

F.No:9/32/ADJ/SEC.134 OF 2013/KARNATAKA/RD(SER)/2023 / 5821

BEFORE THE REGIONAL DIRECTOR, SOUTH EAST REGION

MINISTRY OF CORPORATE AFFAIRS, HYDERABAD

IN THE MATTER OF COMPANIES ACT, 2013

IN THE MATTER OF CEETA INDUSTRIES LIMITED

1. M/s. Ceeta Industries Limited
2. Mr. Krishna Murari Poddar, Managing Director
3. Mr. Anubhav Poddar, CFO (KMP)
4. Ms. Sneha Binani, Company Secretary

Appellants

Date of hearing : 21.11.2023

Present : Mr. Mahaveer Jain, PCS

ORDER

This is an appeal filed under section 454(5) of the Companies Act, 2013 by the above appellants in e-form ADJ vide SRN F78719556 dated 07.11.2023 against the adjudication order No. ROC(B)/ADJ.ORDER/454-134(3)/CEETA/Co.No.21494/2023 dated 12.09.2023 under section 454 passed by the Registrar of Companies, Karnataka for default in compliance with the requirements of Section 134(3) of the Companies Act, 2013.

2. Registrar of Companies in his order of adjudication has stated that during the course of inquiry under section 206(4) of the Act, it was noticed that the Board's report attached to the financial statement as on 31.03.2019 and 31.03.2020 did not disclose that the company has complied with provisions relating to constitution of Internal Complaints Committee under the Sexual Harassment of Women at Workplace (Prevention, Prohibition, Redressal) Act, 2013. Hence the Company has violated the provisions of section 134(3) of the Act and the Company and officers in default of the company are liable for action under section 134(8) of the Act. Hearing was held before Registrar of Companies on 10.08.2023 and after hearing the authorized representative had levied a penalty as below:

Contd..2.



S.No	Particulars	Penalty for the Board Report ending 31.03.2019	Penalty for the Board Report ending 30.03.2020	Total (Amt. in Rs)
1	Company	3,00,000	3,00,000	6,00,000
2	Mr. Krishna Murari Poddar, Managing Director	50,000	50,000	1,00,000
3	Mr. Anubhav Poddar, CFO (KMP)	50,000	50,000	1,00,000
4	Ms. Sneha Binani, Company Secretary	50,000	50,000	1,00,000
			Total	9,00,000

3. An opportunity of being heard was given to the Appellants on 21.11.2023. The authorized representative Mr. Mahaveer Jain, Practicing Company Secretary appeared on behalf of the appellants and reiterated the submissions made in the appeal and also submitted the following:

1. the company has always created a safe and harassment free workplace for every individual working in premises including sexual harassment. Since the company has less than 10 employees in each of the establishment it is not required to constitute an Internal Complaints Committee as per the section 6 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

2. The non-disclosure of the statement in the Board's Report as on 31.03.2019 and 31.03.2020 relating to constitution of Internal Complaint Committee was not a deliberate act. Since, the Company is not required to constitute Internal Complaint Committee under Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, the disclosure with respect to the constitution of the Committee as required under the law is not applicable and is not made in the Board's report. However, the same is mentioned in the Board's report in the succeeding years.

Contd..3.



3. The Company has complied with the provisions relating to constitution of Internal Compliant Committee, under the Sexual Harassment of Women at Work Place (Prevention, Prohibition and Redressal) Act, 2013. Also during the year of default there were no women employees in the Company, hence the guideline as specified in M/s. Vishaka v/s State of Rajasthan mentions only with regard to constitution of Internal Compliant Committee, the company has duly complied with the guideline as specified by the Honorable Supreme Court.

4. The company would like to comply with the law in letter and spirit. In the light of the foregoing, the Company requests to take a merciful view of the said matter and to permit appeal of the offence (which was committed unintentionally) and to levy a reasonable monetary penalty with respect to the same. The said default was inadvertent and not malafide in nature and there was no intention to commit the aforesaid defaults or to cause any harm, injury or prejudice to the rights and interest of the public, shareholders or creditors.

5. Though there is a default committed, there is a ground in interfering with the impugned adjudication order of Registrar of Companies to the extent of reducing the quantum of penalty due to the reasons as stated at para (3) above and taking into consideration the facts of the appeal and submissions made by the authorized representative. The appellants are directed to comply with this order and also provisions of Section 454(8) of the Companies Act, 2013 read with Companies (Adjudication of Penalties) Rules, 2014 and I deem it would meet the end of justice if the penalty imposed by Registrar of Companies is hereby reduced to 20% of the penalty as imposed by Registrar of Companies in his adjudication order dated 12.09.2023 for the Company and officers as stated below:

S.No	Particulars	Penalty imposed for the year 2019	Penalty imposed for the year 2020	Total (Amt. in Rs.)
1	Company	60,000	60,000	1,20,000
2	Mr. Krishna Murari Poddar, Managing Director	10,000	10,000	20,000
3	Mr. Anubhav Poddar, CFO (KMP)	10,000	10,000	20,000
4	Ms. Sneha Binani, Company Secretary	10,000	10,000	20,000
			Total	1,80,000

Contd..4.



6. Accordingly, penalty was paid by the Company and officers as stated below:

S.No	Particulars	Penalty paid for the year 2019	SRN and Date of Payment	Penalty paid for the year 2020	SRN and Date of Payment
1	Company	60,000	X59254219 dated 24.11.2023	60,000	X59253898 dated 24.11.2023
2	Mr. Krishna Murari Poddar, Managing Director	10,000	X59252585 dated 24.11.2023	10,000	X59254250 dated 24.11.2023
3	Mr. Anubhav Poddar, CFO (KMP)	10,000	X59253344 dated 24.11.2023	10,000	X59254284 dated 24.11.2023
4	Ms. Sneha Binani, Company Secretary	10,000	X59253542 dated 24.11.2023	10,000	X59254151 dated 24.11.2023
Total aggregating to Rs.1,80,000/-					

Accordingly, this order is issued to the Appellants with a copy to Registrar of Companies, Karnataka and Joint Secretary, E-Governance Cell, Ministry of Corporate Affairs, New Delhi for information and necessary action.

Issued under my hand and seal on this the 13th day of December 2023.



(DR. RAJ SINGH)
REGIONAL DIRECTOR (SER)
HYDERABAD

Copy for information and necessary action to:


1. M/s. Ceeta Industries Limited
Plot No. 34-38, Kiadb Industrial Area, Sathyamangala,
Tumkur, Tumkur, Bangalore, Karnataka- 572 104.
2. Mr. Krishna Murari Poddar, Managing Director
10D, Alipore park Place, Kolkata,
West Bengal- 700027.
3. Mr. Anubhav Poddar, CFO (KMP)
10D, Alipore park Place, Kolkata,
West Bengal- 700027.

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4. Ms. Sneha Binani, Company Secretary
22B, Kali Krishna Tagore Street, Kolkata,
West Bengal- 700007
5. Registrar of Companies, Ministry of Corporate Affairs,
Bangalore, Karnataka.
6. The Joint Secretary, E-Governance Cell, Ministry of Corporate Affairs, New Delhi.




(DR. RAJ SINGH)
REGIONAL DIRECTOR (SER)
HYDERABAD