

भारत सरकार
कारपोरेट कार्य मंत्रालय
प्रादेशिक निदेशक कार्यालय
पश्चिमी क्षेत्र



GOVERNMENT OF INDIA
MINISTRY OF CORPORATE AFFAIRS
OFFICE OF THE REGIONAL DIRECTOR
WESTERN REGION

'एवरेस्ट', पांचवीं मंजिल,
१००, मरीन ड्राईव, मुंबई ४००००२

EVEREST, 5th Floor,
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संपर्क: २२८११४९३ / २२८१२६४५ / २२८१७२५९ (Dir) rd.west@mca.gov.in

सं.- प्रादे. निदे.(प.क्षे.)/धार ४५४(५)/Extol (Sanjiv Kathuria)/137/F98414352/2024-25/ 7959 दिनांक

To,

SANJIV HANSRAJ KATHURIA,
Flat No.9, Plot No.216, Gulestan Building,
Next to Tamil Sangam Hall, Sion East,
Mumbai 400022, Maharashtra, India.

23 OCT 2024

Sub: Appeal under Section 454(5) of Companies Act, 2013 filed by SANJIV HANSRAJ KATHURIA, Director of EXTOL COMMERCIALS LIMITED for violation of Section 137 of the Companies Act, 2013- reg.

Sir,

I am directed to refer to your appeal filed under sub-Section (5) of Section 454 of the Companies Act, 2013 (Act) r/w the Companies (Adjudication of Penalties) Rules, 2014 vide Form ADJ bearing SRN F98414352 dt.11/09/2024 on the subject cited above. In this connection, your attention is drawn to Section 454(6) of the Companies Act, 2013 read with Rule 4(1) of the Companies (Adjudication of Penalties) Rules, 2014 which is as under -

"Section 454(6): Every appeal under sub-section (5) shall be filed within sixty days from the date on which the copy of the order made by the adjudicating officer is received by the aggrieved person and shall be in such form, manner and be accompanied by such fees as may be prescribed.

Rule 4(1): Every appeal against the order of the adjudicating officer shall be filed in writing with the Regional Director having jurisdiction in the matter within a period of sixty days from the date of receipt of the order of adjudicating officer by the aggrieved party, in Form ADJ setting forth the grounds of appeal and shall be accompanied by a certified copy of the order against which the appeal is sought..."

In the instant case, the Registrar of Companies, Mumbai has passed the Adjudication Order on 12/01/2024 whereas, Form ADJ has been filed on 11/09/2024 i.e. 242 days after passing of Adjudication Order.

In view of the above, the present appeal is dismissed on limitation ground under Section 454(6) of the Companies Act, 2013 without going into the merit of the case with directions to the appellant to pay penalty imposed by the Registrar of Companies, Mumbai vide Adjudication Order dt. 12/01/2024 within 90 days, failing which, Registrar of Companies, Mumbai, is directed to file prosecution under Section 454(8) of the Companies Act, 2013.

This issues with the approval of Regional Director, WR.

Yours faithfully,


(TUSHAR WAGH, ICLS)
DEPUTY DIRECTOR

Copy to:

1. Registrar of Companies, Mumbai.
- ✓ 2. Master Copy.
3. Office Copy.