

ADJ/06 /RD (SR)/2021-22

BEFORE THE REGIONAL DIRECTOR
(SOUTHERN REGION)
MINISTRY OF CORPORATE AFFAIRS, CHENNAI
IN THE MATTER OF THE COMPANIES ACT, 2013
SECTION 454(5) OF COMPANIES ACT, 2013

IN THE MATTER OF M/s. MCK CHITS PRIVATE LIMITED

1. M/s. MCK Chits Private Limited
Door No: 1/375/40, First Floor, City Gate Building,
Koorkenchery, Thrissur,
Kerala - 680 007.
2. Mr. T.T. Jose, Director

.....Appellants

ORDER

M/s. MCK Chits Private Limited (hereinafter referred to as the Company), having share capital, was incorporated on 26.11.2018 and e-Form INC 20A was not filed 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 61 days on 25.07.2019. The Registrar of Companies, Kerala and Lakshadweep examined the said default and passed the Adjudication Order No. ROC/S-454/10A/016/2019, dated 18.12.2019 under Section 454 (3) & (4) of the Act, 2013 for the delay of 61 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. 61,000/- upon the Director in default viz. Mr. T.T. Jose @ Rs. 1,000/- per day.

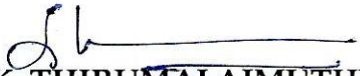
2. Aggrieved by the above said Order dated 18.12.2019, the instant appeal was filed by the Appellants in terms of Section 454 (5) of the Act in Form ADJ on 05.05.2021 vide SRN: T17746546. The appeal was filed with a delay of 444 days, which is beyond the prescribed limitation period of 60 days in terms of Sec. 454(6) of the Act. Moreover, the appeal was filed with incorrect information, mentioning the date of adjudication order as 05.04.2021 in e-Form ADJ, which is the date of issue of Show Cause Notice under Sec. 454(8) by ROC, Kerala for non-compliance of order dated 18.12.2019.

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3. In view of the above reasons, the Appeal is dismissed as rejected and the ROC's adjudication order dated 18.12.2019 is upheld. The Appellants are directed to remit the penalties imposed within 15 days of receipt of this order failing which ROC, Kerala is directed to file prosecution in terms of Sec. 454(8)(ii) of the Companies Act, 2013 without any further notice.

Dated at Chennai this the 13th day of July, 2021.




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

To

1. ✓ M/s. MCK Chits Private Limited
Door No: 1/375/40, First Floor, City Gate Building,
Koorkenchery, Thrissur,
Kerala - 680 007.
2. Mr. T.T. Jose, 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, Joint Director, (srikumar.b@gov.in)