

BEFORE THE REGIONAL DIRECTOR, (WR), MUMBAI
RD(WR)/Sec. 454(5)/ Xec Blue Metals Private Limited /R10542983/2019 / 2200
In the matter of Companies Act, 2013: Section 454(5)

AND

In the matter of XEC BLUE METALS PRIVATE LIMITED = 7 DEC 2020

Having Registered Office at Plot B-2, B-3 Phase-1A, Verna Industrial Estate, Verna,
Goa-403722Appellant

ORDER

1. This appeal is filed under sub-Section (5) of Section 454 of the Companies Act, 2013 (hereinafter referred to as the "Act") read with Companies (Adjudication of Penalties) Rules, 2014 (hereinafter referred to as the "Rules") by XEC BLUE METALS PRIVATE LIMITED (hereinafter referred to as the "Company" or "Appellant") having CIN U74900GA2011PTC006787, incorporated under the Companies Act, 1956, having its registered office at Plot B-2, B-3 Phase-1A, Verna Industrial Estate, Verna, Goa-403722 India, against the order passed by Registrar of Companies-cum-Official Liquidator (ROC), Goa, adjudicating a penalty for violation of Section 92(5) and Section 137(3) of the Act vide Order No. ROCCDD/AO/92&137/2019/64 dated 03/06/2019.
2. The order was passed by the ROC on 03/06/2019 and the appeal is filed with this appellate forum having jurisdiction in the matter being the Regional Director having jurisdiction in the State of Maharashtra and Goa. Thus, this appellate forum is having jurisdiction.
3. The appeal in Form ADJ (SRN H54160106) is filed on 04/11/2019. As per provisions of Section 454(6) of the Act, an appeal under sub-Section (5) of Section 454 is to be filed within a period of 60 days from the date on which the copy of the order passed by the Adjudicating Officer is received by the aggrieved person. On examination of the Appeal it is seen that the said appeal is filed beyond sixty days (60) from date of receipt of Adjudication order by the Company (i.e. 06.06.2019 as mentioned in the Appeal). The same is not as per Section 454(6) of the Act.
4. This authority is not vested with any powers to condone such non-compliance, resultantly the captioned appeal is defective/non-compliant to the mandatory requirements and thus is rejected.

Signed and sealed on 4th day of December, 2020



(M.P.SHAH)
REGIONAL DIRECTOR
WESTERN REGION, MUMBAI

- To
1. Xec Blue Metals Private Limited,
Plot B-2, B-3 Phase-1A,
Verna Industrial Estate,
Verna, Goa-403722
 2. Registrar of Companies cum Official Liquidator,
Goa,
 3. Master Copy
 4. Office Copy

"Certified True Copy"

(Signature)
मनोज एस. शंभर