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**GOVERNMENT OF INDIA
MINISTRY OF CORPORATE AFFAIRS
OFFICE OF THE REGISTRAR OF COMPANIES, KARNATAKA
II FLOOR, "E" WING, KENDRIYA SADAN, KORAMANGALA, BANGALORE - 560 034**

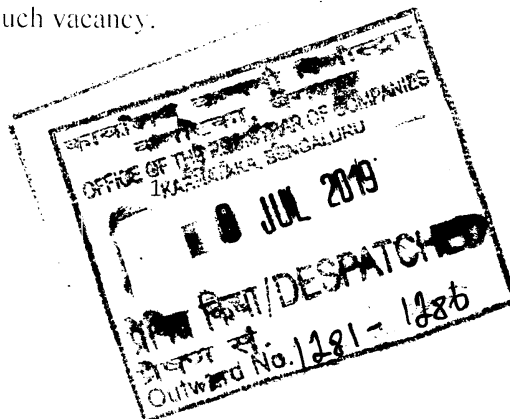
No. ROCB/Sec 454(3)-Sec.203/24675/2019

Date: 08/07/2019

ORDER OF ADJUDICATION OF PENALTY UNDER SECTION 454 (3) OF COMPANIES ACT 2013 READ WITH RULE 3 OF THE COMPANIES (ADJUDICATION OF PENALITIES) RULES 2014 FOR VIOLATION OF SECTION 203 OF THE COMPANIES ACT 2013.

In the matter of M/s. ATRIA HYDEL POWER LIMITED

1. Whereas pursuant to clause (ii) of sub-section (1) of section 203 of the Companies Act, 2013, every company belonging to such class or classes of companies as may be prescribed shall have Company Secretary as one of the whole-time key managerial personnel.
2. Whereas pursuant to Rule 8A of Companies (Appointment and Remuneration of Managerial Personnel) Rules, 2014, notified w.e.f. 09.06.2014, every company which has a paid up capital of FIVE Crore rupees or more shall have a Whole-time Company Secretary.
3. Further the provisions of sub-section (4) of said Section 203 of the Act, stipulate that if the Office of any whole-time key managerial personnel is vacated, the resulting vacancy shall be filled up by the Board at a meeting of the Board within a period of six months from the date of such vacancy.



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4. Whereas though the Company being unlisted public Company having paid up capital of Rs. 7,27,85,300/-, does not have Company Secretary w.e.f. 09.06.2014 to 09.08.2015. Further not filled up the vacancy occurred on 01.11.2016 within 6 months i.e., 30.04.2017 as required under Sub-Section (4) of Section of the Companies Act, 2013 and appointed the Company Secretary only on 01.05.2018, whereby contravened the provisions referred to in para Nos. 1 to 3 supra and the default period is mentioned here under:
- (i) 242 days default from 09.12.2014 to 09.08.2015
 - (ii) 365 days default from 30.04.2017 to 30.04.2018
5. Whereas, the Company and its 5 directors have filed adjudication application on 19/03/2019 in the matter of violation of section 203 (1) & (4) of the Companies Act, 2013. On the basis of application received for adjudication of penalty and notice of hearing issued by this office on 24-05-2019, the authorized representatives of the Company viz., Mr. Gouri Shankar Mishra and Mr. Bimlendu Kumar attended for hearings on 06-06-2019 and 11-06-2019 at 3 p.m. for adjudicating penalty for violations committed.
6. Whereas pursuant to sub-section (5) of section 203 of the Companies Act, 2013, if a company contravenes the provisions of this section, the company shall be punishable with fine which shall not be less than one lakh rupees but which may extend to five lakh rupees and every director and key managerial personnel of the company who is in default shall be punishable with fine which may extend to fifty thousand rupees and where the contravention is a continuing one, with a further fine which may extend to one thousand rupees for every day after the first during which the contravention continues.
7. Whereas pursuant to the Companies (Amendment) Ordinance, 2018, dated 02.11.2018, the penal provisions of Section 203(5) of the Companies Act 2013 state that if any company makes any default in complying with the provisions of this section, such company shall be liable to a penalty of five lakh rupees and every director and key managerial personnel of the company who is default shall be liable to a penalty of fifty thousand rupees, etc. The company and the officers in default have admitted the violations noticed by this office and hence following penalty referred to in para No.8 is imposed on the Company and on each Director.

8. Therefore in view of the above said violation of Section 203(1) and (4) of the Companies Act 2013 r/w Rule 8A of Companies (Appointment and Remuneration of Managerial Personnel) Rules, 2014, notified w.e.f. 09.06.2014, the undersigned in exercise of the powers vested to him vide Sec 454(1) & (3) of Companies Act 2013 hereby impose a penalty of Rs. 3,00,000/- on Company and Rs. 30,000/- each to the officers in default in the following manner:

		Penalty amount (in Rs.)
1.	M/s. Atria Hydel Power Limited	3,00,000/-
2.	S/Sri Chinnaswamy Sunder Raju	30,000/-
3.	Kupparaju Nagarajua	30,000/-
4.	Shanker Iyer	30,000/-
5.	Pradeep Gopal Raju	30,000/-
6.	Appaiahrju Chandrashekar Raju	30,000/-

9. Further hereby direct that they shall pay the above penalty immediately through MCA 21 portal and proof of payment be produced for verification within 30 days from the date of receipt of order.
10. Whereas sub-section (5) of section 454 of the Companies Act, 2013 provides that 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 and further sub-section (6) provides that 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.
11. Please note that as per Sec 454(8) (i) of the Companies Act 2013, Where company does not pay the penalty imposed by the adjudicating officer or the Regional Director 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. and


(ii) Where an officer of a company who is in default does not pay the penalty 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.

12. In case of default in payment of penalty within the prescribed period, prosecution will be filed U/s 454(8(i) and (ii) of the Companies Act 2013 at your own costs without any further notice.


(C V SAJEEVAN)
REGISTRAR OF COMPANIES
KARNATAKA, BANGALORE

To

1. M/s. Atria Hydel Power Limited. — EK362655253IN
Atria Power, 1st Floor, No.-11, Commissariat Road, Bangalore-560025.
2. S/Sri Chinnaswamy Sunder Raju, S/o Late Mr. Chinnaswamy Raju, — EK362655267IN
R/o 294, Upper Palace Orchards, Bangalore - 560080.
3. Kupparaju Nagaraju, S/o Late Akkalaraju Solaraju Kupparaju, — EK362655284IN
R/o 160, R.V. Layout, Kumarapark West, Bangalore-560020.
4. Shankar Iyer, S/o Sri Subramani Iyer, — EK362655298IN
R/o 51, Lily Avenue, Sigapore 277784.
5. Pradeep Gopal Raju, S/o Sri Kupparaju Gopal Raju, — EK362655307IN
R/o 160, R.V. Layout, Kumara Park West Extn, Bangalore-560020.
6. Appaiahru Chandrashekar Raju, S/o Sri Appaiahru Chamaraju, — EK362655315IN
R/o No.29, 15th Cross, 3rd Block, Jayanagar, Bangalore - 560011.

etc

08/02/19