



भारत सरकार
GOVERNMENT OF INDIA
कारपोरेट कार्य मंत्रालय

MINISTRY OF CORPORATE AFFAIRS

कम्पनी पंजीयक का कार्यालय, तमिल नाडु, अंदमान & निकोबार द्वीपपुंज, चेन्नई

OFFICE OF REGISTRAR OF COMPANIES, TAMIL NADU, ANDAMAN & NICOBAR ISLANDS, CHENNAI

दूसरा मंजिल, 'सी' विंग, शास्त्री भवन, 26, हाडोस रोड, नुंकमपाक्कम, चेन्नई - 6

II FLOOR, C- WING, SHASTRI BHAVAN, 26, HADDOWS ROAD, NUNGAMBAKKAM, CHENNAI- 6

F.NO.ROC/CHN/ADJ/APS MICRO/SEC 158/2023

DATE : 11 DEC 2024

ADJUDICATION ORDER UNDER SECTION 158 OF THE COMPANIES ACT, 2013
IN THE MATTER OF APS MICRO CREDIT & INSURANCE SERVICES (INDIA) PRIVATE LIMITED

1. Appointment of Adjudicating Officer: -

Ministry of Corporate Affairs vide its Gazette Notification No. A-42011/112/2014-Ad. II, dated 24.03.2015 has appointed Registrar of Companies, Chennai as Adjudicating Officer in exercise of the powers conferred by section 454(1) of the Companies Act, 2013 (hereinafter referred as Act or Companies Act, 2013) r/w Companies (Adjudication of Penalties) Rules, 2014 for adjudging penalties under the provisions of this Act.

2. Company: -

Whereas the company viz APS Micro Credit & Insurance Services (India) Private Limited with CIN: U67190TN2013PTC089944 (herein after referred as 'Company' or 'Subject Company') incorporated on 06.03.2013, is a registered company with this office under the Companies Act, 1956 having its registered office as per MCA21 Registry at 51, K.A.S.P Tower Bypass Road, Near Aristo Hospital, Madurai, Tamil Nadu 625016. The financial & other details of the subject company as available on MCA-21 portal is stated as under:

S.No.	Particulars	Details
1.	Company's Status	Strike off
2.	Filing Position	Financial Statement : up to 31.03.2015 Annual Return : up to 31.03.2015
3.	Paid up Capital	Rs.5,00,000/-
	a. Revenue from Operation	NA
	b. Other Income	NA
	c. Profit/Loss for the Period	NA
4.	Whether it is a Holding Company	NA
5.	Whether it is a Subsidiary Company	NA
6.	Whether company registered under Section 8 of the Act?	NA
7.	Whether company registered under any other special Act?	NA

3. Directors/KMPs During the period of violation:

S.No.	Name	Designation	Date of Appointment	Date of Cessation
1.	Mr.Avoudiappan Senthilvelu*	Managing Director	06.03.2013
2.	Mr. Avoodaiyappan Selvakumar	Director	06.03.2013

**As per the Inspection Report the Managing Director of the company Mr. Avoudiappan Senthilvelu was deceased.*

4. Section/Rule and Penal Provision as per Companies Act, 2013

Section 158. Obligation to Indicate Director Identification Number

Every person or company, while furnishing any return, information or particulars as are required to be furnished under this Act, shall mention the Director Identification Number in such return, information or particulars in case such return, information or particulars relate to the director or contain any reference of any director.

Section 172. Penalty

“If a company is in default in complying with any of the provisions of this Chapter and for which no specific penalty or punishment is provided therein, the company and every officer of the company who is in default shall be liable to a penalty of fifty thousand rupees, and in case of continuing failure, with a further penalty of five hundred rupees for each day during which such failure continues, subject to a maximum of three lakh rupees in case of a company and one lakh rupees in case of an officer who is in default.”

5. Issue of Adjudication Notice:

Inspection of books and accounts of APS Micro Credit and Insurance Services (India) Private Limited was conducted by an Officer authorized by the Central Government wherein the observations of the Inspection Officer are as follows:

Upon examining the financial statement for the financial year 2013-15 and 2014-15 that the company has not mentioned DIN number of the directors in place of authorization given by the Board of directors. However, every person or company, while furnishing any return, information or particulars as are required to be furnished under the Act, shall mention the DIN of director. Hence, the company has violated Section 158 of the Companies Act, 2013.

Accordingly, upon submission of the Inspection Report, the Regional Director (SR) has directed to take action against the defaulters as per the provisions of the Companies Act, 2013.

Since the company was strike off and the Managing Director of the company Mr. Avoudiappan Senthilvelu was deceased as per the Inspection report, the Adjudicating Authority had issued notice only to Mr. Avoodaiyappan Selvakumar, director of the company vide Notice No.ROC/CHN/APS Micro Credit & Insurance/S.158/P.22/Inspn.fol.ip/2023 dt 26.08.2024.

6. Reply of Director for Adjudication Notice issued:

No reply has been received from the director Mr. Avoodaiyappan Selvakumar.

7. Adjudication Hearing:

Since no reply has been received from the director for the Adjudication notice dated 26.08.2024, the Adjudicating Authority had issued hearing notice dt 23.10.2024 for hearing on 05.11.2024. But the director or its authorized representatives appeared before the Adjudicating Authority. After that the Adjudicating Authority had issued final notice of hearing on 14.11.2024 for hearing on 22.11.2024 at 11:50 AM. Neither the Director nor his authorized representative appeared for the hearing. Hence, as per Rule 3(8), Companies (Adjudication of Penalties) Rules 2014, the matter is being proceeded with in the absence of such person (ex-parte).

8. Ministry of Corporate Affairs vide notification no. G.S.R.630 (E) dated 09.10.2024 stated that in the Companies (Adjudication of Penalties) Rules,2014, in sub-rule (1) of rule 3A, the following proviso shall be inserted, namely: -

“Provided that the proceedings pending before the Adjudicating Officer or Regional Director on the date of such commencement shall continue as per provisions of these rules existing prior to such commencement”.

In the present case, the adjudication application was received prior to 16th day of September 2024, effective date of the Companies (Adjudication of Penalties) Amendment Rules, 2014.

9. Analysis of Non- compliance of the Companies Act, 2013:

It is noticed that the director's DIN was not mentioned in the signed financial statements attached along with Form 23AC for the financial year ending on 2013-14 & signed financial statement attached along with form AOC-4 for the financial year 2014-15. Therefore, the company has contravened Section 158 of the Companies Act, 2013 and the director Mr. Avoodaiyappan Selvakumar is liable under Section 172 of the Companies Act, 2013.

Since the company has not filed its statutory returns since its incorporation, the benefits of small company are not extended to this company while adjudicating the penalty.

9. Decision

Having considered the facts and circumstances of the case, it is concluded that there is a violation of Section 158 of the Companies Act, 2013 and the director Mr. Avoodaiyappan Selvakumar is liable under Section 172 of the Companies Act, 2013. Accordingly, I am inclined to impose a penalty as prescribed under Section 172 of the Companies Act, 2013. The details of the penalty imposed on the Company and Officers in default are shown in the table below:

Name of the Director	Financial Year	Penalty for default (Rs)	Maximum Limit for penalty (Rs)	Penalty Imposed (Rs)
Mr. Avoodaiyappan Selvakumar	2013-14	Rs.50,000 +	Rs.1,00,000/-	Rs.50,000/-
	2014-15	Rs.500 per day (for continuing failure)	Rs.1,00,000/-	Rs.50,000/-

Therefore, in view of the above said violation, in exercise of the powers vested in the undersigned under Section 454(1) & (3) of the Companies Act, 2013 a penalty of Rs.1,00,000/- (Rupees One lakh) is imposed on Mr. Avoodaiyappan Selvakumar as mentioned above for violation of Section 158 of the Companies Act, 2013.

10. Order

Parties as above mentioned in table are hereby directed to pay the penalty amount as imposed.

The said amount of penalty shall be paid online by using the website www.mca.gov.in (Misc. head) within 90 days of receipt of this order, and intimated this office with proof of penalty paid.

Appeal against this order may be filed with the Regional Director (SR), Ministry of Corporate Affairs, 5th Floor, Shastri Bhavan, 26 Haddows Road, Chennai-600006, Tamil Nadu within a period of sixty days from the date of receipt of this order, in Form ADJ [available on Ministry website www.mca.gov.in] setting forth the grounds of appeal and shall be accompanied by a certified copy of this order. [Section 454(5) & 454(6) of the Act read with Companies (Adjudicating of Penalties) Rules, 2014].

Your attention is also invited to section 454(8) of the Act in the event of non-compliance of this order.

B. Srikumar
(B.SRIKUMAR, ICLS)
REGISTRAR OF COMPANIES
TAMILNADU, CHENNAI.
ADJUDICATING OFFICER

To

1. F.NO.ROC/CHN/ADJ/APS MICRO/SEC 158/2023
Mr. Avoodaiyappan Selvakumar (DIN: 03073730)
12, Karupagaveethi, 7th South Street
Sivagiri, Puliangudi, Tamil Nadu 627855

Copy To :

1. The Regional Director (SR),
Chennai for information
2. The E-Governance Cell, Ministry of Corporate Affairs, New Delhi