

ADJ/10/RD (SR)/2019-20 (Vibhavin)
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. VIBHAVIN TECHNOLOGIES PRIVATE LIMITED

- 1 M/s Vibhavin Technologies Private Limited
H7, heavenly Plaza, Civil Line Road,
Vazhakkala,
Ernakulam - 682021
- 2 Shri Bhadran Choolayil Thankappan Appellants

Date of hearing 04 09 2020
Present **Shri N.V.Prakash, Advocate, Roll No.2269/2007**

ORDER

M/s Vibhavin Technologies Private Limited (hereinafter referred to as the Company), having share capital, was incorporated on 22 05 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 4 days on 22 11 2019. The Registrar of Companies, Kerala and Lakshadweep examined the said default and passed the Adjudication Order No ROC/S-454/10A/163/2020 dated 20 01 2020 (impugned Order) under Section 454 (3) & (4) of the Act, 2013 for the delay of 4 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 4,000/- upon the Director in default viz Mr Shri Bhadran Choolayil Thankappan @ 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 09 03 2020 vide SRN R 35068006. The appeal was filed within limitation period

3 The appellants have contended in the Appeal that delay occurred due to inadvertence, and without malafides and that no creditor or shareholder has been prejudiced by the delay 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 contended that the delay in filing occurred due to pressure of work and oversight on the part of the officer in default and requested for setting aside of the impugned order

5 Considering the grounds urged by the Appellants in the Appeal and the submissions made by the Authorized Representative, the undersigned deems that the Appellants deserve condonation of such a small delay and accordingly set aside the impugned Order dated 20 01 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 ^{12th} day of September, 2020



(M.R. BHAT)
REGIONAL DIRECTOR (SR)

To

- ✓1 M/s Vibhavin Technologies Private Limited
H7, heavenly Plaza, Civil Line Road,
Vazhakkala, Ernakulam - 682021
- 2 Shri Bhadrans Choolayil Thankappan,
4/1065, C1, Pranavam, Pranavam,
53-A, Swaraksha Chandrathil Road,
Edappally, Ernakulam-682024
- 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)