

F.No:9/09/ADJ/SEC.405 of 2013/KARNATAKA/RD(SER)/2024

BEFORE THE REGIONAL DIRECTOR, SOUTH EAST REGION

MINISTRY OF CORPORATE AFFAIRS, HYDERABAD

IN THE MATTER OF COMPANIES ACT, 2013 /1705

IN THE MATTER OF SAMSUNG R&D INSTITUTE INDIA- BANGALORE PRIVATE LIMITED

1. M/s. Samsung R&D Institute India- Bangalore Private Limited
#2870, Phoenix Building, Bagmane Constellation
Business Park, or Road Doddanekundi Circle,
Marathahalli Post, Bangalore, Karnataka- 560037.
2. Mr. Dipesh Amritlal Shah, Director
D1503, 15th Floor, Mantri Green Apartments,
Sampige Road, Malleshwaram, Bangalore North,
Bangalore, Karnataka- 560003.
3. Mr. Yoon Chang Kim, Director
Flat No. 1131, Prestige White Meadows, White Field
Road, Whitefield, Bangalore, Karnataka- 560006.

Appellants

Date of hearing: 01.02.2024

Present: Mr. Jayarama Korikkar, PCS

ORDER

This is an appeal filed under section 454(5) of the Companies Act, 2013 by the above appellants in e-form ADJ vide SRN F90158023 dated 12.01.2024 against the adjudication order F No. ROC(B)/ Adj. Ord. 454-405/SAMSUNG R&D/Co.No.35309 /2023/2519 dated 15.11.2023 under section 454 passed by the Registrar of Companies, Karnataka for violation of provisions of Section 405 of the Companies Act, 2013.

2. Registrar of Companies in his order of adjudication has stated that the company did not provide the complete disclosures of specific transactions in Form MSME I for the duration April 2022 to September 2022 and October 2022 to March 2023 within the prescribed time which was unintentional and was an oversight resulting from an internal clerical error. It is stated that this was later rectified by the company by belatedly disclosing the required details through MSME Forms I filed on 25.07.2023 for both the above-mentioned durations. Hearing was held before Registrar of Companies on 27.09.2023 and after hearing the authorized representative Registrar of Companies had levied a penalty for the period 01.11.2022 to 25.07.2023 (266 days) of Rs.2,85,000/- each on Company and 2 Directors i.e., Mr. Yoon Chang Kim, Director and Mr. Dipesh Amritlal Shah, Director and for the period 01.05.2023 to 25.07.2023 (85 days) of Rs. 1,04,000/- each on the Company and 2 Directors i.e., Mr. Yoon Chang Kim, Director and Mr. Dipesh Amritlal Shah, Director (total aggregating to Rs.11,67,000/-) vide his order dated 15.11.2023.



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3. Aggrieved by the order dated 23.11.2023 the applicants herein have filed the instant appeal and an opportunity of being heard was given by the then Regional Director to the Appellants on 01.02.2024. The authorized representative Mr. Jayarama Korikkar, Practicing Company Secretary appeared on behalf of the appellants on 01.02.2024.

4. The then Regional Director upon hearing had reduced the penalty imposed by Registrar of Companies to 60% i.e., Rs.2,33,400/- each for the Company and 2 directors i.e., Mr. Yoong Chang Kim and Mr. Dipesh Amritlal Shah (total aggregating to Rs.7,00,200/-) and the appellants were directed to comply with the order.

5. Accordingly, the appellants have paid the penalty i.e. the Company and 2 directors i.e., Mr. Yoong Chang Kim and Mr. Dipesh Amritlal Shah amounting to Rs.2,33,400/- each (total aggregating to Rs.7,00,200/-) vide SRN's X68598283, X68599661 & X68599547 dated 22.02.2024 respectively, thereby complying the order of the then Regional Director. However, before issuing the order the then Regional Director has been transferred and the undersigned had taken over the charge and the appellants are repeatedly pressing for issuing the final order stating that the delay in issuing the order is causing hardship despite compliance vide their payment challan as stated above. In view of the compliance made by the appellants and representation in person and vide e-mail dated 27.05.2024 requesting for issuing of the final order, this formal order is issued to the appellants recording the facts.

Issued under my hand and seal on this the 26th day of June 2024.



(M. JAYAKUMAR)
REGIONAL DIRECTOR (SER) (I/C)
HYDERABAD

Copy for information and necessary action to

1. Registrar of Companies, Ministry of Corporate Affairs,
Karnataka, Bangalore.

2. The Joint Secretary, E-Governance Cell, Ministry of Corporate Affairs, New Delhi.

(M. JAYAKUMAR)
REGIONAL DIRECTOR (SER) (I/C)
HYDERABAD