

ADJ/76/RD (SR)/2019-20 (PARIHAAR)

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. PARIHAAR HEALTHCARE PRIVATE LIMITED

- 1 M/s. Parihaar Healthcare Private Limited
35/210 (49/2039D)
Nirmal Gardens BTS Road,
Edappally, Ernakulam - 682 024, Kerala
- 2 Ms. Chitra UmaashankerAppellants

Date of hearing 21.09.2020
Present **Mr. Prathyusha, PCS (Membership No. A41679) and Ms. Chitra Umaashanker, Director**

ORDER

M/s Parihaar Healthcare Private Limited (hereinafter referred to as the Company), having share capital, was incorporated on 12.02.2019 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 09 days on 20.08.2019. The Registrar of Companies, Kerala and Lakshadweep examined the said default and passed the Adjudication Order No. ROC/S-454/10A/484/2020 dated 07.02.2020 (impugned Order) under Section 454 (3) & (4) of the Act, 2013 for the delay of 09 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. 9,000/- upon the Director in default viz. Ms. Chitra Umaashanker @ Rs. 1,000/- per day.

2. Aggrieved by the above said Order dated 07.02.2020, the instant appeal was filed by the Appellants in terms of Section 454 (5) of the Act in Form ADJ on 07.08.2020 vide SRN R 48716997. Though the Appeal was filed belatedly, the same is taken on record and heard in the light of the Circular No. 12/2020 dated 30.03.2020 issued by the Ministry of Corporate Affairs in the wake of COVID-19.

3. The grounds urged in the Appeal by the Appellants are that there was no wilful intent in filing INC-20A belatedly, since all other forms have been filed on time, further genuine hardship faced during opening of bank account and certain technical glitches while loading the form resulted in a delay and the events are



beyond the control of the Company and Officer in default and hence requested for waiver of penalty imposed on the Company and on its Director as well as prayed for setting aside of the impugned Order.

4. An opportunity of being heard was afforded on 21.09.2020 to the Appellants who were represented by their Authorized Representative Mr. Prathyusha, PCS and Ms. Chitra Umaashanker, Director who attended the hearing and have reiterated the grounds taken in the Appeal and claimed that these grounds adequately explain the delay of 09 days and requested for setting aside of the impugned order of the Registrar of Companies, Kerala.

5. In view of the detailed reasons attributed to the delay occurred, the impugned Order dated 07.02.2020 passed by the ROC, Kerala adjudging the penalty of Rs. 50,000/- on the Company and Rs. 9,000/- on the defaulting Director is set aside. 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 24th day of September, 2020.




(M.R. BHAT)

REGIONAL DIRECTOR (SR)

To

- ✓ 1. M/s. Parihaar Healthcare Private Limited
35/210 (49/2039D)
Nirmal Gardens BTS Road,
Edappally, Ernakulam - 682 024, Kerala
2. Ms. Chitra Umaashanker
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)