

IN THE MATTER OF LUDETONG INDIA ELECTRONIC TECHNOLOGY PRIVATE LIMITED

1. M/s. Ludetong India Electronic Technology Private Limited
2. Mr. Mahendra Sarma, Director
3. Mr. Jicheng Qin, Director

Appellants

Date of hearing : 10.11.2022

Present : Ms. T. Durga Pallavi, 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 F31431307 dated 19.10.2022 against the adjudication order No.ADJ/20/203 of 2022-23/633 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.

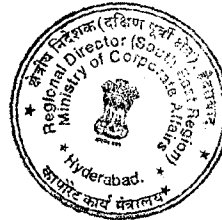
2. Registrar of Companies in his order of adjudication has stated that the company has failed to appoint Whole Time Company Secretary as specified in Section 203(1) of the Companies Act, 2013 after cessation of the previous Company Secretary on 30.11.2019. Hearing was held before the Registrar of Companies on 26.07.2022 and after hearing to the authorized representative, Registrar of Companies had levied a penalty of Rs.5.00 Lakhs each on company and two Directors i.e. Mahendra Sarma and Jicheng Qin (total aggregating to Rs.15,00,000/-).

3. An opportunity of being heard was given to the Appellants/authorized representative 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 stated that the company is into energy industry and for the last few years the company is not financially strong and is running through losses and also severely hit by Covid. However, Company has appointed Ms. Babita Sharma as Company Secretary on 20.07.2022 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 for Rs.1,15,000/- and Mahendra Sarma and Jicheng Qin, Directors for Rs.55,000/- each (total aggregating to Rs.2,25,000/-). Appellants are directed to comply with this order and also the provisions of section 454(8) of the Companies Act, 2013 read with Companies (Adjudication of Penalties) Rules, 2014.

5. The penalty was paid by the Company for Rs.1,15,000/-, Mahendra Sarma and Jicheng Qin, Directors for Rs.55,000/- each (total aggregating to Rs.2,25,000/-) vide SRN X27900620, X27901347 and X27900760 dated 15.11.2022. 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 16th day of January 2023.



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

Copy for information and necessary action to:

1. M/s. Ludetong India Electronic Technology Private Limited
282/1D, Plot No.1/1, Kadailuru Villiage Mambattu Road,
SPSR Nellore, Tada Mandal, Nellore, Andhra Pradesh- 524121.
2. Registrar of Companies, Ministry of Corporate Affairs, Andhra Pradesh, Vijayawada.
3. The Joint Secretary, E-Governance Cell, Ministry of Corporate Affairs, New Delhi.