

F.No:9/7/ADJ/SEC.135 OF 2013/TELANGANA/RD(SER)/2023/5814.
BEFORE THE REGIONAL DIRECTOR, SOUTH EAST REGION
MINISTRY OF CORPORATE AFFAIRS, HYDERABAD
IN THE MATTER OF COMPANIES ACT, 2013

IN THE MATTER OF FMC TECHNOLOGIES INDIA PRIVATE LIMITED

1. M/s. FMC Technologies India Private Limited
2. David Macfarlane, Director
3. Housila Prasad Tiwari, Additional Director
4. Narendra Kumar Dharmavarapu, Director
5. Niranjana Desai, Additional Director

Appellants

Date of hearing: 20.11.2023
Present: Ms. Gautami Darvesh, 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 F60472420 dated 13.04.2023 against the adjudication order No. ROCH/U29219TG2009FTC079988/TELANGANA/135 of 2013/2022/2438 dated 14.09.2023 under section 454 passed by the Registrar of Companies, Telangana for default in compliance with the requirements of Section 135 of the Companies Act, 2013.

2. Registrar of Companies in his order of adjudication has stated that the applicant company pursuant to section 135(5) of the Act, the company was required to transfer the unspent amount of Rs.26,65,872/- to the funds as specified in Schedule VII of the Act, within a period of six months of the expiry of the financial year 2020-21 i.e., on or before 30.09.2021. However, the company has not transferred the unspent amount to a fund specified in Schedule VII, within a period of six months of the expiry of the financial year i.e., on or before 30.09.2021 which is violation of Section 135(5) of the Companies Act, 2013 and liable under section 135(7). Further stated that the company has made payment of unspent amount of Rs.26,65,872/- to PM CARES Fund on 10.11.202. Since the company has made good the offence by making payment of the unspent amount to one of the funds specified in Schedule VII of the Act, the adjudication request is considered.



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Further Registrar of Companies has stated that after considering the submission made in the application made by the company and the facts of the case it is proved beyond that the company and the officers of the company have defaulted in complying the provisions of Section 135(5) of the Act and levied a penalty of Rs.53,31,744/- on the Company and Rs.2,00,000/- each for 4 officers i.e., Narendra Kumar Dharmavarapu, David Macfarlane, Niranjana Desai and Housila Prasad Tiwari, and (total aggregating to Rs.61,31,744/-).

3. An opportunity of being heard was given to the Appellants on 20.11.2023. The authorized representative Ms. Gautami Darvesh, Practicing Company Secretary appeared on behalf of the appellants and reiterated the submissions made in the appeal and also submitted that the applicant company had no intention to default the spending of requisite CSR amount and has neither willfully defaulted in complying with the provisions of Section 135(5) of the Companies Act, 2013. Upon knowing the default, the Applicant Company has immediately made good the offence by making payment of unspent CSR amount to the PM Cares Fund.

4. Taking into consideration the above facts and after hearing the authorized representative it is noticed that entire shareholding of the company is held by FMC Technologies Singapore and FMC Tech.Inc, USA. Both the holding companies and the other shareholding company are very big in size. Considering the size and profits made by the company, I am not interfering in the penalty as levied by Registrar of Companies vide adjudication order dated 14.09.2023 and Company to pay Rs.53,31,744/- and for Directors i.e. David Macfarlane, Housila Prasad Tiwari, Narendra Kumar Dharmavarapu and Niranjana Desai to Rs.2,00,000/- each (total aggregating to Rs. 61,31,744/-). 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



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

S.No	Name of the applicants	Penalty paid	SRN and dated
1	FMC Technologies India Private Limited	5,00,000	X59349589
		9,00,000	X59348581
		9,90,000	X59349852
		9,00,000	X59350058
		9,00,000	X59476002
		9,00,000	X59477224
		2,41,744	X59476168
	Total (A)	53,31,744	
2	David Macfarlane	2,00,000	X59251694
3	Housila Prasad Tiwari	2,00,000	X59251181
4	Narendra Kumar Dharmavarapu	10,000	X59144584
		1,90,000	X59252015
5	Niranjan Desai	2,00,000	X59251371
	Total (B)	8,00,000/-	
	Total (A) + (B)	61,31,744/-	

Accordingly, this order is issued to the Appellants with a copy to Registrar of Companies, Telangana 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. RAY SINGH)
REGIONAL DIRECTOR (SER)
HYDERABAD

Copy for information and necessary action to:

1. M/s. FMC Technologies India Private Limited
Plot No. 27(Part), Survey No.124, Road No.12
Opp IP Medicine, Industrial Park, IDA Nacharam,
Hyderabad, Telangana- 500076.

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2. David Macfarlane, Director
C/o. M/s. FMC Technologies India Private Limited
Plot No. 27(Part), Survey No.124, Road No.12
Opp IP Medicine, Industrial Park, IDA Nacharam,
Hyderabad, Telangana- 500076.
3. Housila Prasad Tiwari, Additional Director
Villa 18 Palm Breeze, Palm Breeze Road, Larico
Hills Road, Manikonda, KV Ranga Reddy,
Hyderabad, Telangana- 500089.
4. Narendra Kumar Dharmavarapu, Director
1-4/2, Raghavendra Nagar, Kharmanghat,
L B Nagar, Hyderabad, Telangana- 500074.
5. Niranjana Desai, Additional Director
House No.24-143, Flat No. 203, Pallavi Arcade,
Anand Bagh, Hyderabad, Telangana- 500047.
6. Registrar of Companies, Ministry of Corporate Affairs,
Hyderabad, Telangana.
7. The Joint Secretary, E-Governance Cell, Ministry of Corporate Affairs, New Delhi.



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