

ADJ/20/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(7) OF COMPANIES ACT, 2013

IN THE MATTER OF M/s. LATEC ENVIRO PRIVATE LIMITED

1. M/s. Latec Enviro Private Limited,
Building No 75, Chinnuty House, Chettippadam Road,
Pookottumpadam Post, Nilambur, Malappuram,
Kerala - 679 332.
2. Shri. Sanjith Aliyath, Director ...Applicants/ Appellants

Date of hearing : 30.12.2020

Present : Shri. P. James Victor Rajkumar, (Enroll. No. MS-67/2016)
Advocate

ORDER

This is an appeal filed under Section 454 (5) of the Companies Act, 2013 by the above Applicants in Form ADJ vide SRN No. R35395748, dated 13.03.2020 against the Adjudication Order No. ROC/S-454/10A/186/2020, dated 21.01.2020 under Section 454 (3) passed by the Registrar of Companies, Kerala for default in compliance with the requirements of Section 10A of the Companies Act, 2013 read with the Companies (Adjudication of Penalties) Rules, 2014.

2. The subject Company was incorporated on 14.11.2018. E-form INC-20A should have been filed within a 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 216 days on 15.12.2019. The Registrar of Companies, Kerala examined the said default and passed the Adjudication Order No. ROC/S-454/10A/186/2020 dated 21.01.2020 (impugned order) under Section 454 (3) & (4) of the Act, 2013 for the delay of 216 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. 1,00,000/- upon the Director in default viz. Shri. Sanjith Aliyath, being the maximum penalty.

3. The Appellants have contended the impugned order on the grounds that the company is a small company and the directors of the company were not aware of the provisions of Sec. 10A of the Companies Act, 2013 and that the delay was not intentional.

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4. An opportunity of being heard was given to the Appellants on 30.12.2020. The Authorized Representative Shri. P. James Victor Rajkumar, Advocate has appeared for the Appellants while reiterating the grounds taken in the appeal had stated that the company is a small company and is not in operation and the penalty imposed is more than the paid up capital and hence sought condonation.

5. Though there is a default committed, there is a ground in interfering with the impugned adjudication order of the Registrar of Companies to the extent of reducing the quantum of penalty. Accordingly, the penalties imposed are reduced to 40 % for both i.e. from Rs. 50,000/- to Rs. 20,000/- for the Company and from Rs. 1,00,000/- to Rs. 40,000/- for the Director. The Appellants shall pay the penalty in 60 days.

Dated at Chennai this the 31st day of December, 2020.




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

To

1. M/s. Latec Enviro Private Limited,
Building No 75, Chinnuty House, Chettippadam Road,
Pookottumpadam Post, Nilambur, Malappuram,
Kerala - 679 332.
2. Shri. Sanjith Aliyath, 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, Deputy Director, (srikumar.b@gov.in)