

ADJ/14/RD (SR)/2019-20 (Jeeva)
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 JEEVANIYAM SKILLS AND HEALTHCARE PRIVATE LTD

1 M/s Jeevaniyam Skills and Healthcare Private Ltd
35/3588, Mudakkamannil House Pallath Road,
Thammanam, Ernakulam, Kerala - 682 032

2 Shri Ghekkepayanulla Parambath Pramod Appellants

Date of hearing 04 09 2020
Present **Shri N.V. Prakash, Advocate, Roll No.2269/2007**

ORDER

M/s Jeevaniyam Skills and Healthcare Private Limited (hereinafter referred to as the Company), having share capital, was incorporated on 24 01 2019 but the Appellant Director failed to file the declaration in e-form INC 20A within the prescribed 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 78 days on 09 10 2019. The Registrar of Companies, Kerala and Lakshadweep examined the said default and passed the Adjudication Order No ROC/S-454/10A/361/2020 dated 03 02 2020 (impugned Order) under Section 454 (3) & (4) of the Act, 2013 for the delay of 78 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 78,000/- upon the Director in default viz Shri Ghekkepayanulla Parambath Pramod @ Rs 1,000/- per day

2 Aggrieved by the above said Order dated 03 02 2020, the instant appeal was filed by the Appellants in terms of Section 454 (5) of the Act in Form ADJ on 12 03 2020 vide SRN R 35258433. The appeal was filed within limitation period

3 The appellants have sought condonation of delay keeping in view the size of the Company and no prejudice is caused to the public interest and hence, prayed for setting aside of the impugned Order



4 An opportunity of being heard was afforded on 04 09 2020 to the Appellants who were represented by their Authorized Representative Shri N V Prakash, Advocate who contended that the delay of 78 days occurred in filing the Form INC-20A due to diversion of attention in procuring the business of the Company, which, despite, resulted in a loss from operations of Rs 3,658/- in the first financial year of operations and consequently the paid up capital of the startup had stood reduced to Rs 96,000/- approximately due to the loss and keeping the same in view the Authorized Representative sought sympathetic consideration and condonation of delay instead of levying/confirming any amount of penalty either on the Company or on the Officer in default and requested for setting aside of the impugned order

5 Considering the grounds urged by the Appellants in the Appeal and the submissions made by the Authorized Representative, keeping in view the low equity base and the loss posted by the Company in the first financial year as well as the fact that the Form INC-20A was filed and that CFSS was also introduced from end March, 2020, taking a lenient view in the matter of filing of overdue documents by the defaulting Company, the undersigned deems it appropriate to set aside the impugned Order dated 20 01 2020 passed by the ROC, Kerala The Appellants are directed to file order in Form No INC-28 within a period of 30 days on MCA-21 Portal

Dated at Chennai this the 12th day of September, 2020



(M.R. BHAT)

REGIONAL DIRECTOR (SR)

To

- ✓1 M/s Jeevaniyam Skills and Healthcare Private Ltd
35/3588, Mudakkamannil House Pallath Road,
Thammanam, Ernakulam, Kerala - 682 032
- 2 Shri Ghekkepayanulla Parambath Pramod
- 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)