



भारत सरकार
कारपोरेट कार्य मंत्रालय
कम्पनी पंजियक का कार्यालय,
तमिलनाडू, कोयंबटूर
नंबर 7 ए जी टी बिजनेस पार्क फेज II, 1ST
फ्लोर, पीलमेडू कोयंबटूर- 6410014
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GOVERNMENT OF INDIA
MINISTRY OF CORPORATE AFFAIRS
OFFICE OF THE REGISTRAR OF COMPANIES
TAMILNADU – COIMBATORE
No.7 A G T BUSINESS PARK, PHASE II, 1ST FLOOR,
PEELAMEDU, COIMBATORE - 641014
e-Mail roc.coimbatore@mca.gov.in

Ref: ROC/CBE/A.O./10A/31539/2020

Date: 14.09.2020

Order for Penalty under Section 454 for violation of Section 10A of the Companies Act, 2013 read with the Companies (Adjudication of Penalties) Rules, 2014

IN THE MATTER OF M/s I-FOX WINDTECHNIK INDIA PRIVATE LIMITED
CIN: U40100TZ2019PTC031539

Appointment of Adjudicating Officer:

1. Ministry of Corporate Affairs vide its Gazette Notification No.A-42011/112/2014-Ad.II dated 24.3.2015 appointed undersigned as Adjudicating Officer in exercise of the powers conferred by Section 454 of the Companies Act, 2013 (herein after known as Act) read with Companies (Adjudication of penalties) Rules, 2014 for adjudging penalties under the provisions of this Act.

Company:

2. Whereas Company M/s I-FOX WINDTECHNIK INDIA PRIVATE LIMITED (hereinafter Known as Company) is a registered company with this office under the provisions of Companies Act, 2013 having its registered address at 262/A, Pollachi Palani Road, Udumalpet, Tiruppur, Coimbatore-642 126

Facts of the case:

3. The company and its directors have filed suo-moto application in this office on 08.06.2020 for adjudication of the penalty for violation of section 10A of the Companies Act, 2013.
4. The undersigned in exercise of power conferred under sub section 4 of section 454 of the Companies Act, 2013 with a view to give a reasonable opportunity of being heard before imposing any penalty, fixed the date of hearing on 11/09/2020 at 11.30 AM to adjudicate the penalty for violation of provision of section 10A of the Companies Act, 2013.

5. In response to the hearing notice dated 04/09/2020 issued by the undersigned, the Company and its Officer in default vide Authority Letter dated 11/09/2020 have authorized Ms.V.M.Vennila, Practicing Company Secretary to appear and represent before the adjudicating authority-Registrar of Companies, Coimbatore on the above given date and time for oral and written submission and to all acts and things as may be necessary and incidentally in the matter.
6. During the hearing on 11/09/2020 Ms.V.M.Vennila, Practicing Company Secretary and authorized representative of the Respondent made submissions that the Company could not bring in promised capital within 180 days and hence commencement of business could not be done.

Provisions of the Companies Act, 2013

7. Sub-Section (1) of Section 10A of the Act provides that every company incorporated after the commencement of the Companies Amendment) Second Ordinance, 2019 and having a share capital shall not commence any business or exercise any borrowing powers unless a declaration is filed by a director within a period of one hundred and eighty days of the date of incorporation of the company with the Registrar that every subscriber to the memorandum has paid the value of the shares agreed to be taken by him on the date of making of such declaration.
8. Sub-section (2) provides that if any default is made in complying with the requirements of this section, the company shall be liable to a penalty of fifty thousand rupees and every officer who is in default shall be liable to a penalty of one thousand rupees for each day during which such default continues but not exceeding an amount of one lakh rupees.

ORDER

9. Having considered the facts and circumstances of the case and the submissions made by the authorized representative of the Respondent, the Adjudicating officer do hereby impose penalty on Company and its directors as per Table below for violation of Section 10A of the Companies Act, 2013. The penalties imposed as under should be paid by the Respondents as per Law and submit the copies of Challan to this office. The company should file the INC 28 with attachment of this order and copy of aforesaid Challan.

10.

| S.No | Name of the Respondents | Amount(In Rupees) |
|------|---|-------------------|
| 1. | M/s I-Fox Windtechnik India Private Limited | 50,000 |
| 2. | Shri. Sokkalingam Gurusamy | 1,00,000 |
| 3. | Smt. Rajamanickam Anandhi | 1,00,000 |
| | TOTAL | 2,50,000 |

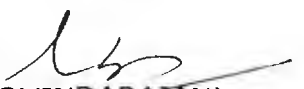
- 11.** The company and its directors are hereby directed to rectify the defect immediately on receipt of copy of this order.
- 12.** The penalty imposed shall be paid through the Ministry of Corporate Affairs portal only.
- 13.** Appeal, if any against this order may be filed in writing with the Regional Director, Southern Region, Ministry of Corporate Affairs, 5th Floor, Shastri Bhavan, 26, Haddows Road, Chennai-600 006 within a period of sixty days from the date of receipt of this order, in Form ADJ setting forth the grounds of appeal and shall be accompanied by a certified copy of this order (Section 454 of the Companies Act, 2013 read with the Companies (Adjudicating Of Penalties) Rules, 2014).
- 14.** Your attention is also invited to Section 454(8) of the Act regarding consequences of non-payment of penalty.
- 15.** In terms of the provisions of sub-rule(9) of Rule 3 of the Companies (Adjudication of Penalties) Rules, 2014, a copy of this order is being sent to Company M/s I-FOX WINDTECHNIK INDIA PRIVATE LIMITED, 262/A, Pollachi Palani Road, Udumalpet, Tiruppur, Coimbatore-642 126. Shri. Sokkalingam Gurusamy, Director, 13, Poongundranar Lanethangammal Odai Street, Udumalaipettai, Tiruppur-642 126. Smt. Rajamanickam Anandhi, Director, 13, Poongundranar Lanethangammal Odai Street, Udumalaipettai, Tiruppur- 642 126.

Also to:-

1. Regional Director, Southern Region, Ministry of Corporate Affairs, Chennai.
2. Deputy Director, Legal Section, Ministry of Corporate Affairs, 5th Floor, 'A' Wing, Shastri Bhawan, Dr.R.P.Road, New Delhi-110001.
3. E Governance Cell, Ministry of Corporate Affairs, Shastri Bhawan, 5th Floor, 'A' Wing, Dr.R.P.Road, New Delhi-110001.

Place:Coimbatore

Date:15.09.2020


(C.S. GOVINDARAJAN)
REGISTRAR OF COMPANIES
TAMILNADU, COIMBATORE