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M MINISTRY OF
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GOVERNMENT OF INDIA

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कम्पनी पंजीयक का कार्यालय, तेलंगाना, हैदराबाद

THE REGISTRAR OF COMPANIES, TELANGANA, HYDERABAD

द्वितीय मंजिल, कॉर्पोरेट भवन, बंडलागुडा, नागोल, हैदराबाद - 500 068

2ND FLOOR, CORPORATE BHAWAN, BANDLAGUDA, NAGOLE, HYDERABAD -
500 068

File. No. ROC/HYD/ADJ/Sec 10A/ INFRACX DEVELOPERS/2024 ¹⁹⁴¹⁸ Date: 31.01.2025
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APPLICATION IN THE MATTER OF SECTION - 10A OF COMPANIES ACT, 2013
AND

IN THE MATTER OF

M/S. INFRACX DEVELOPERS PRIVATE LIMITED

(CIN: U41001TS2023PTC175789)

ORDER UNDER SECTION 454 FOR VIOLATION OF

SECTION 10A OF COMPANIES ACT, 2013



1. Appointment of Adjudicating officer: -

The Ministry of Corporate Affairs vide its Gazette Notification No. A-42011/112/2014-Ad. II dated 24.03.2015 has appointed the Registrar of Companies, Telangana as Adjudicating Officer in exercise of the powers conferred by section 454 of the Companies Act, 2013 (hereinafter known as Act) read with Companies (Adjudication of Penalties) Rules, 2014 (Notification No. GSR 254(E) dated 31.03.2014) for adjudging penalties under the provisions of Act. Further, the Registrar of Companies vide the Companies (Amendment) Act, 2020 is entrusted with power to adjudicate penalty as provided under Section 10A (2) of the Companies Act with effect 21.12.2020.

2. Company: -

The company viz. M/S. INFRACX DEVELOPERS PRIVATE LIMITED (hereinafter known as 'company' or 'subject company') was incorporated on 07/08/2023 and having its registered office at Plot No. 43, Vivekananda, Colony, A.P Chintal Bazar, Bolarum, Hyderabad, Tirumalagiri, Telangana, India, 500010. The CIN of the Company is U41001TS2023PTC175789. The Financial and other

o/c

details of the subject company for the year ended 31.03.2023 as available on MCA21 portal is stated as under: -

(Fig in Rs.)

S. No	Particulars	Details
1	Paid up capital as per latest audited Financial Statement	10,00,000
2	Turnover as per latest audited Financial Statement	Nil
3	Holding Company	Nil
4	Subsidiary Company	Nil
5	Whether company registered under Section 8 of the Act?	No
6	Whether company registered under any other special Act?	No
7	Whether company is a small company?	Yes
8	Whether Section 446B is applicable to the company (lesser penalties for certain companies)?	Yes

3. Applicable provisions of Companies Act, 2013 and rules thereof: -

"Section 10A of the Companies Act, 2013 reads as under:

1. *A company incorporated after the commencement of the Companies (Amendment) Act, 2019 and having a share capital shall not commence any business or exercise any borrowing powers unless—*
 - (a) *a declaration is filed by a director within a period of one hundred and eighty days of the date of incorporation of the company in such form and verified in such manner as may be prescribed, with the Registrar that every subscriber to the memorandum has paid the value of the shares agreed to be taken by him on the date of making of such declaration; and*
 - (b) *The company has filed with the Registrar a verification of its registered office as provided in sub-section (2) of section 12.*
2. *If any default is made in complying with the requirements of this section, the company shall be liable to a penalty of fifty thousand rupees and every officer who is in default shall be liable to a penalty of one thousand rupees for each day during which such default continues but not exceeding an amount of one lakh rupees.*
3. *Where no declaration has been filed with the Registrar under clause (a) of sub-section (1) within a period of one hundred and eighty days of the date of*

incorporation of the company and the Registrar has reasonable cause to believe that the company is not carrying on any business or operations, he may, without prejudice to the provisions of sub-section (2), initiate action for the removal of the name of the company from the register of companies under Chapter XVIII”.

4. Facts of the Case: -

The company has filed the application Suo-moto in e-Form GNL-1 vide SRN F95420576 dated 10.05.2024 along with its officers in default u/s 10A (2) and physical application on 06/06/2024 for adjudication of violation of Section 10A (1) r/w section 454 of the Companies Act, 2013 (the Act) seeking necessary orders. As per application, the following facts & submission were given.

- a) The subject Company was incorporated on 07/08/2023 and has received the Share subscription money from the first subscribers after the due date i.e., 180 days after the date of incorporation (07/08/2023) and the alleged delay occurred due to one of subscriber being a non-resident shareholder whose subscription money was received with delay.
- b) The company has filed the e-form INC-20A bearing SRN- AA6917977 on 22.02.2024 with a delay of 18 days commencing from the last due date and therefore, default is made in complying with the aforesaid statutory provisions by non-filing of the declaration of commencement of business (INC-20A) within the prescribed statutory period of 180 days of incorporation date.
- c) Thereby 18 days' delay has occurred in filing form INC-20A. The alleged delay occurred due to one of subscriber, Mr. Vinay Sunder Toomu whose subscription money was received with delay. Hence, the delay occurred was unintentional, and there was no willful or intentional violation of the provisions of the Companies Act, 2013.
- d) The aforesaid default was committed by the Petitioner Company and its Officers-in-Default by not filing e-form INC 20A with in due date and thereby violated the provisions of Section 10A (1) of the Companies Act, 2013 during the period 03/02/2024 to 22.02.2024 and therefore liable for penalty u/s. 10A (2) of the Companies Act, 2013.

- e) The company has filed the form INC-20A on 22/02/2024, hence the default has been made good before filing of adjudication application.

The company has to file INC 20A with ROC within 180 days from the date of incorporation i.e. on or before 03.02.2024. However, the company has filed INC-20A with ROC on 22nd February, 2024 with the delay of 18 days. The applicant Company has filed Adjudication application through GNL-1 vide SRN F95420576 dated 10.05.2024 and has prayed to pass an order for adjudicating the offence committed u/s 10A (1) of the Companies Act, 2013.

5. Notice for adjudication and hearings: -

A reasonable opportunity of being heard was given to the applicant / Authorised representative vide ROCH/HEARING NOTICE/IDPL/175789/2024/1217 to 1220 dated 23rd August 2024 under Sub-section 4 of Section 454 of the Companies Act, 2013. Mr. Jai Singh, Company Secretary in Practice (M. No. A656837, COP No. 26971) & Authorised Representative (AR) has requested to postpone the hearing to some other date hence the hearing rescheduled to 20.08.2024. The Authorised Representative attended the personal hearing on behalf of the applicants on 28.08.2024 at 3:30 P.M. and orally made the submissions before the Adjudicating Authority and has sought time to file affidavit from the other director i.e. Shri. Vinay Sunder Tomu and the said documents were submitted on 25/10/2024. He further made the request that lesser penalties be imposed on the company and its directors.

6. Order: -

- 1) While adjudging quantum of penalty under Section 10A (2) and Section 446B & 454 of the Act, read with Companies (Adjudication of penalties) Rules, 2014, the Adjudicating Officer shall have due regard to the factors mentioned therein.
- 2) With regard to the above factors that are to be considered while determining the quantum of penalty, it is noted that the subject company in its application has mentioned to be a small company as per the definition of Section 2(85) of the Companies Act, 2013 so lesser penalties be imposed on such companies.
- 3) Having considered the facts and hearings held in the matter and after taking into accounts the above factors, the undersigned has reasonable cause to

believe that for the period, 03/02/2024 to 22.02.2024 the subject Company and its Officer in Default have failed to comply with the provisions of Section 10A (1) of the Companies Act, 2013. Therefore, I do hereby impose the penalty on the Company and its Officers in Default pursuant to Rule 3 (12) and provision of the said Rule and Rule 3(13) of Companies (Adjudication of Penalties) Rules, 2014 r/w General Circular No. 1/2020 dated 02.03.2020 as per table below for violation of Section 10A (2) of the Companies Act, 2013 as follows: -

Name of the Company	Penalty as per Companies Act, 2013.		
	On default	Calculation of Penalty Amount	Penalty Imposed After considering section 446 B: (Figures in Rs)
M/s. INFRACX DEVELOPERS PRIVATE LIMITED	Rs.50,000/-	Rs.50,000/-	25,000/-
Total Penalty (A)			Rs. 25,000/-
Officer in Default	Penalty as per Companies Act, 2013.		
	On default	Calculation of Penalty Amount	Penalty Imposed After considering section 446 B: (Figures in Rs)
Mr. Mosoor Ethiraj Vasanth (Director) Default for period of 18 days	Rs.1000/- per day subject to maximum of Rs.1,00,000/- for the delay of 18 days.	Rs. 1000 x 18 =18,000 subject to maximum of Rs. 1,00,000/-	9,000/-
Mr. Vinay Sunder Toomu (Director) Default for period of 18 days	Rs.1000/- per day subject to maximum of Rs.1,00,000/- for the delay of 18 days.	Rs. 1000 x 18 =18,000 subject to maximum of Rs. 1,00,000/-	9,000/-
Total Penalty (B)			Rs. 18,000/-
Grand Total (A + B)			Rs. 43,000/-



7. The penalty as indicated above, shall be paid within 30 days from the date of issue of this order by Company and the Officers in Default (out of their own resources) and file e-Form INC-28, with the office of RoC, Hyderabad with copies of challan in proof of payment within the stipulated time period. The penalty amount shall be paid online by using website www.mca.gov.in (miscellaneous head) specifying the details of this order and the notice who is paying the penalty.

8. In this regard your attention is also drawn to the provisions of Section 454(5) and (6) which contemplates that:

“(5) Any person aggrieved by an order made by the adjudicating officer under sub-section (3) may prefer an appeal to the Regional Director having jurisdiction in the matter.

(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.”

9. In this regard your attention is also drawn to the provisions of Section 454(8) (i) and (ii) of the Companies Act, 2013 which read as follows:

i. Where company fails to comply with the order made under sub-section (3) or sub-section (7), as the case may be, within a period of ninety days from the date of the receipt of the copy of the order, the company shall be punishable with fine which shall not be less than twenty-five thousand rupees, but which may extend to five lakh rupees.

ii. Where an officer of a company or any other person who is in default fails to comply with the order made under sub-section (3) or sub-section (7), as the case may be within a period of ninety days from the date of the receipt of the copy of the order, such officer shall be punishable with imprisonment which may extend to six months or with fine which shall not be less than twenty-five thousand rupees but which may extend to one lakh rupees, or with both.

Issued under my hand and seal on this the 21 of January 2025.

(21/01/2025)
Office of the Regional Director,
South East Region
Ministry of Corporate Affairs
3rd Floor, Corporate Square, Bandra (E),
Nagar, Tallennaram Village, Hayathnagar Mandal,
Ranga Reddy District, Hyderabad - 500 069,
Telangana

(21/01/2025)
परविंदर सिंह/ (PARVINDER SINGH, I.C.L.S)
कम्पनी पंजीयक/ REGISTRAR OF COMPANIES
तेलंगाना, हैदराबाद/ TELANGANA, HYDERABAD

*o/c
Suresh
21/01/2025*

To:

File. No. ROC/HYD/ADJ/Sec 10A/INFRACX DEVELOPERS/2024

1. **M/s. INFRACX DEVELOPERS PRIVATE LIMITED**
PLOT NO. 43, VIVEKANANDA, COLONY,
A.P CHINTAL BAZAR, BOLARUM, HYDERABAD,
TIRUMALAGIRI, TELANGANA- 500010

File. No. ROC/HYD/ADJ/Sec 10A/INFRACX DEVELOPERS/2024

2. SHRI. MOSOOR ETHIRAJ VASANTHI (DIRECTOR),
3 MIG COLONY,6-4-518, KRISHNA NAGAR,
BHOLAKPUR, SECUNDERABAD, HYDERABAD,500080.
TELANGANA, INDIA.

File. No. ROC/HYD/ADJ/Sec 10A/INFRACX DEVELOPERS/2024

3. Mr. VINAY SUNDER TOOMU (DIRECTOR),
319, MELVIN JACKSON DR CARYCARY, 27519 USA.
4. RD(SER).
5. MCA – for uploading on the website.
6. Guard File - 2025.