present : Mr. P. Atchuta Ramaiah, 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 F25641184 dated 21.09.2022 against the adjudication order No.ROC(V)/ADJ(454)/SEC203(5)/DCCIPL/2022/632 dated 27.07.2022 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.

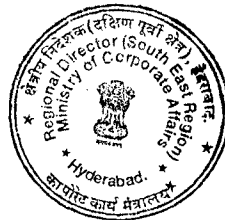
2. Registrar of Companies in his order of adjudication has stated that the company has failed to appoint Whole Time Company Secretary since the applicable provisions of the Act came into force i.e., on 02.11.2018 to till date despite paid up capital has exceeded the prescribed limit as stated in the provisions of Section 203(1) of the Companies Act, 2013. Hearing was held before Registrar of Companies on 26.07.2022 and after hearing the authorized representative had levied a penalty of Rs.5.00 Lakhs each on the Company, Yoon Chang Joon, Director, Yong Seung Kang, Director and Rs.3.39 Lakhs for Han Yong Ji, Director (total aggregating to Rs.18.39 Lakhs).

3. An opportunity of being heard was given to the Appellants on 16.12.2022. The authorized representative Mr. P. Atchuta Ramaiah, Advocate appeared on behalf of the appellants and reiterated the facts made in the appeal and also submitted that due to initial hiccups in establishing company in a remote area in Andhra Pradesh and then running the Company through the Covid-19 pandemic time, it could not be able to appoint a Whole Time Company Secretary in due time. However, from 01.08.2022 Company has appointed Mr. Sankaranarayanan Viswanathan as Company Secretary and requested to reduce the quantum of penalty as levied by Registrar of Companies.

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.1,77,000/-, Han Yong Ji to Rs.52,890/-, Young Seung Kang to Rs.57,300/- and Yoon Chang Joon, Director to Rs.63,640/- (total aggregating to Rs.3,50,830/-). 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.1,77,000/-, Han Yong Ji to Rs.52,890/-, Young Seung Kang to Rs.57,300/- and Yoon Chang Joon, Director to Rs.63,640/- (total aggregating to Rs.3,50,830/-) vide SRN X31510548, X31530371, X31529548 and X31529522 dated 28.12.2022. 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.

// 02 //

Copy for information and necessary action to :

1. M/s. Doowon Climate Control India Private Limited,
Plot No.6G/B site B Gudipalli Industrial Park,
Somandepalli Mandal, Anantapur,
Andhra Pradesh- 515122

2. Registrar of Companies,
Ministry of Corporate Affairs,
Andhra Pradesh, Vijayawada.

3. The Joint Secretary, E-Governance Cell,
Ministry of Corporate Affairs, New Delhi.