

F.NO:9/69/ADJ/Sec.203/2013/ANDHRA PRADESH /RD(SER)/2022/5488

BEFORE THE REGIONAL DIRECTOR, SOUTH EAST REGION

MINISTRY OF CORPORATE AFFAIRS, HYDERABAD

3RD FLOOR, CORPORATE BHAWAN, NEAR-WATER-BOARDS

BANDLAGUDA, THATTI ANNARAM VILLAGE

HAYATNAGAR MANDAL, NAGOLE, HYDERABAD-500068

IN THE MATTER OF ADJUDICATION ORDER

No. ROC(V)/ADJ/454/Sec203(5)/ACAPL/2022/1438 Dated 17.08.2022

ISSUED BY REGISTRAR OF COMPANIES, ANDHRA PRADESH

✓ M/s. Inzi Auto Components AN Private Limited
Plot No.6F, Site-B, Industrial Park,
Gudipalli Village, Somandepalli, Ananthapur,
Andhra Pradesh-515122.

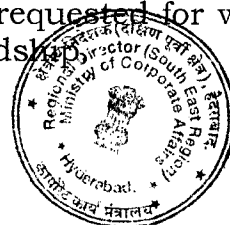
Mr. Hunju Park,
C/o.M/s. Inzi Auto Components AN Private Limited
Plot No.6F, Site-B, Industrial Park,
Gudipalli Village, Somandepalli, Ananthapur,
Andhra Pradesh-515122

Appellants

**ORDER ON APPEAL FILED UNDER SECTION 454(5) OF THE COMPANIES ACT,
2013 ON THE ADJUDICATION ORDER PASSED BY ROC, ANDHRA PRADESH**

1. This present appeal vide SRN F28544559 dated 11.10.2022 had arisen assailing the adjudication order No. ROC(V)/ADJ/454/Sec203(5)/ACAPL/2022/1438 dated 17.08.2022 passed by Registrar of Companies, Andhra Pradesh for violation of section 203 of the Companies Act, 2013. Registrar of Companies in his Adjudication Order has stated that the company has failed to appoint the 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. Further, stated that hearing notice dated 02.08.2022 requesting company to appear for hearing before the Registrar of Companies on 17.08.2022 and stated that none appeared for hearing on the said date. Accordingly, issued ex-parte order dated 17.08.2022 by levying a penalty of Rs.5,00,000/- each on the Company and for officers i.e. Jung Kooryong, Managing Director, Hye Sung Chong Lee, Hunju Park and Choiyongha, Directors.

2. Against the Adjudication Order passed by ROC dated 17.08.2022, Appellants have filed an appeal before this Directorate on 11.10.2022 and hearing held before the undersigned with Mr. Rabindra Kumar Samal, Practicing Company Secretary (PCS) on 15.11.2022 and PCS in the hearing has stated that the Company has appointed a Company Secretary on 01.09.2022 and in the year 2019 852020 it made losses only in the year 2020-21 it could make some profit. However, it made compliance inspite of covid-19 impact still continuing and the registered office where the Company Secretary to be engaged and placed is in the interior area i.e. Ananthapur of Andhra Pradesh. It is further submitted that the company is having a Managing Director and other Directors are not responsible for such default. PCS has requested for waiver of penalty so as to allow the company to not be put to hardships.

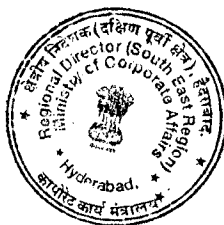


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3. After considering the submissions made by the authorised representative, facts of the case and taking into consideration the Order of Adjudication of Penalty under section 454 of the Companies Act, 2013 issued by Registrar of Companies dated 17.08.2022, I deem it would meet the ends of Justice art if the penalty levied by the Registrar of Companies, is appropriately reduced, as a mitigation. I, therefore, modify the order of the Registrar of Companies, to reduce the penalty on the Company from Rs.5,00,000/- to Rs.1,12,350/- and for Mr. Hunju Park, Managing Director from Rs.5,00,000/- to Rs.62,350/- (total aggregating to Rs.1,74,700/-) and waived off the penalty as levied by Registrar of Companies amounting to Rs.5,00,000/- each for Jung Kooryong, Hye Sung Chong Lee and Choiyongha. Further the 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.

4. The penalty was paid by the Company amounting to Rs.1,12,350/- and for Mr. Hunju Park, Managing Director for Rs.62,350/- (total aggregating to Rs.1,74,700/-) vide SRN X28298180 dated 21.11.2022 and X28374478 dated 22.11.2022. 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 29th day of December 2022.




(B. MOHANTY)
REGIONAL DIRECTOR(SER)

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.


(B. MOHANTY)
REGIONAL DIRECTOR(SER)