

ADJ/80/RD (SR)/2019-20

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. HAYASHI INFRASTRUCTURE PRIVATE LIMITED

1. M/s. Hayashi Infrastructure Private Limited  
Aneesh Mandiram, Mathira, Kottarakkara,  
Kollam, Kerala - 691 536.

2. Ms. Aneesh Baby Syamala Baby, Director

.....Appellants

ORDER

M/s. Hayashi Infrastructure Private Limited (hereinafter referred to as the Company), having share capital, was incorporated on 20.12.2018 but the Appellant Director failed to file the declaration in e-form INC 20A 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 59 days on 16.08.2019. The Registrar of Companies, Kerala and Lakshadweep examined the said default and passed the Adjudication Order No. ROC/S-454/10A/372/2020, dated 03.02.2020 (Impugned Order) under Section 454 (3) & (4) of the Act, 2013 for the delay of 59 days 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. 59,000/- upon the Director in default viz. Ms. Aneesh Baby Syamala Baby @ Rs. 1,000/- per day.

2. Aggrieved by the above said Order dated 03.02.2020, the instant appeal was filed by the Appellants in terms of Section 454 (5) of the Act in Form ADJ on 17.11.2020 vide SRN: R71200034. The appeal was filed within limitation period.

3. Ample opportunities have been given to the Appellants and none have responded / tendered their appearance either in person or through Authorized Representative and presented the matter before the undersigned.

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4. In view of the above, the Appeal is dismissed and the ROC's adjudication order dated 03.02.2020 is upheld. The Appellants are directed to remit the penalties imposed within 30 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 12<sup>th</sup> day of February, 2021.



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

To

- ✓ 1. M/s. Hayashi Infrastructure Private Limited  
Aneesh Mandiram, Mathira, Kottarakkara,  
Kollam, Kerala - 691 536.
2. Ms. Aneesh Baby Syamala Baby, 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)