

ADJ/12/RD (SR)/2019-20

BEFORE THE REGIONAL DIRECTOR
(SOUTHERN REGION)
MINISTRY OF CORPORATE AFFAIRS, CHENNAI
IN THE MATTER OF THE COMPANIES ACT 2016
SECTION 454(7) OF COMPANIES ACT 2013

IN THE MATTER OF M/s. GREAT OPERATORS PRIVATE LIMITED

1. M/s. Great Operators Private Limited
No. 17/560-C1 Second Floor, Mini Mall Athani,
Ernakulam, Kerala - 683 585.
2. Shri. Prince BhaskaranAppellants

Date of hearing 26.10.2020

Present Shri. S. Narasimman, Senior Manager
M/s. SAS Partners Corporate Advisors Private Limited

ORDER

M/s Great Operators 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 123 days on 19.10.2019. The Registrar of Companies, Kerala and Lakshadweep examined the said default and passed the Adjudication Order No. ROC/S-454/10A/80/2020 dated 13.01.2020 (impugned Order) under Section 454 (3) & (4) of the Act, 2013 for the delay of 32 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. Prince Bhaskaran, being the maximum penalty leviable for such default.

2. Aggrieved by the above said Order dated 13.01.2020, the instant appeal was filed by the Appellants in terms of Section 454 (5) of the Act in Form ADJ on 10.03.2020 vide SRN: R35094382. The appeal was filed within limitation period.

3. The appellants have sought condonation of delay on the ground that the company was incorporated just after the Companies (Amendment) Ordinance, 2018 mandating filing of INC-20A had come into effect and thus, due to ignorance, there was a delay in filing the form and hence requested for condoning the delay.

4. An opportunity of being heard was afforded on 26.10.2020 to the Appellants who were represented by their Authorized Representative Shri. S. Narasimman, Senior Manager of M/s. SAS Partners Corporate Advisors Private Limited who while reiterating the grounds taken in the appeal had contended that the delay of 123 days occurred in filing the Form INC-20A due to the reason of inadvertence and further represented that the company did not even commence any business till date and keeping the above factors in view, sought sympathetic consideration in allowing condonation of delay instead of levying/confirming any amount of penalty either on the Company or on the Officer in default and requested for setting aside of the impugned order.

5. Considering the grounds urged by the Appellants in the Appeal and the submissions made as well as the fact that the Form INC-20A was filed and that CFSS was also introduced from end March, 2020, taking a lenient view in the matter of filing of overdue documents by the defaulting Company, the undersigned deems it appropriate to set aside the impugned Order dated 13.01.2020 passed by the ROC, Kerala. The Appellants are directed to file order in Form No.INC-28 within a period of 30 days on MCA-21 Portal.

Dated at Chennai this the 02nd day of November, 2020.



(M.R. BHAT)
REGIONAL DIRECTOR (SR)

To

1. M/s. Great Operators Private Limited
No. 17/560-C1 Second Floor, Mini Mall Athani,
Ernakulam, Kerala - 683 585.
- ✓ 2. Shri. Prince Bhaskaran
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)