

ADJ/28/RD (SR)/2019-20 (Salco)
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 SALCO TAX CARE PRIVATE LIMITED

1 M/s Salco Tax Care Private Limited
Salco Building, Building No 75/Inward 18
C/o Abdul Salam,
Pathanapuram, Kollam,
Kerala - 689 695

2 Shri Habeebulla Abdul Salam

Appellants

Date of hearing 04 09 2020

Present Shri N.V.Prakash, Advocate, Roll No.2269/2007

ORDER

M/s Salco Tax Care Private Limited, (hereinafter referred to as the Company), having share capital, was incorporated on 07 03 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 33 days on 06 10 2019. The Registrar of Companies, Kerala and Lakshadweep examined the said default and passed the Adjudication Order No ROC/S-454/10A/162/2020 dated 20 01 2020 (impugned Order) under Section 454 (3) & (4) of the Act, 2013 for the delay of 33 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 33,000/- upon the Director in default viz Shri Habeebulla Abdul Salam @ Rs 1,000/- per day

2 Aggrieved by the above said Order dated 20 01 2020, the instant appeal was filed by the Appellants in terms of Section 454 (5) of the Act in Form ADJ on 18 03 2020 vide SRN R 35763945. The appeal was filed within limitation period

3 The appellants have contended in the Appeal that delay occurred due to current economic slowdown faced by the market and poor response to the new venture Company neither commenced its business nor entered into any kind of business transactions, since its incorporation and hence sought condonation of delay and prayed for setting aside of the impugned Order



4 An opportunity of being heard was afforded on 04 09 2020 to the Appellants who were represented by their Authorized Representative Shri N V Prakash, Advocate who represented that there was a small delay of 33 days in filing the INC-20A due to diversion of attention of the management in procuring business, but in spite of which, the Company still was not able to do any business till 31 03 2020 and thereafter COVID-2019 intervened making the chances of doing any business further difficult and hence, requested for setting aside the ROC's Order of levying a penalty of Rs 50,000/- on the Company and Rs 33,000/- on the Officer in default

5 Considering the grounds urged by the Appellants in the Appeal and the submissions made by the Authorized Representative, the undersigned agreed with the contentions and accordingly the ROC's Order dated 20 01 2020, which is impugned is set aside 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 12th day of September, 2020



(M.R. BHAT)

REGIONAL DIRECTOR (SR)

To

- 1 M/s Salco Tax Care Private Limited
Salco Building, Building No 75/Inward 18
C/o Abdul Salam,
Pathanapuram, Kollam,
Kerala - 689 695
- 2 Shri Habeebulla Abdul Salam
- 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)