

ADJ/50/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. PEOPLE FOCUSED TECHNOLOGIES PRIVATE  
LIMITED

1. M/s. People Focused Technologies Private Limited,  
No. 1/219 J3, EC Square, West Hill,  
Kozhikode, Ernakulam,  
Kerala - 673 005.
  2. Shri. Ponmili Dheeraj Mohan .....Applicants/ Appellants
- Date of hearing            05.11.2020  
Present                      Shri. S. Narasimman, Senior Manager  
   M/s. SAS Partners Corporate Advisors Private Limited

**ORDER**

This is an appeal filed under Section 454 (7) of the Companies Act, 2013 by the above Applicants in Form ADJ vide SRN No. R36177004, dated 28.03.2020 against the Adjudication Order No. ROC/S-454/10A/387/2020 dated 03.02.2020 under Section 454 (3) passed by the Registrar of Companies, Kerala for default in compliance with the requirements of Section 10A of the Companies Act, 2013 read with the Companies (Adjudication of Penalties) Rules, 2014.

2. The subject Company was incorporated on 17.12.2018. E-form INC-20A should have been filed within a 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 42 days on 27.07.2019. The Registrar of Companies, Kerala examined the said default and passed the Adjudication Order No. ROC/S-454/10A/387/2020 dated 03.02.2020 (impugned Order) under Section 454 (3) & (4) of the Act, 2013 for the delay of 42 days 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. 42,000/- upon the Director in default viz. Shri. Ponmili Dheeraj Mohan @ Rs. 1,000/- per day.

3. The Appellant while filing the appeal contended that the company is a startup company registered with DIPP and not aware about the new provisions of the Companies Act, 2013 and was not an intentional default.

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4. An opportunity of being heard was given to the Appellants on 05.11.2020. The Authorized Representative Shri. S. Narasimman, Senior Manager of M/s. SAS Partners Corporate Advisors Private Limited appeared for the Appellants while reiterating the grounds taken in the appeal had stated that the company had delayed in filing Form INC-20A only by 42 days and hence sought condonation.

5. Though there is a default committed, there is a ground in interfering with the impugned adjudication order of the Registrar of Companies to the extent of reducing the quantum of penalty. Accordingly, the penalties imposed are reduced to 25 % i.e. from Rs. 50,000/- to Rs. 12,500/- on the Company and from Rs. 42,000/- to Rs. 10,500/- for the Director. The Appellants shall pay the penalty in 30 days.

Dated at Chennai this the 06<sup>th</sup> day of November, 2020.



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

To

- ✓ 1. M/s. People Focused Technologies Private Limited,  
No. 1/219 J3, EC Square, West Hill,  
Kozhikode, Ernakulam,  
Kerala - 673 005.
2. Shri. Ponmili Dheeraj Mohan
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)