

ADJ/42/RD(SR)/2019-20 (Real Dreamz)
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. REAL DREAMZ REALTORS PRIVATE LIMITED

- 1 M/s. Real Dreamz Realtors Private Limited
Thottathil Building, Alinchode,
Kottaram, Valanchery PO,
Malapuram, Kerala - 676 552.
- 2 Mr. Mahmood RiyasAppellants

Date of hearing 12.10.2020
Present **Shri Cheringal Jithesh, PCS (Mem No. 42383, CP No. 18272)**

ORDER

M/s Real Dreamz Realtors Private Limited (hereinafter referred to as the Company), having share capital, was incorporated on 27.02.2019 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 1 day on 27.08.2019. The Registrar of Companies, Kerala and Lakshadweep examined the said default and passed the Adjudication Order No. ROC/S-454/10A/2020 dated 20.01.2020 (impugned Order) under Section 454 (3) & (4) of the Act, 2013 for the delay of 1 day 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. 1,000/- upon the Director in default viz. Mahmood Riyas @ Rs. 1,000/- per day.

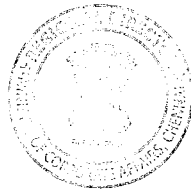
2. Aggrieved by the above said Order dated 20.01.2020, the instant appeal was filed by the Appellants in terms of Section 454 (5) of the Act in Form ADJ on 20.03.2020 vide SRN R 35920685. The appeal was filed within limitation period.


3. The grounds urged in the Appeal by the Appellants are that there was only 1 day delay in filing the form INC-20A and hence sought condonation of delay and prayed for setting aside of the impugned Order.

4. An opportunity of being heard was afforded on 12.10.2020 to the Appellants who were represented by their Authorized Representative Shri Cheringal Jithesh, PCS who represented that the delay is only one day which may be condoned and requested for setting aside of the impugned order of the Registrar of Companies, Kerala.

5. In the light of the averments in the Appeal as well as and the representations of the Authorized Representative in the hearing and since the delay is only one day, the undersigned allowed the Appeal and the impugned Order dated 20.01.2020 passed by the 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 13th day of October, 2020.




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

To

- ✓ 1. M/s. Real Dreamz Realtors Private Limited
Thottathil Building, Alinchode,
Kottaram, Valanchery PO,
Malapuram, Kerala - 676 552.
2. Mr. Mahmood Riyas
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)