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भारत सरकार

GOVERNMENT OF INDIA

कारपोरेट कार्य मंत्रालय

MINISTRY OF CORPORATE AFFAIRS

कम्पनी पंजीयक का कार्यालय, तमिल नाडु, अंदमान & निकोबार द्वीपपुंज, चेन्नई

OFFICE OF REGISTRAR OF COMPANIES, TAMIL NADU, ANDAMAN & NICOBAR ISLANDS, CHENNAI

दूसरा मंजिल, 'सी' विंग, शास्त्री भवन, 26, हाडोस रोड, नुंकमपाक्कम, चेन्नई - 6

II FLOOR, C- WING, SHASTRI BHAVAN, 26, HADDOWS ROAD, NUNGAMBAKKAM, CHENNAI- 6

F.NO.ROC/CHN/SHUNMUGAM /ADJ/S.137/2024

DATE :

16 SEP 2024

ADJUDICATION ORDER UNDER SECTION 137 OF THE COMPANIES ACT, 2013

IN THE MATTER OF M/S.SHUNMUGAM TRADERS PRIVATE LIMITED

1. Appointment of Adjudicating Officer: -

Ministry of Corporate Affairs vide its Gazette Notification No. A-42011/112/2014-Ad.II, dated 24.03.2015 has appointed Registrar of Companies, Chennai as Adjudicating Officer in exercise of the powers conferred by section 454(1) of the Companies Act, 2013 (hereinafter referred as Act or Companies Act, 2013) r/w Companies (Adjudication of Penalties) Rules, 2014 for adjudging penalties under the provisions of this Act.

2. Company: -

Whereas the company viz M/s. Shunmugam Traders Private Limited with CIN: U51211TN2008PTC067867 (herein after referred as 'company' or 'subject company') is a registered company with this office under the Companies Act, 1956 having its registered office as per MCA21 Registry at No.1, Perira Lane, Tuticorin, Tamil Nadu, 628001. The financial & other details of the subject company as available on MCA-21 portal is stated as under:

S. No.	Particulars	Details
1.	Company's Status	Active
2.	Filing Position	Financial Statement: up to 31.03.2015 Annual Return: up to 31.03.2015
3.	Paid up Capital	Rs. 3,00,00,000/-
	a. Revenue from Operation	Rs. 112,47,57,113/-
	b. Other Income	Rs. 5,69,559/-
	c. Profit/Loss for the Period	(Rs. 1,754/-)
4.	Whether it is a Holding Company	No
5.	Whether it is a Subsidiary Company	No
6.	Whether company registered under Section 8 of the Act?	No
7.	Whether company registered under any other special Act?	No

3. Directors During the period of violation:

S.No.	Name of Director	Designation	Date of Appointment	Date of Cessation
1.	Mr. Lenin Prabhakar	Director	26.05.2008	.....
2.	Mr. Lenin Ann Durai	Director	26.05.2008	.....
3.	Mr. Lenin Sudhakar	Director	26.05.2008	.....
4.	Mr. Lenin Manohar	Director	26.05.2008	.....
5.	Mr. Lenin Jayagar	Director	26.05.2008	.....

4. Section and Penal Provision as per Companies Act, 2013

Section 137 of the Companies Act, 2013- Copy of financial statement to be filed with Registrar:

(1) *A copy of the financial statements, including consolidated financial statement, if any, along with all the documents which are required to be or attached to such financial statements under this Act, duly adopted at the annual general meeting of the company, shall be filed with the Registrar within thirty days of the date of annual general meeting in such manner, with such fees or additional fees as may be prescribed.*

(2) *Where the annual general meeting of a company for any year has not been held, the financial statements along with the documents required to be attached under sub-section (1), duly signed along with the statement of facts and reasons for not holding the annual general meeting shall be filed with the Registrar within thirty days of the*

last date before which the annual general meeting should have been held and in such manner, with such fees or additional fees as may be prescribed

(3) If a company fails to file the copy of the financial statements under sub-section (1) or sub-section (2), as the case may be, before the expiry of the period specified therein, the company shall be liable to a penalty of ten thousand rupees and in case of continuing failure, with a further penalty of one hundred rupees for each day during which such failure continues, subject to a maximum of two lakh rupees, and the managing director and the Chief Financial Officer of the company, if any, and, in the absence of the managing director and the Chief Financial Officer, any other director who is charged by the Board with the responsibility of complying with the provisions of this section, and, in the absence of any such director, all the Directors of the company, shall be shall be liable to a penalty of ten thousand rupees and in case of continuing failure, with further penalty of one hundred rupees for each day after the first during which such failure continues, subject to a maximum of fifty thousand rupees.

Section 454. Adjudication of penalties.:

(1) The Central Government may, by an order published in the Official Gazette, appoint as many officers of the Central Government, not below the rank of Registrar, as adjudicating officers for adjudging penalty under the provisions of this Act in the manner as may be prescribed.

(2) The Central Government shall while appointing adjudicating officers, specify their jurisdiction in the order under sub-section (1).

(3) The adjudicating officer may, by an order-

(a) impose the penalty on the company, the officer who is in default, or any other person, as the case may be, stating therein any non-compliance or default under the relevant provisions of this Act; and

(b) direct such company, or officer who is in default, or any other person, as the case may be, to rectify the default, wherever he considers fit.]]]

Provided that in case the default relates to non-compliance of sub-section (4) of section 92 or sub-section (1) or sub-section (2) of section 137 and such default has been rectified either prior to, or within thirty days of, the issue of the notice by the adjudicating officer, no penalty shall be imposed in this regard and all proceedings under this section in respect of such default shall be deemed to be concluded.

5. Issue of Adjudication Notice:

An Inquiry was conducted in the matter of M/s. Shunmugam Traders Private Limited U/s 206(4) of the Companies Act, 2013 by an Officer authorized by the Central Government wherein the observations of the Inquiry Officer are as follows:

It is observed from the MCA records that the company has filed its financial statements only up to the financial year 2014-2015. Since, the company and its directors have not filed its financial statements up to date, Section 137 of the companies Act, 2013 has been contravened and the defaulters are liable for action under section 137(3) of the companies Act, 2013.

Accordingly, on submission of the inquiry report by the officer, Regional Director, Ministry of Corporate Affairs, Chennai has directed this office to take necessary action against the defaulters of the provision of the companies Act, 2013 for the financial year 2015-2016 to till date.

After that the Adjudicating Authority had issued Adjudication Notice to the company and its directors vide Notice No. ROC/CHN/067867/SHUNMUGAM TRADERS/S.12/INQUIRY/2024 dated 28.05.2024.

6. Reply of Company and Directors for Adjudication Notice issued:

No reply has been received from the company and its directors.

7. Adjudication Hearing:

Since no reply has been received from the company and its directors for the notice dated 28.05.2024, the Adjudicating Authority had issued Adjudication Hearing Notice to the company and directors on 13.08.2024 by fixing the hearing date as on 20.08.2024 at 12:10 PM. No response received for the hearing notice dated 13.08.2024. None of the representative of the Company or Directors have appeared on the date so fixed. Hence, as per Rule 3(8) of Companies (Adjudication of Penalties) Rules 2014, the matter is being proceeded with in the absence of such persons (ex-parte).

8. Analysis of Non-compliance of Section 137 of the Companies Act, 2013

It is noticed from the MCA records that the company has filed its financial statements only up to the financial year 2014-2015. The company has not filed its financial statements up to date which led to violation of Section 137 of the Companies Act, 2013. The Company and its directors are liable for action under section 137(3) of the companies Act, 2013.

Since the company failed to file Financial Statement and Annual Return from the FY. 2015-2016 onwards to till date, the benefits of the small company are not extended to this company while adjudicating the penalty

9. Decision

Having considered the facts and circumstances of the case and after taking into account the factors above, it is concluded that the company and its directors have violated Section 137 of the Companies Act, 2013 for the FYs 2015-2016 to till date. They are liable for penalty as prescribed under Section 137(3) of the Companies Act, 2013. Further the company has conducted the Annual General Meeting, the due date of AGM is considered as 30th September of the respective financial years.

- Financial Year 2015-16 for 2853 days, by considering AGM was conducted on 30.09.2016, (within 30 days from the date of AGM i.e., 29.10.2016 to 20.08.2024)
- Financial Year 2016-17 for 2488 days, by considering AGM was conducted on 30.09.2017, (within 30 days from the date of AGM i.e., 29.10.2017 to 20.08.2024)
- Financial Year 2017-18 for 2123 days, by considering AGM was conducted on 30.09.2018, (within 30 days from the date of AGM i.e., 29.10.2018 to 20.08.2024)
- Financial Year 2018-19 for 1758 days, by considering AGM was conducted on 30.09.2019, (within 30 days from the date of AGM i.e., 29.10.2019 to 20.08.2024)

- Financial Year 2019-20 for 1392 days, by considering AGM was conducted on 30.09.2020, (within 30 days from the date of AGM i.e., 29.10.2020 to 20.08.2024)
- Financial Year 2020-21 for 1027 days, by considering AGM was conducted on 30.09.2021, (within 30 days from the date of AGM i.e., 29.10.2021 to 20.08.2024)
- Financial Year 2021-22 for 662 days, by considering AGM was conducted on 30.09.2022, (within 30 days from the date of AGM i.e., 29.10.2022 to 20.08.2024)
- Financial Year 2022-23 for 297 days, by considering AGM was conducted on 30.09.2023, (within 30 days from the date of AGM i.e., 29.10.2023 to 20.08.2024)

Accordingly, I am inclined to impose a penalty as prescribed under Sub- Section 3 of Section 137 of the Companies Act, 2013. The details of the penalty imposed on the company and officers in default are shown in the table below:

(I) FY 2015-16

Name of person on whom penalty imposed	No of days of default	Penalty for default (Rs)	Total Penalty (Rs)	Maxim Limit for penalty (Rs)	Final Penalty imposed (Rs)-
M/s. Shunmugam Traders Private Limited	2853 days	Rs.10,000 + Rs.100 per day (for continuing failure)	10,000 + 2853 x 100= 2,95,300	Rs.2,00,000/-	Rs.2,00,000/-
Mr. Lenin Prabhakar	2853 days	Rs.10,000 + Rs.100 per day (for continuing failure)	10,000 + 2853 x 100= 2,95,300	Rs.50,000/-	Rs.50,000/-
Mr. Lenin Ann Durai	2853 days	Rs.10,000 + Rs.100 per day (for continuing failure)	10,000 + 2853 x 100= 2,95,300	Rs.50,000/-	Rs.50,000/-

Mr. Lenin Sudhakar	2853 days	Rs.10,000 + Rs.100 per day (for continuing failure)	10,000 + 2853 x 100= 2,95,300	Rs.50,000/-	Rs.50,000/-
Mr. Lenin Manohar	2853 days	Rs.10,000 + Rs.100 per day (for continuing failure)	10,000 + 2853 x 100= 2,95,300	Rs.50,000/-	Rs.50,000/-
Mr. Lenin Jayagar	2853 days	Rs.10,000 + Rs.100 per day (for continuing failure)	10,000 + 2853 x 100= 2,95,300	Rs.50,000/-	Rs.50,000/-

Therefore, in view of the above said violation, in exercise of the powers vested to the undersigned under Section 454(1) & (3) of the Companies Act, 2013 a penalty of Rs.2,00,000 /-(Rupees Two lakhs) is imposed on the Company and Rs.50,000/- (Rupees Fifty thousand) is imposed on each director. **Totally Rs.4,50,000/- (Rupees four lakh fifty thousand)** as penalty amount for violation of Section 137 of the Companies Act, 2013 for the FY 2015-16.

(II) FY 2016-17

Name of person on whom penalty imposed	No of days of default	Penalty for default (Rs)	Total Penalty (Rs)	Maxim Limit for penalty (Rs)	Final Penalty imposed (Rs)-
M/s. Shunmugam Traders Private Limited	2488 days	Rs.10,000 + Rs.100 per day (for continuing failure)	10,000 + 2488 x 100= 2,58,800	Rs.2,00,000/-	Rs.2,00,000/-
Mr. Lenin Prabhakar	2488 days	Rs.10,000 + Rs.100 per day (for continuing failure)	10,000 + 2488 x 100= 2,58,800	Rs.50,000/-	Rs.50,000/-
Mr. Lenin Ann Durai	2488 days	Rs.10,000 + Rs.100 per day (for continuing failure)	10,000 + 2488 x 100= 2,58,800	Rs.50,000/-	Rs.50,000/-

Mr. Lenin Sudhakar	2488 days	Rs.10,000 + Rs.100 per day (for continuing failure)	10,000 + 2488 x 100= 2,58,800	Rs.50,000/-	Rs.50,000/-
Mr. Lenin Manohar	2488 days	Rs.10,000 + Rs.100 per day (for continuing failure)	10,000 + 2488 x 100= 2,58,800	Rs.50,000/-	Rs.50,000/-
Mr. Lenin Jayagar	2488 days	Rs.10,000 + Rs.100 per day (for continuing failure)	10,000 + 2488 x 100= 2,58,800	Rs.50,000/-	Rs.50,000/-

Therefore, in view of the above said violation, in exercise of the powers vested to the undersigned under Section 454(1) & (3) of the Companies Act, 2013 a penalty of Rs.2,00,000 /-(Rupees Two lakhs) is imposed on the Company and Rs.50,000/- (Rupees Fifty thousand) is imposed on each director. **Totally Rs.4,50,000/- (Rupees Four lakhs Fifty Thousand)** as penalty amount for violation of Section 137 of the Companies Act, 2013 for the FY 2016-17.

(iii) FY 2017-18

Name of person on whom penalty imposed	No of days of default	Penalty for default (Rs)	Total Penalty (Rs)	Maxim Limit for penalty (Rs)	Final Penalty imposed (Rs)-
M/s. Shunmugam Traders Private Limited	2123 days	Rs.10,000 + Rs.100 per day (for continuing failure)	10,000 + 2123 x 100= 2,22,300	Rs.2,00,000/-	Rs.2,00,000/-
Mr. Lenin Prabhakar	2123 days	Rs.10,000 + Rs.100 per day (for continuing failure)	10,000 + 2123 x 100= 2,22,300	Rs.50,000/-	Rs.50,000/-
Mr. Lenin Ann Durai	2123 days	Rs.10,000 + Rs.100 per day (for continuing failure)	10,000 + 2123 x 100= 2,22,300	Rs.50,000/-	Rs.50,000/-

Mr. Lenin Sudhakar	2123 days	Rs.10,000 + Rs.100 per day (for continuing failure)	10,000 + 2123 x 100= 2,22,300	Rs.50,000/-	Rs.50,000/-
Mr. Lenin Manohar	2123 days	Rs.10,000 + Rs.100 per day (for continuing failure)	10,000 + 2123 x 100= 2,22,300	Rs.50,000/-	Rs.50,000/-
Mr. Lenin Jayagar	2123 days	Rs.10,000 + Rs.100 per day (for continuing failure)	10,000 + 2123 x 100= 2,22,300	Rs.50,000/-	Rs.50,000/-

Therefore, in view of the above said violation, in exercise of the powers vested to the undersigned under Section 454(1) & (3) of the Companies Act, 2013 a penalty of Rs.2,00,000 /-(Rupees Two lakhs) is imposed on the Company and Rs. 50,000/- (Rupees Fifty thousand) is imposed on each Officers in default. **Totally Rs.4,50,000/- (Rupees Four lakhs Fifty thousand)** as penalty amount for violation of Section 137 of the Companies Act, 2013 for the FY 2017-18.

(iv) FY 2018-19

Name of person on whom penalty imposed	No of days of default	Penalty for default (Rs)	Total Penalty (Rs)	Maxim Limit for penalty (Rs)	Final Penalty imposed (Rs)-
M/s. Shunmugam Traders Private Limited	1758 days	Rs.10,000 + Rs.100 per day (for continuing failure)	10,000 + 1758 x 100= 1,85,800	Rs.2,00,000/-	Rs. 1,85,800 /-
Mr. Lenin Prabhakar	1758 days	Rs.10,000 + Rs.100 per day (for continuing failure)	10,000 + 1758 x 100= 1,85,800	Rs.50,000/-	Rs.50,000/-
Mr. Lenin Ann Durai	1758 days	Rs.10,000 + Rs.100 per day (for continuing failure)	10,000 + 1758 x 100= 1,85,800	Rs.50,000/-	Rs.50,000/-

Mr. Lenin Sudhakar	1758 days	Rs.10,000 + Rs.100 per day (for continuing failure)	10,000 + 1758 x 100 = 1,85,800	Rs.50,000/-	Rs.50,000/-
Mr. Lenin Manohar	1758 days	Rs.10,000 + Rs.100 per day (for continuing failure)	10,000 + 1758 x 100 = 1,85,800	Rs.50,000/-	Rs.50,000/-
Mr. Lenin Jayagar	1758 days	Rs.10,000 + Rs.100 per day (for continuing failure)	10,000 + 1758 x 100 = 1,85,800	Rs.50,000/-	Rs.50,000/-

Therefore, in view of the above said violation, in exercise of the powers vested to the undersigned under Section 454(1) & (3) of the Companies Act, 2013 a penalty of **Rs.1,85,800 /-(Rupees One lakh eighty-five thousand eight hundred)** is imposed on the Company and **Rs.50,000/- (Rupees Fifty thousand)** is imposed on each director. **Totally Rs.4,35,800/- (Rupees Four lakhs Thirty-five thousand eight hundred)** as penalty amount for violation of Section 137 of the Companies Act, 2013 for the FY 2018-19.

(v) FY 2019-20

Name of person on whom penalty imposed	No of days of default	Penalty for default (Rs)	Total Penalty (Rs)	Maxim Limit for penalty (Rs)	Final Penalty imposed (Rs)-
M/s. Shunmugam Traders Private Limited	1392 days	Rs.10,000 + Rs.100 per day (for continuing failure)	10,000 + 1392 x 100 = 1,49,200	Rs.2,00,000/-	Rs. 1,49,200 /-
Mr. Lenin Prabhakar	1392 days	Rs.10,000 + Rs.100 per day (for continuing failure)	10,000 + 1392 x 100 = 1,49,200	Rs.50,000/-	Rs.50,000/-
Mr. Lenin Ann Durai	1392 days	Rs.10,000 + Rs.100 per day (for continuing failure)	10,000 + 1392 x 100 = 1,49,200	Rs.50,000/-	Rs.50,000/-

Mr. Lenin Sudhakar	1392 days	Rs.10,000 + Rs.100 per day (for continuing failure)	10,000 + 1392 x 100= 1,49,200	Rs.50,000/-	Rs.50,000/-
Mr. Lenin Manohar	1392 days	Rs.10,000 + Rs.100 per day (for continuing failure)	10,000 + 1392 x 100= 1,49,200	Rs.50,000/-	Rs.50,000/-
Mr. Lenin Jayagar	1392 days	Rs.10,000 + Rs.100 per day (for continuing failure)	10,000 + 1392 x 100= 1,49,200	Rs.50,000/-	Rs.50,000/-

Therefore, in view of the above said violation, in exercise of the powers vested to the undersigned under Section 454(1) & (3) of the Companies Act, 2013 a penalty of Rs.1,49,200 /-(Rupees one lakh forty-nine thousand two hundred) is imposed on the Company and Rs.50,000/- (Rupees Fifty thousand) is imposed on each Officers in default. Totally Rs.3,99,200/- (Rupees three lakh ninety-nine thousand two hundred) as penalty amount for violation of Section 137 of the Companies Act, 2013 for the FY 2019-20.

(vi) FY 2020-21

Name of person on whom penalty imposed	No of days of default	Penalty for default (Rs)	Total Penalty (Rs)	Maxim Limit for penalty (Rs)	Final Penalty imposed (Rs)-
M/s. Shunmugam Traders Private Limited	1027 days	Rs.10,000 + Rs.100 per day (for continuing failure)	10,000 + 1027 x 100= 1,12,700	Rs.2,00,000/-	Rs. 1,12,700 /-
Mr. Lenin Prabhakar	1027 days	Rs.10,000 + Rs.100 per day (for continuing failure)	10,000 + 1027 x 100= 1,12,700	Rs.50,000/-	Rs.50,000/-
Mr. Lenin Ann Durai	1027 days	Rs.10,000 + Rs.100 per day (for continuing failure)	10,000 + 1027 x 100= 1,12,700	Rs.50,000/-	Rs.50,000/-

Mr. Sudhakar	Lenin	1027 days	Rs.10,000 + Rs.100 per day (for continuing failure)	10,000 + 1027 x 100= 1,12,700	Rs.50,000/-	Rs.50,000/-
Mr. Manohar	Lenin	1027 days	Rs.10,000 + Rs.100 per day (for continuing failure)	10,000 + 1027 x 100= 1,12,700	Rs.50,000/-	Rs.50,000/-
Mr. Lenin Jayagar		1027 days	Rs.10,000 + Rs.100 per day (for continuing failure)	10,000 + 1027 x 100= 1,12,700	Rs.50,000/-	Rs.50,000/-

Therefore, in view of the above said violation, in exercise of the powers vested to the undersigned under Section 454(1) & (3) of the Companies Act, 2013 a penalty of Rs.1,12,700 /-(Rupees One lakh Twelve thousand Seven hundred) is imposed on the Company and Rs.50,000/- (Rupees Fifty thousand) is imposed on each director. Totally Rs.3,62,700/- (Rupees Three lakhs Sixty-two Thousand Seven Hundred) as penalty amount for violation of Section 137 of the Companies Act, 2013 for the FY 2020-21.

(vii) FY 2021-22

Name of person on whom penalty imposed	No of days of default	Penalty for default (Rs)	Total Penalty (Rs)	Maxim Limit for penalty (Rs)	Final Penalty imposed (Rs)-
M/s. Shunmugam Traders Private Limited	662 days	Rs.10,000 + Rs.100 per day (for continuing failure)	10,000 + 662 x 100= 76,200	Rs.2,00,000/-	Rs. 76,200 /-
Mr. Prabhakar	Lenin 662 days	Rs.10,000 + Rs.100 per day (for continuing failure)	10,000 + 662 x 100= 76,200	Rs.50,000/-	Rs.50,000/-
Mr. Lenin Ann Durai	662 days	Rs.10,000 + Rs.100 per day (for continuing failure)	10,000 + 662 x 100= 76,200	Rs.50,000/-	Rs.50,000/-

Mr. Lenin Sudhakar	662 days	Rs.10,000 + Rs.100 per day (for continuing failure)	10,000 + 662 x 100= 76,200	Rs.50,000/-	Rs.50,000/-
Mr. Lenin Manohar	662 days	Rs.10,000 + Rs.100 per day (for continuing failure)	10,000 + 662 x 100= 76,200	Rs.50,000/-	Rs.50,000/-
Mr. Lenin Jayagar	662 days	Rs.10,000 + Rs.100 per day (for continuing failure)	10,000 + 662 x 100= 76,200	Rs.50,000/-	Rs.50,000/-

Therefore, in view of the above said violation, in exercise of the powers vested to the undersigned under Section 454(1) & (3) of the Companies Act, 2013 a penalty of Rs.76,200 /- (Rupees Seventy-six Thousand two hundred) is imposed on the Company and Rs.50,000/- (Rupees Fifty thousand) is imposed on each director. **Totally Rs.3,26,200/- (Rupees Three lakhs Twenty-six Thousand Two Hundred)** as penalty amount for violation of Section 137 of the Companies Act, 2013 for the FY 2021-22.

(viii) FY 2022-23

Name of person on whom penalty imposed	No of days of default	Penalty for default (Rs)	Total Penalty (Rs)	Maxim Limit for penalty (Rs)	Final Penalty imposed (Rs)-
M/s. Shunmugam Traders Private Limited	297 days	Rs.10,000 + Rs.100 per day (for continuing failure)	10,000 + 297 x 100= 39,700	Rs.2,00,000/-	Rs. 39,700/-
Mr. Lenin Prabhakar	297 days	Rs.10,000 + Rs.100 per day (for continuing failure)	10,000 + 297 x 100= 39,700	Rs.50,000/-	Rs. 39,700/-
Mr. Lenin Ann Durai	297 days	Rs.10,000 + Rs.100 per day (for continuing failure)	10,000 + 297 x 100= 39,700	Rs.50,000/-	Rs. 39,700/-

Mr. Sudhakar	Lenin	297 days	Rs.10,000 + Rs.100 per day (for continuing failure)	10,000 + 297 x 100= 39,700	Rs.50,000/-	Rs. 39,700/-
Mr. Manohar	Lenin	297 days	Rs.10,000 + Rs.100 per day (for continuing failure)	10,000 + 297 x 100= 39,700	Rs.50,000/-	Rs. 39,700/-
Mr. Lenin Jayagar	Lenin	297 days	Rs.10,000 + Rs.100 per day (for continuing failure)	10,000 + 297 x 100= 39,700	Rs.50,000/-	Rs. 39,700/-

Therefore, in view of the above said violation, in exercise of the powers vested to the undersigned under Section 454(1) & (3) of the Companies Act, 2013 a penalty of Rs.39,700 /-(Rupees thirty-nine thousand seven hundred) is imposed on the Company and Rs.39,700- (Rupees thirty-nine thousand seven hundred) is imposed on each director. **Totally Rs.2,38,200/- (Rupees Two lakhs Thirty-Eight thousand Two Hundred)** as penalty amount for violation of Section 137 of the Companies Act, 2013 for the FY 2022-23.

ii) Further, in exercise of Section 454 (3)(b) of the Companies Act,2013 the subject company is directed to rectify the default by filing Financial Statement for the remaining periods i.e. from 2015-16 onwards and intimate to this office the details of fillings along with SRNs within 30 days from the date of this order.


10. The said amount of penalty shall be paid through online by using the website www.mca.gov.in(Misc. head) within 90 days of receipt of this order, and intimate this office with proof of penalty paid.
11. Whereas Appeal against this order may be filed with the Regional Director (SR), Ministry of Corporate Affairs, 5th Floor, Shastri Bhavan, 26 Haddows Road, Chennai-600006, Tamil Nadu within a period of sixty days from the date of receipt of this order, in Form ADJ [available on Ministry website www.mca.gov.in] setting forth the grounds of appeal and shall be accompanied by a certified copy of this order. [Section

454(5) & 454(6) of the Act read with Companies (Adjudicating of Penalties) Rules, 2014].

12. Your attention is also invited to section 454(8) of the Act in the event of non-compliance of this order, "(8)(i) Where company fails to comply with the order made under sub-section (3) or sub-section (7), as the case may be within a period of ninety days from the date of the receipt of the copy of the order, the company shall be punishable with fine which shall not be less than twenty five thousand rupees but which may extend to five lakh rupees.

(ii) Where an officer of a company or any other person who is in default fails to comply with the order made under sub-section (3) or sub-section (7), as the case may be within a period of ninety days from the date of the receipt of the copy of the order, such officer shall be punishable with imprisonment which may extend to six months or with fine which shall not be less than twenty-five thousand rupees but which may extend to one lakh rupees, or with both."




(B. SRIKUMAR, ICLS)
REGISTRAR OF COMPANIES
TAMILNADU, CHENNAI.
ADJUDICATING OFFICER


15/09/24

To,

1. F.NO.ROC/CHN/SHUNMUGAM /ADJ/S.137/2024
M/s. Shunmugam Traders Private Limited
CIN: U51211TN2008PTC067867
No.1, Perira Lane, Tuticorin, Tamil Nadu, India, 628001
2. F.NO.ROC/CHN/SHUNMUGAM /ADJ/S.137/2024
Mr.Lenin Prabhakar,
Director,
No.36, Muniyasampuram,
2nd Street, Tuticorin, 628008, Tamil Nadu, India.

3. F.NO.ROC/CHN/SHUNMUGAM /ADJ/S.137/2024
MR. LENIN ANNA DURAI,
DIRECTOR
No.36, Muniyasampuram, 2nd Street, Kamaraj Salai,
Thoothukudi, 628003, Tamil Nadu, India.
4. F.NO.ROC/CHN/SHUNMUGAM /ADJ/S.137/2024
Mr. Lenin Sudhakar,
Director,
No.36, Muniyasampuram, 2nd Street, Kamaraj Salai,
Thoothukudi, 628003, Tamil Nadu, India.
5. F.NO.ROC/CHN/SHUNMUGAM /ADJ/S.137/2024
Mr. Lenin Manohar
Director,
43, Kamaraj Road, Thoothukudi, 628008,
Tamil Nadu, india.
6. F.NO.ROC/CHN/SHUNMUGAM /ADJ/S.137/2024
Mr. Lenin Jayagar,
Director,
36/1b, Muniyasampuram Extension -2,
Thoothukudi Town, Tuticorin, 628008, Tamil Nadu, India.

Copy To

1. The Regional Director (SR)
Chennai for information
2. The E-Governance Cell, Ministry of Corporate Affairs, New Delhi.

ई-मेल/e-mail : roc.chennai@mca.gov.in

दूरभाष/Ph : 28276652

फैक्स/Fax: 044-28280436



भारत सरकार

GOVERNMENT OF INDIA

कारपोरेट कार्य मंत्रालय

MINISTRY OF CORPORATE AFFAIRS

कम्पनी पंजीयक का कार्यालय, तमिल नाडु, अंदमान & निकोबार द्वीपपुंज, चेन्नई

OFFICE OF REGISTRAR OF COMPANIES, TAMIL NADU, ANDAMAN & NICOBAR ISLANDS, CHENNAI

दूसरा मंजिल, 'सी' विंग, शास्त्री भवन, 26, हाडोस रोड, नुंकमपाक्कम, चेन्नई - 6

II FLOOR, C- WING, SHASTRI BHAVAN, 26, HADDOWS ROAD, NUNGAMBAKKAM, CHENNAI- 6

F.NO.ROC/CHN/SHUNMUGAM/ADJ/S.92/2024

DATE :

16 SEP 2024

ADJUDICATION ORDER UNDER SECTION 92 OF THE COMPANIES ACT, 2013
IN THE MATTER OF M/S.SHUNMUGAM TRADERS PRIVATE LIMITED

1. **Appointment of Adjudicating Officer:** -

Ministry of Corporate Affairs vide its Gazette Notification No. A-42011/112/2014-Ad. II, dated 24.03.2015 has appointed Registrar of Companies, Chennai as Adjudicating Officer in exercise of the powers conferred by section 454(1) of the Companies Act, 2013 (hereinafter referred as Act or Companies Act, 2013) r/w Companies (Adjudication of Penalties) Rules, 2014 for adjudging penalties under the provisions of this Act.

2. **Company:** -

Whereas the company viz M/s. Shunmugam Traders Private Limited with CIN: U51211TN2008PTC067867 (herein after referred as 'company' or 'subject company') is a registered company with this office under the Companies Act, 1956 having its registered office as per MCA21 Registry at No.1, Perira Lane, Tuticorin, Tamil Nadu, 628001. The financial & other details of the subject company as available on MCA-21 portal is stated as under:

S. No.	Particulars	Details
1.	Company's Status	Active
2.	Filing Position	Financial Statement: up to 31.03.2015 Annual Return: up to 31.03.2015z
3.	Paid up Capital	Rs. 3,00,00,000/-
	a. Revenue from Operation	Rs. 112,47,57,113/-
	b. Other Income	Rs. 5,69,559/-
	c. Profit/Loss for the Period	(Rs. 1,754/-)
4.	Whether it is a Holding Company	No
5.	Whether it is a Subsidiary Company	No
6.	Whether company registered under Section 8 of the Act?	No
7.	Whether company registered under any other special Act?	No

3. Directors During the period of violation:

S.No.	Name of Director	Designation	Date of Appointment	Date of Cessation
1.	Mr. Lenin Prabhakar	Director	26.05.2008	.....
2.	Mr. Lenin Ann Durai	Director	26.05.2008	.....
3.	Mr. Lenin Sudhakar	Director	26.05.2008	.....
4.	Mr. Lenin Manohar	Director	26.05.2008	.....
5.	Mr. Lenin Jayagar	Director	26.05.2008	.....

4. Section and Penal Provision as per Companies Act, 2013

Section 92 of the Companies Act, 2013- Annual Return:

4) *Every company shall file with the Registrar a copy of the annual return, within sixty days from the date on which the annual general meeting is held or where no annual general meeting is held in any year within sixty days from the date on which the annual general meeting should have been held together with the statement specifying the reasons for not holding the annual general meeting, with such fees or additional fees as may be prescribed.*

(5) *If any company fails to file its annual return under sub-section (4), before the expiry of the period specified therein, such company and its every officer who is in*

default shall be liable to a penalty of ten thousand rupees and in case of continuing failure, with further penalty of one hundred rupees for each day during which such failure continues, subject to a maximum of two lakh rupees in case of a company and fifty thousand rupees in case of an officer who is in default.

Section 454. Adjudication of penalties.:

(1) The Central Government may, by an order published in the Official Gazette, appoint as many officers of the Central Government, not below the rank of Registrar, as adjudicating officers for adjudging penalty under the provisions of this Act in the manner as may be prescribed.

(2) The Central Government shall while appointing adjudicating officers, specify their jurisdiction in the order under sub-section (1).

(3) The adjudicating officer may, by an order-

(a) impose the penalty on the company, the officer who is in default, or any other person, as the case may be, stating therein any non-compliance or default under the relevant provisions of this Act; and

(b) direct such company, or officer who is in default, or any other person, as the case may be, to rectify the default, wherever he considers fit.]]]

Provided that in case the default relates to non-compliance of sub-section (4) of section 92 or sub-section (1) or sub-section (2) of section 137 and such default has been rectified either prior to, or within thirty days of, the issue of the notice by the adjudicating officer, no penalty shall be imposed in this regard and all proceedings under this section in respect of such default shall be deemed to be concluded.

5. Issue of Adjudication Notice:

An Inquiry was conducted in the matter of M/s. Shunmugam Traders Private Limited U/s 206(4) of the Companies Act 2013 by an Officer authorized by the Central Government wherein the observations of the Inquiry Officer are as follows:

It is observed that the company the company has filed its Annual Return only up to the Financial Year 2014-15. Since, the company and its directors have not filed its Annual Return up to date, Section 92 of the Companies Act, 2013 has been contravened and the defaulters are liable for action under section 92(5) of the Companies Act, 2013.

Accordingly, upon submission of the inquiry Report by the Inquiry Officer, the Ministry/Regional Director has directed this office to take necessary action against

the defaulters of the provisions of the Companies Act, 2013 for financial year 2015-16 to till date.

After that the Adjudicating Authority has issued Adjudication Notice to the company and its directors vide Notice No. F.No. ROC/CHN/067867/SHUNMUGAM TRADERS /S. 92/INQUIRY/2024 dated 28.05.2024.

6. **Reply of Company and Directors for Adjudication Notice issued:**

No reply has been received from the company and its directors.

7. **Adjudication Hearing:**

Since no reply has been received from the company and its directors for the notice dated 28.05.2024, the Adjudicating Authority had issued Adjudication Hearing Notice to the company and directors on 13.08.2024 by fixing the hearing date as on 20.08.2024 at 12:10 PM. No response received for the hearing notice dated 13.08.2024. None of the representative of the Company or Directors have appeared on the date so fixed. Hence as per Rule 3(8) of Companies (Adjudication of Penalties) Rules 2014, the matter is being proceeded with in the absence of such persons (ex-parte).

8. **Analysis of Non-compliance of Section 92 of the Companies Act,2013**

It is noticed that the company the company has filed its Annual Return only up to the Financial Year 2014-15. Since, the company has not filed its Annual Return up to date, which led to violation of Section 92 of the Companies Act, 2013 has been contravened and the defaulters are liable for action under section 92(5) of the Companies Act, 2013.

Since the company failed to file Financial Statement and Annual Return from the FY. 2015-2016 onwards to till date, the benefits of the small company are not extended to this company while adjudicating the penalty

9. Decision:

Having considered the facts and circumstances of the case and after taking into account the factors above, it is concluded that the company and its directors did not file Annual Returns from FY 2015-16 to till date. Hence, the company and its director have violated Section 92(4) of the Companies Act, 2013 for the FYs 2015-16 to 2022-23 and liable for penalty as prescribed under Section 92(5) of the Companies Act, 2013. Further the company has conducted the Annual General Meeting, the due date of AGM is considered as 30th September of the respective financial years.

- Financial Year 2015-16 for 2823 days, by considering AGM was conducted on 30.09.2016, (within 60 days from the date of AGM i.e., 28.11.2016 to 20.08.2024)
- Financial Year 2016-17 for 2458 days, by considering AGM was conducted on 30.09.2017, (within 60 days from the date of AGM i.e., 28.11.2017 to 20.08.2024)
- Financial Year 2017-18 for 2093 days, by considering AGM was conducted on 30.09.2018, (within 60 days from the date of AGM i.e., 28.11.2018 to 20.08.2024)
- Financial Year 2018-19 for 1728 days, by considering AGM was conducted on 30.09.2019, (within 60 days from the date of AGM i.e., 28.11.2019 to 20.08.2024)
- Financial Year 2019-20 for 1362 days, by considering AGM was conducted on 30.09.2020, (within 60 days from the date of AGM i.e., 28.11.2020 to 20.08.2024)
- Financial Year 2020-21 for 997 days, by considering AGM was conducted on 30.09.2021, (within 60 days from the date of AGM i.e., 28.11.2021 to 20.08.2024)
- Financial Year 2021-22 for 632 days, by considering AGM was conducted on 30.09.2022, (within 60 days from the date of AGM i.e., 28.11.2022 to 20.08.2024)

- Financial Year 2022-23 for 267 days, by considering AGM was conducted on 30.09.2023, (within 60 days from the date of AGM i.e., 28.11.2023 to 20.08.2024)

Accordingly, I am inclined to impose a penalty as prescribed under Sub-section 5 of Section 92 of the Companies Act, 2013. The details of the penalty imposed on the company and officers in default are shown in the table below:

(I) FY 2015-16

Name of person on whom penalty imposed	No of days of default	Penalty for default (Rs)	Total Penalty (Rs)	Maxim Limit for penalty (Rs)	Final Penalty imposed (Rs)-
M/s. Shunmugam Traders Private Limited	2823 Days	Rs.10,000 + Rs.100 per day (for continuing failure)	10,000 + 2823 x 100= 2,92,300	Rs.2,00,000/-	Rs.2,00,000/-
Mr. Lenin Prabhakar	2823 days	Rs.10,000 + Rs.100 per day (for continuing failure)	10,000 + 2823 x 100= 2,92,300	Rs.50,000/-	Rs.50,000/-
Mr. Lenin Ann Durai	2823 days	Rs.10,000 + Rs.100 per day (for continuing failure)	10,000 + 2823 x 100= 2,92,300	Rs.50,000/-	Rs.50,000/-
Mr. Lenin Sudhakar	2823 days	Rs.10,000 + Rs.100 per day (for continuing failure)	10,000 + 2823 x 100= 2,92,300	Rs.50,000/-	Rs.50,000/-
Mr. Lenin Manohar	2823 days	Rs.10,000 + Rs.100 per day (for continuing failure)	10,000 + 2823 x 100= 2,92,300	Rs.50,000/-	Rs.50,000/-
Mr. Lenin Jayagar	2823 days	Rs.10,000 + Rs.100 per day (for continuing failure)	10,000 + 2823 x 100= 2,92,300	Rs.50,000/-	Rs.50,000/-

Therefore, in view of the above said violation, in exercise of the powers vested to the undersigned under Section 454(1) & (3) of the Companies Act, 2013 a penalty of Rs.2,00,000/- (Rupees Two lakhs) is imposed on the Company and Rs.50,000/- (Rupees Fifty thousand) is imposed on each Officers in default. **Totally Rs. 4,50,000/- (Rupees Four lakhs Fifty Thousand)** as penalty amount for violation of Section 92 of the Companies Act, 2013 for the FY 2015-16.

(II) FY 2016-17

Name of person on whom penalty imposed	No of days of default	Penalty for default (Rs)	Total Penalty (Rs)	Maxim Limit for penalty (Rs)	Final Penalty imposed (Rs)-
M/s. Shunmugam Traders Private Limited	2458 days	Rs.10,000 + Rs.100 per day (for continuing failure)	10,000 + 2458 x 100 = 2,55,800	Rs.2,00,000/-	Rs.2,00,000/-
Mr. Lenin Prabhakar	2458 days	Rs.10,000 + Rs.100 per day (for continuing failure)	10,000 + 2458 x 100 = 2,55,800	Rs.50,000/-	Rs.50,000/-
Mr. Lenin Ann Durai	2458 days	Rs.10,000 + Rs.100 per day (for continuing failure)	10,000 + 2458 x 100 = 2,55,800	Rs.50,000/-	Rs.50,000/-
Mr. Lenin Sudhakar	2458 days	Rs.10,000 + Rs.100 per day (for continuing failure)	10,000 + 2458 x 100 = 2,55,800	Rs.50,000/-	Rs.50,000/-
Mr. Lenin Manohar	2458 days	Rs.10,000 + Rs.100 per day (for continuing failure)	10,000 + 2458 x 100 = 2,55,800	Rs.50,000/-	Rs.50,000/-
Mr. Lenin Jayagar	2458 days	Rs.10,000 + Rs.100 per day (for continuing failure)	10,000 + 2458 x 100 = 2,55,800	Rs.50,000/-	Rs.50,000/-

Therefore, in view of the above said violation, in exercise of the powers vested to the undersigned under Section 454(1) & (3) of the Companies Act, 2013 a penalty of Rs.2,00,000/- (Rupees Two lakhs) is imposed on the Company and Rs.50,000/- (Rupees Fifty thousand) is imposed on each Officers in default. **Totally Rs. 4,50,000/- (Rupees Four lakhs Fifty Thousand)** as penalty amount for violation of Section 92 of the Companies Act, 2013 for the FY 2016-17.

(iii) FY 2017-18

Name of person on whom penalty imposed	No of days of default	Penalty for default (Rs)	Total Penalty (Rs)	Maxim Limit for penalty (Rs)	Final Penalty imposed (Rs)-
M/s. Shunmugam Traders Private Limited	2093 days	Rs.10,000 + Rs.100 per day (for continuing failure)	10,000 + 2093 x 100 = 2,19,300	Rs.2,00,000/-	Rs.2,00,000/-
Mr. Lenin Prabhakar	2093 days	Rs.10,000 + Rs.100 per day (for continuing failure)	10,000 + 2093 x 100 = 2,19,300	Rs.50,000/-	Rs.50,000/-
Mr. Lenin Ann Durai	2093 days	Rs.10,000 + Rs.100 per day (for continuing failure)	10,000 + 2093 x 100 = 2,19,300	Rs.50,000/-	Rs.50,000/-
Mr. Lenin Sudhakar	2093 days	Rs.10,000 + Rs.100 per day (for continuing failure)	10,000 + 2093 x 100 = 2,19,300	Rs.50,000/-	Rs.50,000/-
Mr. Lenin Manohar	2093 days	Rs.10,000 + Rs.100 per day (for continuing failure)	10,000 + 2093 x 100 = 2,19,300	Rs.50,000/-	Rs.50,000/-
Mr. Lenin Jayagar	2093 days	Rs.10,000 + Rs.100 per day (for continuing failure)	10,000 + 2093 x 100 = 2,19,300	Rs.50,000/-	Rs.50,000/-

Therefore, in view of the above said violation, in exercise of the powers vested to the undersigned under Section 454(1) & (3) of the Companies Act, 2013 a penalty of

Rs.2,00,000/- (Rupees Two lakhs) is imposed on the Company and Rs.50,000/- (Rupees Fifty thousand) is imposed on each Officers in default. Totally Rs. 4,50,000/- (Rupees Four lakhs Fifty Thousand) as penalty amount for violation of Section 92 of the Companies Act, 2013 for the FY 2017-18.

(iv) FY 2018-19

Name of person on whom penalty imposed	No of days of default	Penalty for default (Rs)	Total Penalty (Rs)	Maxim Limit for penalty (Rs)	Final Penalty imposed (Rs)-
M/s. Shunmugam Traders Private Limited	1728 days	Rs.10,000 + Rs.100 per day (for continuing failure)	10,000 + 1728 x 100= 1,82,800	Rs.2,00,000/-	Rs. 1,82,800 /-
Mr. Lenin Prabhakar	1728 days	Rs.10,000 + Rs.100 per day (for continuing failure)	10,000 + 1728 x 100= 1,82,800	Rs.50,000/-	Rs.50,000/-
Mr. Lenin Ann Durai	1728 days	Rs.10,000 + Rs.100 per day (for continuing failure)	10,000 + 1728 x 100= 1,82,800	Rs.50,000/-	Rs.50,000/-
Mr. Lenin Sudhakar	1728 days	Rs.10,000 + Rs.100 per day (for continuing failure)	10,000 + 1728 x 100= 1,82,800	Rs.50,000/-	Rs.50,000/-
Mr. Lenin Manohar	1728 days	Rs.10,000 + Rs.100 per day (for continuing failure)	10,000 + 1728 x 100= 1,82,800	Rs.50,000/-	Rs.50,000/-
Mr. Lenin Jayagar	1728 days	Rs.10,000 + Rs.100 per day (for continuing failure)	10,000 + 1728 x 100= 1,82,800	Rs.50,000/-	Rs.50,000/-

Therefore, in view of the above said violation, in exercise of the powers vested to the undersigned under Section 454(1) & (3) of the Companies Act, 2013 a penalty of Rs.1,82,800 /-(Rupees One lakh eighty-two thousand eight hundred) is imposed on the

Company and Rs.50,000/- (Rupees Fifty thousand) is imposed on each Officers in default. Totally Rs.4,32,800/- (Rupees Four lakh thirty-two thousand eight hundred) as penalty amount for violation of Section 92 of the Companies Act, 2013 for the FY 2018-19.

(v) FY 2019-20

Name of person on whom penalty imposed	No of days of default	Penalty for default (Rs)	Total Penalty (Rs)	Maxim Limit for penalty (Rs)	Final Penalty imposed (Rs)-
M/s. Shunmugam Traders Private Limited	1362 days	Rs.10,000 + Rs.100 per day (for continuing failure)	10,000 + 1362 x 100= 1,46,200	Rs.2,00,000/-	Rs. 1,46,200 /-
Mr. Lenin Prabhakar	1362 days	Rs.10,000 + Rs.100 per day (for continuing failure)	10,000 + 1362 x 100= 1,46,200	Rs.50,000/-	Rs.50,000/-
Mr. Lenin Ann Durai	1362 days	Rs.10,000 + Rs.100 per day (for continuing failure)	10,000 + 1362 x 100= 1,46,200	Rs.50,000/-	Rs.50,000/-
Mr. Lenin Sudhakar	1362 days	Rs.10,000 + Rs.100 per day (for continuing failure)	10,000 + 1362 x 100= 1,46,200	Rs.50,000/-	Rs.50,000/-
Mr. Lenin Manohar	1362 days	Rs.10,000 + Rs.100 per day (for continuing failure)	10,000 + 1362 x 100= 1,46,200	Rs.50,000/-	Rs.50,000/-
Mr. Lenin Jayagar	1362 days	Rs.10,000 + Rs.100 per day (for continuing failure)	10,000 + 1362 x 100= 1,46,200	Rs.50,000/-	Rs.50,000/-

Therefore, in view of the above said violation, in exercise of the powers vested to the undersigned under Section 454(1) & (3) of the Companies Act, 2013 a penalty of Rs.1,46,200 /-(Rupees One lakh forty-six thousand Two hundred) is imposed on the

Company and Rs.50,000/- (Rupees Fifty thousand) is imposed on each Officers in default. Totally Rs.3,96,200/- (Rupees Three lakhs ninety-six thousand two hundred) as penalty amount for violation of Section 92 of the Companies Act, 2013 for the FY 2019-20.

(vi) FY 2020-21

Name of person on whom penalty imposed	No of days of default	Penalty for default (Rs)	Total Penalty (Rs)	Maxim Limit for penalty (Rs)	Final Penalty imposed (Rs)-
M/s. Shunmugam Traders Private Limited	997 days	Rs.10,000 + Rs.100 per day (for continuing failure)	10,000 + 997 x 100= 1,09,700	Rs.2,00,000/-	Rs. 1,09,700 /-
Mr. Lenin Prabhakar	997 days	Rs.10,000 + Rs.100 per day (for continuing failure)	10,000 + 997 x 100= 1,09,700	Rs.50,000/-	Rs.50,000/-
Mr. Lenin Ann Durai	997 days	Rs.10,000 + Rs.100 per day (for continuing failure)	10,000 + 997 x 100= 1,09,700	Rs.50,000/-	Rs.50,000/-
Mr. Lenin Sudhakar	997 days	Rs.10,000 + Rs.100 per day (for continuing failure)	10,000 + 997 x 100= 1,09,700	Rs.50,000/-	Rs.50,000/-
Mr. Lenin Manohar	997 days	Rs.10,000 + Rs.100 per day (for continuing failure)	10,000 + 997 x 100= 1,09,700	Rs.50,000/-	Rs.50,000/-
Mr. Lenin Jayagar	997 days	Rs.10,000 + Rs.100 per day (for continuing failure)	10,000 + 997 x 100= 1,09,700	Rs.50,000/-	Rs.50,000/-

Therefore, in view of the above said violation, in exercise of the powers vested to the undersigned under Section 454(1) & (3) of the Companies Act, 2013 a penalty of Rs.1,09,700 /-(Rupees One lakh Nine thousand Seven hundred) is imposed on the

Company and Rs.50,000/- (Rupees Fifty thousand) is imposed on each Officers in default. Totally Rs.3,59,700/- (Rupees Three lakh fifty-nine thousand seven hundred) as penalty amount for violation of Section 92 of the Companies Act, 2013 for the FY 2020-21.

(vii) FY 2021-22

Name of person on whom penalty imposed	No of days of default	Penalty for default (Rs)	Total Penalty (Rs)	Maxim Limit for penalty (Rs)	Final Penalty imposed (Rs)-
M/s. Shunmugam Traders Private Limited	632 days	Rs.10,000 + Rs.100 per day (for continuing failure)	10,000 + 632 x 100= 73,200	Rs.2,00,000/-	Rs. 73,200 /-
Mr. Lenin Prabhakar	632 days	Rs.10,000 + Rs.100 per day (for continuing failure)	10,000 + 632 x 100= 73,200	Rs.50,000/-	Rs.50,000/-
Mr. Lenin Ann Durai	632 days	Rs.10,000 + Rs.100 per day (for continuing failure)	10,000 + 632 x 100= 73,200	Rs.50,000/-	Rs.50,000/-
Mr. Lenin Sudhakar	632 days	Rs.10,000 + Rs.100 per day (for continuing failure)	10,000 + 632 x 100= 73,200	Rs.50,000/-	Rs.50,000/-
Mr. Lenin Manohar	632 days	Rs.10,000 + Rs.100 per day (for continuing failure)	10,000 + 632 x 100= 73,200	Rs.50,000/-	Rs.50,000/-
Mr. Lenin Jayagar	632 days	Rs.10,000 + Rs.100 per day (for continuing failure)	10,000 + 632 x 100= 73,200	Rs.50,000/-	Rs.50,000/-

Therefore, in view of the above said violation, in exercise of the powers vested to the undersigned under Section 454(1) & (3) of the Companies Act, 2013 a penalty of Rs.73,200 /-(Rupees Seventy-three thousand two hundred) is imposed on the Company

and Rs.50,000/- (Rupees Fifty thousand) is imposed on each Officers in default. **Totally Rs.3,23,200/- (Rupees Three lakh twenty-three thousand two hundred)** as penalty amount for violation of Section 92 of the Companies Act, 2013 for the FY 2021-22.

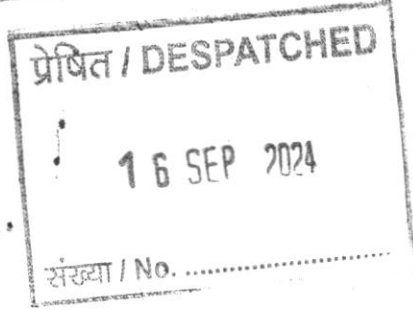
(viii) FY 2022-23


Name of person on whom penalty imposed	No of days of default	Penalty for default (Rs)	Total Penalty (Rs)	Maxim Limit for penalty (Rs)	Final Penalty imposed (Rs)-
M/s. Shunmugam Traders Private Limited	267 Days	Rs.10,000 + Rs.100 per day (for continuing failure)	10,000 + 267 x 100= 36,700	Rs.2,00,000/-	Rs. 36,700/-
Mr. Lenin Prabhakar	267 Days	Rs.10,000 + Rs.100 per day (for continuing failure)	10,000 + 267 x 100= 36,700	Rs.2,00,000/-	Rs. 36,700/-
Mr. Lenin Ann Durai	267 Days	Rs.10,000 + Rs.100 per day (for continuing failure)	10,000 + 267 x 100= 36,700	Rs.2,00,000/-	Rs. 36,700/-
Mr. Lenin Sudhakar	267 Days	Rs.10,000 + Rs.100 per day (for continuing failure)	10,000 + 267 x 100= 36,700	Rs.2,00,000/-	Rs. 36,700/-
Mr. Lenin Manohar	267 Days	Rs.10,000 + Rs.100 per day (for continuing failure)	10,000 + 267 x 100= 36,700	Rs.2,00,000/-	Rs. 36,700/-
Mr. Lenin Jayagar	267 Days	Rs.10,000 + Rs.100 per day (for continuing failure)	10,000 + 267 x 100= 36,700	Rs.2,00,000/-	Rs. 36,700/-

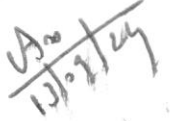
Therefore, in view of the above said violation, in exercise of the powers vested to the undersigned under Section 454(1) & (3) of the Companies Act, 2013 a penalty of each **Rs.36,700 /- (Rupees Thirty-Six thousand seven hundred)** is imposed on the Company and **Rs.36,700 /- (Rupees Thirty-Six thousand seven hundred)** is imposed on each Officers in default. **Totally Rs.2,20,200/- (Rupees two lakh twenty thousand two**

- hundred) as penalty amount for violation of Section 92 of the Companies Act, 2013 for the FY 2022-23.
10. Further, in exercise of Section 454 (3)(b) of the Companies Act, 2013 the subject company is directed to rectify the default by filing Annual Returns for the remaining periods i.e. from 2015-16 onwards and intimate to this office the details of filings along with SRNs within 30 days from the date of this order.
 11. The said amount of penalty shall be paid through online by using the website www.mca.gov.in (Misc. head) within 90 days of receipt of this order, and intimate this office with proof of penalty paid.
 12. Whereas Appeal against this order may be filed with the Regional Director (SR), Ministry of Corporate Affairs, 5th Floor, Shastri Bhavan, 26 Haddows Road, Chennai-600006, Tamil Nadu within a period of sixty days from the date of receipt of this order, in Form ADJ [available on Ministry website www.mca.gov.in] setting forth the grounds of appeal and shall be accompanied by a certified copy of this order. [Section 454(5) & 454(6) of the Act read with Companies (Adjudicating of Penalties) Rules, 2014].
 13. Your attention is also invited to section 454(8) of the Act in the event of non-compliance of this order, *“(8)(i) Where company fails to comply with the order made under sub-section (3) or sub-section (7), as the case may be within a period of ninety days from the date of the receipt of the copy of the order, the company shall be punishable with fine which shall not be less than twenty five thousand rupees but which may extend to five lakh rupees.*
(ii) Where an officer of a company or any other person who is in default fails to comply with the order made under sub-section (3) or sub-section (7), as the case may be within a period of ninety days from the date of the receipt of the copy of the order, such officer

shall be punishable with imprisonment which may extend to six months or with fine which shall not be less than twenty-five thousand rupees but which may extend to one lakh rupees, or with both."




(B. SRIKUMAR, ICLS)
REGISTRAR OF COMPANIES
TAMILNADU, CHENNAI.
ADJUDICATING OFFICER


13/9/24

To,

1. F.NO.ROC/CHN/SHUNMUGAM/ADJ/S.92/2024
M/s. Shunmugam Traders Private Limited
CIN: U51211TN2008PTC067867
No.1, Perira Lane, Tuticorin, Tamil Nadu, India, 628001
2. F.NO.ROC/CHN/SHUNMUGAM/ADJ/S.92/2024
Mr.Lenin Prabhakar,
Director,
No.36, Muniyasampuram,
2nd Street, Tuticorin, 628008, Tamil Nadu, India.
3. F.NO.ROC/CHN/SHUNMUGAM/ADJ/S.92/2024
MR. LENIN ANNA DURAI.
DIRECTOR
No.36, Muniyasampuram, 2nd Street, Kamaraj Salai,
Thoothukudi, 628003, Tamil Nadu, India.
4. F.NO.ROC/CHN/SHUNMUGAM/ADJ/S.92/2024
Mr. Lenin Sudhakar,
Director,
No.36, Muniyasampuram, 2nd Street, Kamaraj Salai,
Thoothukudi, 628003, Tamil Nadu, India.
5. F.NO.ROC/CHN/SHUNMUGAM/ADJ/S.92/2024
Mr. Lenin Manohar
Director,
43, Kamaraj Road, Thoothukudi, 628008,
Tamil Nadu, india.

6. F.NO.ROC/CHN/SHUNMUGAM/ADJ/S.92/2024

Mr. Lenin Jayagar,

Director,

36/1b, Muniyasampuram Extension -2,

Thoothukudi Town, Tuticorin, 628008, Tamil Nadu, India.

Copy To

1. The Regional Director (SR)

Chennai

..... for information

2. The E-Governance Cell, Ministry of Corporate Affairs, New Delhi.



भारत सरकार

GOVERNMENT OF INDIA

कारपोरेट कार्य मंत्रालय

MINISTRY OF CORPORATE AFFAIRS

कम्पनी पंजीयक का कार्यालय, तमिल नाडु, अंदमान & निकोबार द्वीपपुंज, चेन्नई

OFFICE OF REGISTRAR OF COMPANIES, TAMIL NADU, ANDAMAN & NICOBAR ISLANDS, CHENNAI

दूसरा मंजिल, 'सी' विंग, शास्त्री भवन, 26, हाडोस रोड, नुंकमपाक्कम, चेन्नई - 6

II FLOOR, C- WING, SHASTRI BHAVAN, 26, HADDOWS ROAD, NUNGAMBAKKAM, CHENNAI- 6

F.NO.ROC/CHN/SHUNMUGAM/ADJ/S.12/2024

DATE :

16 SEP 2024

ADJUDICATION ORDER UNDER SECTION 12 OF THE COMPANIES ACT, 2013
IN THE MATTER OF M/S.SHUNMUGAM TRADERS PRIVATE LIMITED

1. Appointment of Adjudicating Officer: -

Ministry of Corporate Affairs vide its Gazette Notification No. A-42011/112/2014-Ad. II, dated 24.03.2015 has appointed Registrar of Companies, Chennai as Adjudicating Officer in exercise of the powers conferred by section 454(1) of the Companies Act, 2013 (hereinafter referred as Act or Companies Act, 2013) r/w Companies (Adjudication of Penalties) Rules, 2014 for adjudging penalties under the provisions of this Act.

2. Company: -

Whereas the company viz M/s. Shunmugam Traders Private Limited with CIN: U51211TN2008PTC067867 (herein after referred as 'company' or 'subject company') is a registered company with this office under the Companies Act, 1956 having its registered office as per MCA21 Registry at No.1, Perira Lane, Tuticorin, Tamil Nadu, 628001. The financial & other details of the subject company as available on MCA-21 portal is stated as under:

S. No.	Particulars	Details
1.	Company's Status	Details
2.	Filing Position	Active
3.	Paid up Capital	Financial Statement: up to 31.03.2015 Annual Return: up to 31.03.2015
	a. Revenue from Operation (As per FY 2016-17)	Rs. 3,00,00,000/-
	b. Other Income (As per FY 2016-17)	Rs. 112,47,57,113/-
	c. Profit/Loss for the Period (As per FY 2016-17)	Rs. 5,69,559/-
4.	Whether it is a Holding Company	(Rs. 1,754/-)
5.	Whether it is a Subsidiary Company	No
6.	Whether company registered under Section 8 of the Act?	No
7.	Whether company registered under any other special Act?	No

3. Directors During the period of violation:

S.No.	Name of Director Default	Designation	Date of Appointment	Date of Cessation
1.	Mr. Lenin Prabhakar	Director	26.05.2008	.....
2.	Mr. Lenin Jayagar	Director	26.05.2008	.....
3.	Mr. Lenin Ann Durai	Director	26.05.2008	.....
4.	Mr. Lenin Sudhakar	Director	26.05.2008	.....
5.	Mr. Lenin Manohar	Director	26.05.2008	.....

4. Section/Rule and Penal Provision as per Companies Act, 2013

Section 12 of the Companies Act, 2013 - Registered Office of Company

(5) Except on the authority of a special resolution passed by a company, the registered office of the company shall not be changed,—

(a) in the case of an existing company, outside the local limits of any city, town or village where such office is situated at the commencement of this Act or where it may be situated later by virtue of a special resolution passed by the company; and

(b) in the case of any other company, outside the local limits of any city, town or village where such office is first situated or where it may be situated later by virtue of a special resolution passed by the company:

(6) The confirmation referred to in sub-section (5) shall be communicated within a period of thirty days from the date of receipt of application by the Regional Director to the company and the company shall file the confirmation with the Registrar within a period of sixty days of the date of confirmation who shall register the same and certify the registration within a period of thirty days from the date of filing of such confirmation.

(7) The certificate referred to in sub-section (6) shall be conclusive evidence that all the requirements of this Act with respect to change of registered office in pursuance of sub-section (5) have been complied with and the change shall take effect from the date of the certificate.

(8) If any default is made in complying with the requirements of this section, the company and every officer who is in default shall be liable to a penalty of one thousand rupees for every day during which the default continues but not exceeding one lakh rupees.

5. Issue of Adjudication Notice:

An Inquiry was conducted in the matter of M/s. Shunmugam Traders Private Limited U/s 206(4) of the Companies Act, 2013 by an Officer authorized by the Central Government wherein the observations of the Inquiry Officer are as follows:

It is observed that notice issued to the company has been returned/undelivered with the postal remarks "Not Known". Further, spot Inspection of registered office was conducted by the Inquiry Officer on 20.03.2021 and observed that no such company exist at the given address. Therefore, the company and its directors have violated the Section 12 of the Companies Act, 2013 and they are liable for action under Section 12(8) of the Companies Act, 2013 for non-maintenance of registered office address of the company.

Accordingly, on submission of the inquiry report by the officer, Regional Director, Ministry of Corporate Affairs, Chennai has directed this office to initiate necessary penal action under Section 12(8) of the Companies Act, 2013.

After that the Adjudicating Authority has issued Adjudication Notice to the company and its directors vide Notice No. ROC/CHN/067867/SHUNMUGAM TRADERS/S.12/INQUIRY/2024 dated 28.05.2024.

6. Reply of Company and Directors for Adjudication Notice issued:

No reply has been received from the company and its directors.

7. Adjudication Hearing:

Since no reply has been received from the company and its directors for the notice dated 28.05.2024, the Adjudicating Authority had issued Adjudication Hearing Notice to the company and directors on 13.08.2024 by fixing the hearing date as on 20.08.2024 at 12:10 PM. No response received for the hearing notice dated 13.08.2024. None of the representative of the Company or Directors have appeared on the date so fixed. Hence, as per Rule 3(8) of Companies (Adjudication of Penalties) Rules 2014, the matter is being proceeded with in the absence of such persons (ex-parte).

8. Analysis of Non-compliance of the Companies Act, 2013:

It is observed that notice issued to the company have been returned/undelivered with the postal remarks "Not Known". Further, spot Inspection of registered office was conducted by the Inquiry Officer on 20.03.2021 and observed that no such company exist at the given address. Hence, the company and its directors are violated Section 12 of the Companies Act, 2013 and they are liable for action under Section 12(8) of the Companies Act, 2013

Since the company failed to file Financial Statement and Annual Return from the FY. 2015-2016 onwards to till date, the benefits of the small company are not extended to this company while adjudicating the penalty

9. Decision

Having considered the facts and circumstances of the case and after taking into account it is concluded that the Company and directors have violated Section 12 of the Companies Act, 2013. The penalty has been calculated from 20.03.2021 (Date of Spot Inspection of Registered office) to 20.08.2024 (i.e.1250 days)

Accordingly, I am inclined to impose a penalty as prescribed under Section 12(8) of the Companies Act, 2013. The details of the penalty imposed on the Company and Officers in default are shown in the table given below:

S.No	Company and Officers in default	Penalty for default	Maximum Penalty	Final Penalty imposed (Rs)
1.	M/s. Shunmugam Traders Private Limited	Rs.1000/- per day	Rs.1,00,000/-	Rs. 1,00,000/-
2.	Mr. Lenin Prabhakar	Rs.1000/- per day	Rs.1,00,000/-	Rs. 1,00,000/-
3.	Mr. Lenin Ann Durai	Rs.1000/- per day	Rs.1,00,000/-	Rs. 1,00,000/-
4.	Mr. Lenin Sudhakar	Rs.1000/- per day	Rs.1,00,000/-	Rs. 1,00,000/-
5.	Mr. Lenin Manohar	Rs.1000/- per day	Rs.1,00,000/-	Rs. 1,00,000/-
6.	Mr. Lenin Jayagar	Rs.1000/- per day	Rs.1,00,000/-	Rs. 1,00,000/-


Therefore, in view of the above said violation, in exercise of the powers vested to the undersigned under Section 454(1) & (3) of the Companies Act, 2013 a penalty of Rs. 1,00,000/- (Rupees One lakhs) is imposed on the Company and Rs. 1,00,000 /- (Rupees One lakhs) is imposed on each director. **Totally Rs.6,00,000 /- (Rupees Six lakhs)** as penalty amount for violation of Section 12 of the Companies Act, 2013

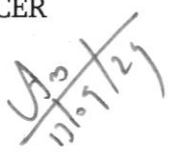
ii) Further, in exercise of Section 454(3)(b) of the Companies Act, 2013 the subject company is directed to rectify the default by maintaining the registered office of the company at the registered address as required U/s. 12 of the Companies Act, 2013 and also to submit the proofs of maintenance of the registered office including photos / rental agreement and other necessary documents to this office within 15 days from the date of receipt of this order.

9. The said amount of penalty shall be paid through online by using the website www.mca.gov.in(Misc. head) within 90 days of receipt of this order and intimate this office with proof of penalty paid.

10. Whereas Appeal against this order may be filed with the Regional Director (SR), Ministry of Corporate Affairs, 5th Floor, Shastri Bhavan, 26 Haddows Road, Chennai-600006, Tamil Nadu within a period of sixty days from the date of receipt of this order, in Form ADJ [available on Ministry website www.mca.gov.in] setting forth the grounds of appeal and shall be accompanied by a certified copy of this order. [Section 454(5) & 454(6) of the Act read with Companies (Adjudicating of Penalties) Rules, 2014].
11. Your attention is also invited to section 454(8) of the Act in the event of non-compliance of this order, *“(8)(i) Where company fails to comply with the order made under sub-section (3) or sub-section (7), as the case may be within a period of ninety days from the date of the receipt of the copy of the order, the company shall be punishable with fine which shall not be less than twenty five thousand rupees but which may extend to five lakh rupees.*
12. *Where an officer of a company or any other person who is in default fails to comply with the order made under sub-section (3) or sub-section (7), as the case may be within a period of ninety days from the date of the receipt of the copy of the order, such officer shall be punishable with imprisonment which may extend to six months or with fine which shall not be less than twenty-five thousand rupees but which may extend to one lakh rupees, or with both.”*

प्रेषित / DESPATCHED
16 SEP 2024
संख्या / No.


(B. SRIKUMAR, ICLS)
REGISTRAR OF COMPANIES
TAMILNADU, CHENNAI.
ADJUDICATING OFFICER


13/9/24

To,

1. F.NO.ROC/CHN/SHUNMUGAM/ADJ/S.12/2024
M/s. Shunmugam Traders Private Limited
CIN: U51211TN2008PTC067867
No.1, Perira Lane, Tuticorin, Tamil Nadu, India, 628001

2. F.NO.ROC/CHN/SHUNMUGAM/ADJ/S.12/2024
Mr.Lenin Prabhakar,
Director,
No.36, Muniyasampuram,
2nd Street, Tuticorin, 628008, Tamil Nadu, India.
3. F.NO.ROC/CHN/SHUNMUGAM/ADJ/S.12/2024
MR. LENIN ANNA DURAI,
DIRECTOR
No.36, Muniyasampuram, 2nd Street, Kamaraj Salai,
Thoothukudi, 628003, Tamil Nadu, India.
4. F.NO.ROC/CHN/SHUNMUGAM/ADJ/S.12/2024
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