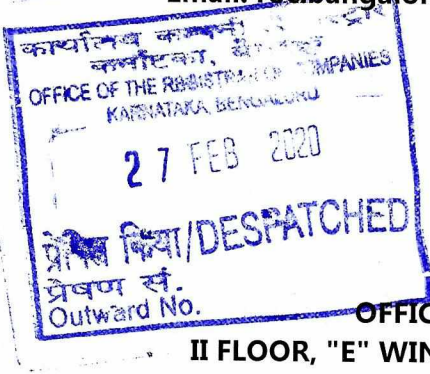




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GOVERNMENT OF INDIA
MINISTRY OF CORPORATE AFFAIRS

OFFICE OF THE REGISTRAR OF COMPANIES, KARNATAKA
II FLOOR, "E" WING, KENDRIYA SADAN, KORAMANGALA, BANGALORE – 560 034

No. ROCB/ Adj. Order /Sec.454 /Co. No.023971/2019-2020

Date: 25.02.2020

ORDER OF ADJUDICATION OF PENALTY UNDER SECTION 454 OF COMPANIES ACT 2013 READ WITH RULE 3 OF THE COMPANIES (ADJUDICATION OF PENALITES) RULES 2014 FOR VIOLATION OF PROVISIONS OF SECTION 137 OF THE COMPANIES ACT 2013 BY ANDRITZ TECHNOLOGIES PRIVATE LIMITED

- 1 In the matter of M/s ANDRITZ TECHNOLOGIES PRIVATE LIMITED incorporated on 20.07.1998 under the jurisdiction of Registrar of Companies, Bangalore with the registered office situated at 3rd Floor, ,Magnolia,Manyata Embassy Business Park, Hebbal ,Bangalore 560045.
- 2 Whereas as per Section 137 of the Companies Act, 2013, a copy of the Financial statement, including consolidated financial statement, if any, along with all the documents which are required to be or attached to such financial statements under this Act, duly adopted at the Annual General Meeting of the company, shall be filed with the Registrar within thirty days of the date of annual general meeting in such manner, with such fees or additional fees as may be prescribed.
- 3 Whereas as per sub-section (3) of Section 137 of the Act, "If a company fails to file the copy of the financial statements under Sub-Section (1) or Sub-section (2) , as the case may be, before the expiry of the period specified in Section 403, the company shall be punishable with fine of one thousand rupees for every day during which the failure continues but which shall not be more than ten lakh rupees., and the managing director and the Chief Financial Officer of the company, if any, and, in the absence of the Managing Director and Chief Financial Officer, any other director who is charged by the Board with the responsibility of complying with the provisions of this section, and in the absence of any such director, all the directors of the company, shall be punishable with imprisonment for a term which may extend to six months or with a fine which shall not be less than one lakh rupees but which may be extend to five lakh rupees , or with both.
- 4 It is seen from the records that the company and its directors in default has not filed the Form AOC-4 within the stipulated period i.e, on or before **30.07.2018**. The said form Aoc-4 was filed only on 21.11.2018 with a delay of 113 days.
- 5 This office has received the Application for Adjudication on 29.01.2019 submitted by the company for adjudicating the offence committed under pre-amended Section 137 of Companies Act, 2013.

4. Subsequently, this office issued a notice on 03.01.2020 to the addressees i.e M/s ANDRITZ TECHNOLOGIES PRIVATE LIMITED (THE COMPANY) and every officer in default viz. (1)Mr.Anand Mahadevan,Director, (2) Mr.Brijesh Anand , Director, (3) Mr.Heinz Autischer,Director, (4) Mr.Ari Matti Ensio Nieminen,director who were called upon under Section 454(4) of the Companies Act, 2013, read with Rule 3(3) of the Companies (Adjudication of penalties) Rules 2014 to appear personally or through their authorized representative before the undersigned on **18.01.2020 at 11.30 AM** in the chamber of Registrar of companies, II Floor, E Wing, Kendriya Sadan, Koramangala, Bangalore-560034 for hearing.
5. In response to the notice, the authorized representative of the company, Mr.Manjunath S Advocate , attended the hearing on **18.01.2020** for adjudicating the matter. He admitted the offence committed by the company. It was noticed that the Company, viz., M/s ANDRITZ TECHNOLOGIES PRIVATE LIMITED (THE COMPANY) and every officer in default are liable for payment of penalty for violation of Section 137(1) of the Companies Act 2013. Accordingly, the undersigned in exercise of the powers vested to him vide Sec 454(1) & (3) of Companies Act 2013 considering the **delay of 113 days**, hereby impose a penalty of **Rs.1,13,000/- to the company and each officer in default, (i.e, four directors) of Rs.1,00,000/- (totaling Rs.5,13,000/-) and hereby direct that they shall pay the penalty of Rs.5,13,000/-** immediately from their own sources in the MCA 21 portal and proof of payment be produced for verification and also INC-28 should be filed attaching payment challans and copy of this order within 90 days from the date of receipt of order.
6. Whereas sub-section (5) of section 454 of the Companies Act, 2013, 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.
7. 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 received by the aggrieved person and shall in such form, manner and be accompanied by such fees as may be prescribed.
8. Please note that as per Section 454(8)(i), where a company fails to comply with the order made under sub-section (3) or sub-section (7), as the case may be, 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.

(ii) Where an officer of a company or any other person who is in default fails to comply with the order made under sub-section (3) or sub-section (7), as the case may be, within a period of ninety days from the date of 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. In case of default in payment of penalty, prosecution will be filed under section 454(8)(i) and (ii) of the Companies Act 2013 at your own costs without any further notice.


9. Company is hereby directed to serve this notice on the officers in default in terms of Section 20 of the Companies Act, 2013 read with Rules 35 of Companies (Incorporation) Rules, 2014.



(C V SAJEEVAN)
REGISTRAR OF COMPANIES,
KARNATAKA

TO,

No. ROCB/ Adj. Order /Sec.454 /Co. No.023971/2019-2020

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1. 1.ANDRITZ TECHNOLOGIES PRIVATE LIMITED
3RD FLOOR,MAGNOLIA,
MANYATHA EMBASSY BUSINESS PARK ,HEBBAL
BANGALORE 560045

No. ROCB/ Adj. Order /Sec.454 /Co. No.023971/2019-2020

110283

2. MR.ANAND MAHADEVAN, Director
E-520 FIRST FLOOR,GRATER KAILASH PART II
BANGALORE

No. ROCB/ Adj. Order /Sec.454 /Co. No.023971/2019-2020

110284

3. MR.BRUJESH ANAND , Director
S-34,GROUND FLOOR,NEAR K R MANGALAM SCHOOL,
GREATER KAILASH-II , SOUTH DELHI,
NEW DELHI,110048

No. ROCB/ Adj. Order /Sec.454 /Co. No.023971/2019-2020

110285

4. MR. HEINZ AUTISCHER, Director
3RD FLOOR,MAGNOLIA,
MANYATHA EMBASSY BUSINESS PARK ,HEBBAL
BANGALORE 560045

No. ROCB/ Adj. Order /Sec.454 /Co. No.023971/2019-2020

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5. MR.ARI MATTI ENSIO NIEMINEN, Director
3RD FLOOR,MAGNOLIA,
MANYATHA EMBASSY BUSINESS PARK ,HEBBAL
BANGALORE 560045