

ADJ/11/RD (SR)/2023-24

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. SPS MOTORS PRIVATE LIMITED

1. Shri Thiyagarajan Parthasarathy
SPS Motors Private Limited
155, J.N. Road Oil Mill, Periyakuppam
Thiruvallur.

Appellant

Date of hearing 31.10.2023

Present Shri. M.Francis
Practicing Company Secretary

ORDER

M/s. SPS Motors Private Limited (hereinafter referred to as the Company), was incorporated on 04.01.2021. As per Section 155 of CA 2013, "No individual who has already been allotted a Director Identification Number under Section 154, shall apply for, obtain or process another Director Identification Number". Upon processing of DIR-5 by the O/o. RD(NR) with respect to surrender of the appellants second DIN, it was observed that the applicant has applied and obtained two DINs viz. DIN 03191514 dated 23.8.2010 (First DIN) and DIN 09018479 dated 4.1.2021 (Second DIN). Further, applicant himself has admitted the same and as per e-records available the DIN which was surrendered (03191514) is still associated with M/s. SPS Hyundai Private Limited and the new DIN (09018479) was applied while incorporating M/s. SPS Motors Private Limited. The surrender of DIN cannot be allowed as per Rule 11(f) of the Companies (Appointment & Qualifications of Directors) Rules, 2014. As such the second DIN (09018479) was obtained in violation of Section 155 of the Companies Act, 2013.. The Registrar of Companies, Chennai on perusal of the said default, passed the Adjudication Order No. ROC/CHN/THIYAGARAJAN/ADJ Orders/S.155/2023 dated 10.7.2023 (impugned Order) for delay of 907 days under Section 454 (3) & (4) of the Act, 2013 and imposed a penalty of Rs. 5,03,500/- upon the Director viz. Shri[Thiyagarajan Parthasarath. [@ Rs. 500/- per day].

2. That aggrieved by the said Order dated 10.7.2023 of ROC, Chennai , the present appeal was filed by the Appellants in terms of Section 454 (5) of the Act in Form ADJ on 08.09.2023 vide SRN: F64065378. The appeal was filed within the period of limitation.



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3. That the appellant had requested to take a lenient view since there was no intentional or deliberate action on the part of the appellant to violate any provisions of law and also taking into consideration the fact that no prejudice is caused to the public interest. The appellant prayed for setting aside of the impugned order dated 10.07.2023.
4. That the hearing of the appeal was held on 03.10.2023. The authorized representative has reiterated the submissions made in the appeal.
5. That there is a ground in interfering with the impugned adjudication order dated 10.7.2023 of the Registrar of Companies to the extent of reducing the quantum of penalty. Accordingly, in the hearing held on 31.10.2023, the penalty imposed by ROC, Chennai is reduced from Rs. 5,03,500/- to Rs.50,000/-. The Appellant was directed to pay the penalty within 15 days from the date of hearing.
6. That pursuant to directions of the undersigned, the appellant has remitted the penalty amount and has submitted the relevant receipt evidencing payment of penalty as detailed below :
- | Sl. No | Name of the company/Officers-in-default | SRN and Date | Total Amount (Rs.) |
|--------|---|-------------------------|--------------------|
| 1. | Shri Thiyagarajan Parthasarathy | X57920134 dt.07.11.2023 | 50,000 |
7. That the Appellant is directed to file this order in Form No. INC-28 within a period of 30 days from the date of this order with MCA-21 Portal.

Dated at Chennai this the 12th day of January, 2024.



(Dr. RAJ SINGH)
REGIONAL DIRECTOR (SR)

To

1. M/s. Shri Thiyagarajan Parthasarathy
SPS Motors Private Limited
155, J.N. Road Oil Mill, Periyakuppam
Thiruvallur.

2. The Registrar of Companies, Chennai

3. 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, Dy. Director (vivek.meena@gov.in)