

ADJ/58 /RD (SR)/2019-20

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. BODHWI TECHNOLOGIES PRIVATE LIMITED

1. M/s. Bodhwi Technologies Private Limited
VII/597, Valiyangadi, Panayikulam P.O,
Alangad, Aluva, Ernakulam,
Kerala - 683 511.

2. Shri. Shiyas, DirectorAppellants

Date of hearing 02.12.2020

Present Shri. Prince Mathew, (CP No. 23547)
Practicing Company Secretary

ORDER

M/s. Bodhwi Technologies Private Limited (hereinafter referred to as the Company), having share capital, was incorporated on 16.01.2019 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 01 day on 16.07.2019. The Registrar of Companies, Kerala and Lakshadweep examined the said default and passed the Adjudication Order No. ROC/S-454/10A/709/2020 dated 19.02.2020 (impugned Order) under Section 454 (3) & (4) of the Act, 2013 for the delay of 01 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. Shri. Shiyas @ Rs. 1,000/- per day.

2. Aggrieved by the above said Order dated 19.02.2020, the instant appeal was filed by the Appellants in terms of Section 454 (5) of the Act in Form ADJ on 31.03.2020 vide SRN: R36227510. The appeal was filed within limitation period.

3. The appellants have sought condonation of delay keeping in view the size of the Company and no prejudice is caused to the public interest and hence, prayed for setting aside of the impugned order.

4. An opportunity of being heard was afforded on 02.12.2020 to the Appellants who were represented by their Authorized Representative Shri. Prince Mathew, Company Secretary in Practice who had reiterated the submissions made in the application and further stated that the company is an IT based startup company and yet to start its business and the delay was only 01 days and hence, prayed for setting aside the order or at least reduce the penalty on the grounds that the size of the company is small.

5. Considering the grounds urged by the Appellants in the Appeal and the submissions made as well as the fact that the Form INC-20A was filed subsequently, the undersigned deems it appropriate to set aside the impugned order dated 19.02.2020 passed by the ROC, Kerala. 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 08th day of December, 2020.




(Dr. K. THIRUMALAIMUTHU)
REGIONAL DIRECTOR (SR)

To

- ✓ 1. M/s. Bodhwi Technologies Private Limited
VII/597, Valiyangadi, Panayikulam P.O,
Alangad, Aluva, Ernakulam,
Kerala - 683 511.
2. Shri. Shiyas, Director
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)