

MONTHLY UPDATES ON ADJUDICATION ORDERS

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ADJUDICATION ORDERS OF THE ROC DURING THE MONTH OF JANUARY 2024

PRAGYA SPOTLIGHT

- 1) Jaipur ROC has imposed the Highest number of orders during the Month of January – i.e., 8 orders each, followed by Mumbai, Chhattisgarh, Gwalior and Pune with 7 orders each, followed by Delhi and Ahmedabad with 5 orders each.
- 2) The highest number of orders have been imposed for violation of Sections 92 and 137 of the Companies Act, 2013 i.e., Failure to file Annual return and financial statements for the Company.
- 3) Chattisgarh ROC has imposed 6 orders for violation of Section 10A(1)(a) of the Companies Act, 2023 i.e., Failure to file a Declaration for the incorporation of the company.

4) Uttarakhand and Gwalior ROC have imposed one order each under section 12(3) of the Companies Act, 2023 i.e., Failure to display any board showing the name of the company and Failure to print the details of the registered office in the letter respectively.

ADJUDICATION ORDERS OF THE ROC DURING THE MONTH OF JANUARY 2024

NON-FILING OF ANNUAL RETURN AS PRESCRIBED U/S 92				
SL. NO	ROC JURISDICTION AND NUMBER OF ORDERS PASSED	ORDER PASSED AGAINST AND AMOUNT OF PENALTY	NATURE OF NON-COMPLIANCE	OTHER RELEVANT POINTS, IF ANY
1	MUMBAI – 4	<p>The maximum penalty on Company Rs.82,400/-</p> <p>Maximum penalty on Directors Rs.82,400/-</p> <p>In one case, no penalty was levied as there is no default</p>	Failure to file Annual return	<p>In these 3 instances, the Company did not file the Annual returns for various years</p> <p>The company replied that the company has the financial year as January to December via the order passed by the NCLT and the</p>

				company has filed its Annual returns within 60 days from the date of AGM (on time)
2	JAIPUR - 2	The maximum penalty on Company Rs.75,600 Maximum penalty on Directors Rs.50,000 each	Failure to file Annual return	In these instances, the Company did not file the Annual returns within the due date.
3	PUNE – 1	Penalty on Company – Rs.1,41,900/- Penalty on Directors – Rs.50,000/-	Failure to file Annual Return	In this instance, the company is required to file with the Registrar a copy of the annual return, within sixty days from the annual general meeting. The company filed the copy of annual return with delay.
4	DELHI-2	Maximum penalty on Company – Rs.75,200/- Maximum penalty on Director – Rs.75,200/-	Failure to file annual return	In this instance, the company failed to file annual return within the due date
5	UTTARKHAND – 1	Penalty on company – Rs.40,000 Penalty on Directors – Rs.40,000	Failure to file annual- return	In this instance, the company failed to file annual return within the due date.

NON-FILING OF FINANCIAL STATEMENT AS PRESCRIBED U/S 137

SL. NO	ROC JURISDICTION AND NUMBER OF ORDERS PASSED	ORDER PASSED AGAINST AND AMOUNT OF PENALTY	NATURE OF NON-COMPLIANCE	OTHER RELEVANT POINTS, IF ANY
1	MUMBAI - 3	Maximum Penalty on Company – Rs. 3,54,000/-	Failure to file a financial statement.	In these instances, the companies failed to file financial statements within the due date.
		Maximum Penalty on Director – Rs. 1,35,400/-		In this instance, the company stated that the company has the financial year as January to December via the order and the company has filed its financial statement within 30 days from the date of AGM (On time)
2	JAIPUR-1	On Company – Rs.77,150/- On Director – Rs. 50,000/- each	Failure to file financial statement	In this instance, the company failed to file financial statement for the financial years

				2018-19, 2019-20, 2020-21, 2021-22 with a delay.
3	PUNE-1	On Company – Rs. 99,100/- On Directors – Rs. 50,000/- each	Failure to file financial statement	The company has failed to file Balance sheet and profit and loss account with ROC within 30 days.
4	DELHI – 1	On Company – Rs.75,200/- On Directors – Rs. 75,200/-	Failure to file annual return and financial statement	In this instance, the company failed to file annual return and financial statement within the due date.
5	UTTARAKHAND -1	On Company – Rs.41,500/- On Directors – Rs.41,500/-	Failure to file financial statement	In this instance, the company failed to file financial statement from 2020-2021 to till date.

NON-COMPLIANCE OF SECTION 10A(1)(A)

SL. NO	ROC JURISDICTION AND NUMBER OF ORDERS PASSED	ORDER PASSED AGAINST AND AMOUNT OF PENALTY	NATURE OF NON-COMPLIANCE	OTHER RELEVANT POINTS, IF ANY
1	CHATTISGARH -6	Maximum penalty on Company – Rs.50,000/- Maximum penalty on directors – Rs. 1,00,000	Failure to file Declaration	In all these instances, the companies failed to file the Declaration for commencement of their business vide e-form INC 20A.
2	GWALIOR – 2	Maximum penalty on Company – Rs. 25,000/- Maximum penalty on directors – 50,000/-	Failure to file Declaration e-form	In this instance, the company failed to file its e-form INC – 20A on time for the commencement of the business
3	JAIPUR – 1	On Company – Rs.25,000/- On Director – Rs.50,000/-	Failure to file Declaration e-form	In this instance, the company has not filed a declaration for commencement of business in form INC-20A

NON-COMPLIANCE OF SECTION 12(1)

SL. NO	ROC JURISDICTION AND NUMBER OF ORDERS PASSED	ORDER PASSED AGAINST AND AMOUNT OF PENALTY	NATURE OF NON-COMPLIANCE	OTHER RELEVANT POINTS, IF ANY
1	CHATTISGARH – 1	On Company – Rs. 81,000/- On directors – Rs. 81,000/-	Failure in maintaining registered office capable of receiving communications..	In this instance, the company failed to maintain its registered office
2	GWALIOR – 3	Maximum Penalty on Company – Rs1,00,000/- Maximum Penalty – Rs.1,00,000/-	Failure in maintaining registered office capable of receiving communications.	In all these instances, the Company within thirty days of its incorporation is required to have a registered office capable of receiving and acknowledging all communications and notices as may be addressed to it. But the company failed to do so.
3	UTTARKHAND – 1	On Company – Rs.1,00,00/- On each Director – Rs.1,00,000/-	Failure in maintaining registered office capable of receiving communications..	In this instance, the Company within thirty days of its incorporation is required to have a registered office capable of receiving and acknowledging all communications and

				notices as may be addressed to it. But the company failed to do so.
4	AHMEDABAD – 1	On Company – Rs.49,500/- On each Director – Rs.49,500/-	Failure in maintaining registered office capable of receiving communications.	In this instance, the Company within thirty days of its incorporation is required to have a registered office capable of receiving and acknowledging all communications and notices as may be addressed to it. But the company failed to do so.
5	PUNE – 1	On Company – Rs.1,00,000 On each Director – Rs.1,00,000	Failure in maintaining registered office capable of receiving communications.	In this instance, the Company within thirty days of its incorporation is required to have a registered office capable of receiving and acknowledging all communications and notices as may be addressed to it. But the company failed to do so.

NON-COMPLIANCE OF SECTION 135

ROC JURISDICTION AND NUMBER OF ORDERS PASSED	ORDER PASSED AGAINST AND AMOUNT OF PENALTY	NATURE OF NON-COMPLIANCE	OTHER RELEVANT POINTS, IF ANY
NEW DELHI - 1	Penalty on Company – Rs.12,70,652/- Penalty on directors – Rs.63,533/-	Failure to transfer the unspent amount to the funds on time	In this instance, the company transferred the unspent amount to the PM care Funds after the expiry of the time limit which is 6 months from the end of the financial year.

NON-COMPLIANCE OF SECTION 118

ROC JURISDICTION AND NUMBER OF ORDERS PASSED	ORDER PASSED AGAINST AND AMOUNT OF PENALTY	NATURE OF NON-COMPLIANCE	OTHER RELEVANT POINTS, IF ANY
AHMEDABAD - 1	Penalty on Company – Rs.10,50,000 Penalty on directors – Rs.45,000/-	Failure to maintain Minutes books properly	In this instance, the company failed to maintain Minutes Books of the Board Meetings and the Audit Committee Meetings properly

PUNE – 1	Penalty on Company – Rs.25,000/- Penalty on Directors – Rs.5,000/- each	Failure to meet Minutes books properly	In this instance, the company failed to mention the date of signing in the Minutes book of Board meeting
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FAILURE TO COMPLY WITH SECTION 10(1)

ROC JURISDICTION AND NUMBER OF ORDERS PASSED	ORDER PASSED AGAINST AND AMOUNT OF PENALTY	NATURE OF NON-COMPLIANCE	OTHER RELEVANT POINTS, IF ANY
JAIPUR - 1	Penalty on Company – Rs.41,550/- Penalty on Director – Rs.25,000/- each	Failure to alter the memorandum	In this instance, the company carried out financial activity during the financial years 2015-16 and 2016-17 without altering its memorandum.

FAILURE TO COMPLY WITH SECTION 12(3)

ROC JURISDICTION AND NUMBER OF ORDERS PASSED	ORDER PASSED AGAINST AND AMOUNT OF PENALTY	NATURE OF NON-COMPLIANCE	OTHER RELEVANT POINTS, IF ANY
UTTARKHAND - 1	Penalty on Company – Rs.50,000/- Penalty on Director – Rs.50,000/- each	Failure to display Name Board showing name of the company	In this instance, the company was required to affix its name and the address of its registered office, outside the office premises. But the company failed to do so.
GWALIOR – 1	On Company – Rs.1000/- On Directors – Rs.1,00,000/-	Failure to print the details of the registered office in the letter head	In this instance, the company in its reply letter to ROC failed to print its name, address of its registered office and the Corporate Identity Number along with telephone number and fax number in the letter head.

FAILURE TO COMPLY WITH SECTION 117

ROC JURISDICTION AND NUMBER OF ORDERS PASSED	ORDER PASSED AGAINST AND AMOUNT OF PENALTY	NATURE OF NON-COMPLIANCE	OTHER RELEVANT POINTS, IF ANY

PUNE - 1	Penalty on Company – Rs.1,67,100/- Penalty on Director – Rs.50,000/- each	Failure to file Form MGT-14	In this instance, the company passed a special resolution, and was required to file a copy of the resolution through the e-form MGT-14 within 30 days. The company failed to file MGT-14
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FAILURE TO COMPLY WITH SECTION 149

ROC JURISDICTION AND NUMBER OF ORDERS PASSED	ORDER PASSED AGAINST AND AMOUNT OF PENALTY	NATURE OF NON-COMPLIANCE	OTHER RELEVANT POINTS, IF ANY
UTTARKHAND - 1	Penalty on Company – Rs.25,000/- Penalty on Director – Rs.25,000/-	Failure to maintain minimum number of directors	In this instance, the company failed to maintain minimum number of directors as required by the provision of the Act.

FAILURE TO COMPLY WITH SECTION 143

ROC JURISDICTION AND NUMBER OF ORDERS PASSED	ORDER PASSED AGAINST AND AMOUNT OF PENALTY	NATURE OF NON-COMPLIANCE	OTHER RELEVANT POINTS, IF ANY
PATNA-1	On Chartered Accountant – Rs.5,000/-	Non-compliance in the audit report	In this instance, in the Auditor's report for the financial year 2016-17 nothing has been mentioned in respect of Rule 11(d) of the Companies (Audit and Auditors) Rules,2014, where the company failed to include requisite disclosures in its financial statements.

FAILURE TO COMPLY WITH SECTION 161 (1)

ROC JURISDICTION AND NUMBER OF ORDERS PASSED	ORDER PASSED AGAINST AND AMOUNT OF PENALTY	NATURE OF NON-COMPLIANCE	OTHER RELEVANT POINTS, IF ANY
JAIPUR - 1	Penalty on Company – Rs.1,50,000/-	Failure to provide details in the e-form MGT-7	In this instance, the company appointed an additional director. But while filing the e-form MGT-7 the company failed to provide details of the appointment of the additional director.

	Penalty on Director – Rs.50,000/-		
FAILURE TO COMPLY WITH SECTION 405(4)			
ROC JURISDICTION AND NUMBER OF ORDERS PASSED	ORDER PASSED AGAINST AND AMOUNT OF PENALTY	NATURE OF NON-COMPLIANCE	OTHER RELEVANT POINTS, IF ANY
ERNAKULAM - 1	Maximum Penalty on Company – Rs.2,00,000/- Penalty on Director – Rs.1,00,000/-	Failure to file MSME-1 form	In this instance, the company failed to file MSME-1 indicating the outstanding amount along with number of days of delay.

FAILURE TO COMPLY WITH SECTION 203(1)

ROC JURISDICTION AND NUMBER OF ORDERS PASSED	ORDER PASSED AGAINST AND AMOUNT OF PENALTY	NATURE OF NON-COMPLIANCE	OTHER RELEVANT POINTS, IF ANY
JAIPUR - 1	Penalty on Company – Rs.5,00,000/- Penalty on Director – Rs.5,00,000/-	Non- appointment of Company Secretary	In this instance, the company was required to appoint a Whole-time Company Secretary. But the Whole-time Company Secretary was appointed with delay.

FAILURE TO COMPLY WITH SECTION 100

ROC JURISDICTION AND NUMBER OF ORDERS PASSED	ORDER PASSED AGAINST AND AMOUNT OF PENALTY	NATURE OF NON-COMPLIANCE	OTHER RELEVANT POINTS, IF ANY
PUNE - 1	Penalty on Company – Rs.14,000/- Penalty on Director – Rs.14,000/-	Delay in calling of extra ordinary general meeting.	In this instance, requisition for calling extra ordinary meeting was given by the members to company on 06.02.2020 and the notice for calling Extra ordinary Meeting was given by the company on 28.02.2020 which was not within 21 days.

FAILURE TO COMPLY WITH SECTION 62(3)

ROC JURISDICTION AND NUMBER OF ORDERS PASSED	ORDER PASSED AGAINST AND AMOUNT OF PENALTY	NATURE OF NON-COMPLIANCE	OTHER RELEVANT POINTS, IF ANY
JAIPUR - 1	Penalty on Company – Rs.1,00,000/- Penalty on Director – Rs.25,000/-	Failure to file a copy of resolution in the e-form MGT-14	In this instance, the company has failed to file a copy of resolution in the e-form MGT- 14 before raising of loan.

FAILURE TO COMPLY WITH SECTION 88

ROC JURISDICTION AND NUMBER OF ORDERS PASSED	ORDER PASSED AGAINST AND AMOUNT OF PENALTY	NATURE OF NON-COMPLIANCE	OTHER RELEVANT POINTS, IF ANY
PUNE - 1	Penalty on Company – Rs.3,00,000/- Penalty on Director – Rs.50,000/-	Failure to maintain register of members	In this instance, the company was required to maintain register of members or debenture holders or other security holders as prescribed. But the company failed to do so.

FAILURE TO COMPLY WITH SECTION 89

ROC JURISDICTION AND NUMBER OF ORDERS PASSED	ORDER PASSED AGAINST AND AMOUNT OF PENALTY	NATURE OF NON-COMPLIANCE	OTHER RELEVANT POINTS, IF ANY
DELHI - 2	Penalty on Company – Rs.5,00,000/- Penalty on each Director – Rs.2,00,000/-	Failure to file MGT- 6	In this instance, the company has filed its Annual Return vide e-form MGT-7 and mentioned that it is holding 100% shares in the subject company. However, it is seen that the company has in total 2 shareholders. Therefore, the beneficial holder and the registered holder ought to have declared the status of their interest in the shares. But they failed to make a declaration specifying the nature of interest. Further, it was also seen that the company has filed MGT-6 with delay.

ADJUDICATION ORDERS OF THE RD DURING THE MONTH OF JANUARY 2024

NON-COMPLIANCE OF SECTION 203						
SL.NO	RD JURISDICTION AND NO OF ORDERS PASSED	PENALTY IMPOSED BY ROC	PENALTY REDUCED	ORDER PASSED BY RD	NATURE OF NON-COMPLIANCE	OTHER RELEVANT POINTS, IF ANY
1	SOUTH EAST - 3	Maximum Penalty on Company: Rs. 5,00,000 Maximum Penalty on Directors: 5,00,000	RD reduced the penalty to 15% on two cases	On Company – Rs.75,000 On director – Rs.75,000	Failure to appoint	In these two cases, the companies failed to appoint a Company Secretary due to no suitable candidate for the position and the non-availability of funds to pay remuneration respectively.

2		On Company – 1,50,000 On Director – 50,000	RD reduced the penalty to 30% for company	On Company – Rs.1,50,000 On Director – No change	Company Secretary	Company failed to appoint Whole Time Company Secretary despite paid up capital exceeded the prescribed limit.
3	South – 1	On Company – 5,00,000 On director – 5,00,000	RD reduced the penalty to 50%	On Company – Rs.2,50,000 On Director – Rs.2,50,000		In this instance, The company delayed in appointing the Company Secretary upon the increase of their paid-up capital from 10 crores to 17 crore

VIOLATION OF SECTION 155

SL.NO	RD JURISDICTION AND NO OF ORDERS PASSED	PENALTY IMPOSED BY ROC	PENALTY REDUCED	ORDER PASSED BY RD	NATURE OF NON-COMPLIANCE	OTHER RELEVANT POINTS, IF ANY
1	South – 1	On Director – Rs.5,03,000	RD reduced the penalty to 90%	On Director – Rs.50,000	The company applied for two DINs	In this instance, the company applied and obtained two DINs and the applicant admitted the mistake.

NON-FILING OF DECLARATION SECTION 10A

SL.NO	RD JURISDICTION AND NO OF ORDERS PASSED	PENALTY IMPOSED BY ROC	PENALTY REDUCED	ORDER PASSED BY RD	NATURE OF NON-COMPLIANCE	OTHER RELEVANT POINTS, IF ANY
1	South – 2	Maximum Penalty on company – Rs.50,000 Maximum Penalty on Directors – 1,00,000	RD reduced the penalty to 20%	Maximum Penalty on Company – Rs. 10,000 Maximum Penalty on Director – Rs.20,000	Failure to file Declaration on time	In these instances, the companies failed to file their Declaration within the due date.