

**ADJ/51/RD (SR)/2019-20**  
**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. GROWIDE PROJECTS AND FACILITIES**  
**MANAGEMENT PRIVATE LIMITED**  
**(Formerly known CREATIVEGEN PROJECTS PRIVATE LIMITED)**

1. M/s. Growide Projects and Facilities Management Private Limited,  
Flat No. 10-B, Skywalk Apartment, Pantheerankave,  
Kozhikode, Kerala - 673 014.
2. Shri. Riyas Mohamed .....Applicants/ Appellants

Date of hearing      **26.10.2020**  
Present                **Shri. Cheringal Jithesh, Practising Company Secretary**  
                                  **(COP No. - 18272)**

**ORDER**

This is an appeal filed under Section 454 (7) of the Companies Act, 2013 by the above Applicants in Form ADJ vide SRN No. R36205508, dated 30.03.2020 against the Adjudication Order No. ROC/S-454/10A/363/2020 dated 03.02.2020 under Section 454 (3) passed by the Registrar of Companies, Kerala for default in compliance with the requirements of Section 10A of the Companies Act, 2013 read with the Companies (Adjudication of Penalties) Rules, 2014.

2. The subject Company was incorporated on 03.12.2018. E-form INC-20A should have been filed within a 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 74 days on 14.08.2019. The Registrar of Companies, Kerala examined the said default and passed the Adjudication Order No. ROC/S-454/10A/363/2020 dated 03.02.2020 (impugned Order) under Section 454 (3) & (4) of the Act, 2013 for the delay of 74 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. 74,000/- upon the Director in default viz. Shri. Riyas Mohamed @ Rs. 1,000/- per day.

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3. The Appellants have assailed the impugned order on the grounds that there were uncertainty regarding operations and projects that resulted in compliance aspects for the period of 74 days, which should have been condoned instead of burdening with penalty, especially since the non-compliance was not deliberate.

4. An opportunity of being heard was given to the Appellants on 26.10.2020, where the Authorized Representative Shri. Cheringal Jithesh, PCS appeared for the Appellants submitted that the company was supposed to file INC-20A latest by 01.06.2019 but had filed the same with a delay of 74 days. However, the company brought the subscription money well in time as is evidenced by the Audited Financial Statement for the year ended 31.03.2019. He further represented that the company did not do any business till date and hence, sought leniency.

5. Upon consideration of the facts concerning the case, it is observed that the crux of the issue is that the company bought subscription money in time but did not file INC-20A in time. No specific reason was ascribed for the delay. However, keeping in view that the company did not commence business till date, the penalty levied on the company burdensome and therefore, is reduced to Rs. 15,000/- from Rs. 25,000/- and on the officer in default to Rs. 20,000/- from Rs. 74,000/-. The Adjudication order of Registrar of Companies stands modified to this extent. The Appellants shall pay the penalty in 30 days.

Dated at Chennai this the 03<sup>rd</sup> day of November, 2020.



(M.R. BHAT)  
REGIONAL DIRECTOR (SR)

To

1. M/s. Growide Projects and Facilities Management Private Limited,  
Flat No. 10-B, Skywalk Apartment, Pantheerankave,  
Kozhikode, Kerala - 673 014.
2. Shri. Riyas Mohamed
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)