

BEFORE THE REGIONAL DIRECTOR
(SOUTHERN REGION)
MINISTRY OF CORPORATE AFFAIRS, CHENNAI
IN THE MATTER OF THE COMPANIES ACT, 2013
SECTION 454(5) OF COMPANIES ACT, 2013

IN THE MATTER OF M/s. NASH SWIMMING POOL EXPERTS PRIVATE LIMITED

1. M/s. Nash Swimming Pool Experts Private Limited
Issac Arcade Nellikuzhi P.O, Kothamangalam,
Ernakulam, Kerala - 686 691.
2. Mr. Shamon Pullamangalam Yoyakey, Director

.....Appellants

ORDER


M/s. Nash Swimming Pool Experts Private Limited (hereinafter referred to as the Company), having share capital, was incorporated on 26.11.2018 and e-Form INC 20A was not filed within the prescribed period of 180 days from the date of incorporation, as required under sub-clause (a) of sub-section (1) of Section 10A of the Companies Act, 2013 (hereinafter referred to as the Act, 2013) and had filed the said form belatedly with a delay of 01 day on 17.10.2019. The Registrar of Companies, Kerala and Lakshadweep examined the said default and passed the Adjudication Order No. ROC/S-454/10A/704/2020, dated 19.02.2020 under Section 454 (3) & (4) of the Act, 2013 for the delay of 01 day in filing the Form INC-20A under Section 10A(2) of the Act, 2013 read with Rule 23A of the Companies (Incorporation) Rules, 2014 (hereinafter referred to as the Rules, 2014) and imposed a penalty of Rs. 50,000/- upon the Company and Rs. 1,000/- upon the Director in default viz. Mr. Shamon Pullamangalam Yoyakey @ Rs. 1,000/- per day.

2. Aggrieved by the above said Order dated 19.02.2020, the instant appeal was filed by the Appellants in terms of Section 454 (5) of the Act in Form ADJ on 16.06.2021 vide SRN: T23301096. The appeal was filed with a delay of 433 days, which is beyond the prescribed limitation period of 60 days in terms of Sec. 454(6) of the Act.

3. In view of the above reason, the Appeal is dismissed as rejected and the ROC's adjudication order dated 19.02.2020 is upheld. The Appellants are directed to remit the penalties imposed within 15 days of receipt of this order failing which ROC, Kerala is directed to file prosecution in terms of Sec. 454(8)(ii) of the Companies Act, 2013 without any further notice.

Dated at Chennai this the 13th day of July, 2021.




(DR. K. THIRUMALAIMUTHU)
REGIONAL DIRECTOR (SR)

To

1. M/s. Nash Swimming Pool Experts Private Limited
Issac Arcade Nellikuzhi P.O, Kothamangalam,
Ernakulam, Kerala - 686 691.
2. Mr. Shamon Pullamangalam Yoyakey, Director
3. The Registrar of Companies, Kerala.
4. The Officer in Charge, e-Gov. Cell, Ministry of Corporate Affairs, A-Wing,
Shastri Bhavan, Dr. Rajendra Prasad Road, New Delhi -110 001- with a request
to upload this Order on the website of the Ministry. Mail sent to Shri Vivek
Meena, Asst. Director (vivek.meena@gov.in) and Shri B. Srikumar, Joint
Director, (srikumar.b@gov.in)