

ADJ/67/RD (SR)/2020-21 (PIPELAB)
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. PIPELAB ENGINEERING PRIVATE LIMITED

- 1 M/s. Pipelab Engineering Private Limited,
Navajyothi Nagar No.13,
Thiruvathira Townlimit,
Kadappakada P.O
Kollam - 691 006, Kerala
- 2 Mr. Nandhu ChandranAppellants
- Present **None appeared for the Hearing**

ORDER

M/s Pipelab Engineering Private Limited, (hereinafter referred to as the Company), having share capital, was incorporated on 20.05.2019 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 03 days on 19.11.2019. The Registrar of Companies, Kerala and Lakshadweep examined the said default and passed the Adjudication Order No. ROC/S-454/10A/695/2020 dated 19.02.2020 (impugned Order) under Section 454 (3) & (4) of the Act, 2013 for the delay of 03 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. 3,000/- upon the Director in default viz. Mr. Nandhu Chandran @ Rs. 1,000/- per day.

2. Aggrieved by the above said Order dated 19.02.2020, the instant appeal was filed by the Appellants in terms of Section 454 (5) of the Act in Form ADJ on 15.05.2020 vide SRN R 38900775. Though the Appeal was filed belatedly, the same is taken on record and heard in the light of the Circular No. 12/2020 dated 30.03.2020 issued by the Ministry of Corporate Affairs in the wake of COVID-19.

3. The appellants have contended in the Appeal that the Company filed the required Form INC-20A with a delay of just 3 days on 19.11.2019 with an additional fee also and hence requested for waiver of penalty imposed on the



Company and on its Director as well as prayed for setting aside of the impugned Order.

4. An opportunity of being heard was afforded on 07.09.2020 to the Appellants but none turned up. Hence one more opportunity was given on 21.09.2020 but none appeared on that day too.

5. Though none appeared for the hearing, the submissions of the Company in the Appeal form ADJ seeking relief of waiver of the adjudged penalties against the Company and the Officer in default was considered and since the delay is only 3 days, the impugned order of the adjudicating officer/ROC, Kerala is set aside. 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 24th day of September, 2020.



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

To

- ✓ 1. M/s. Pipelab Engineering Private Limited,
Navajyothi Nagar No.13,
Thiruvathira Townlimit,
Kadappakada P.O
Kollam - 691 006, Kerala
2. Mr. Nandhu Chandran
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)