



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/MYCLUBTRADE /ADJ/S.13/2024

DATE: 23 DEC 2024

ADJUDICATION ORDER UNDER SECTION 13 OF THE LIMITED LIABILITY PARTNERSHIP ACT, 2008
IN THE MATTER OF MYCLUBTRADE SERVICES INTERNATIONAL LLP

1. Appointment of Adjudicating Officer: -

Ministry of Corporate Affairs vide its Gazette Notification No. 01/03/2021-CL.V-Part II, dated 11.02.2022 has appointed Registrar of Companies, Chennai as Adjudicating Officer in exercise of the powers conferred by Section 76 A of the Limited Liability Partnership Act, 2008 (hereinafter referred as Act or LLP Act, 2008) r/w Limited Liability Partnership Rules, 2009 for adjudging penalties under the provisions of this Act.

2. LLP: -

Whereas the LLP viz Myclubtrade Services International LLP with LLPIN: AA0-1857(herein after referred as 'LLP' or 'Subject LLP') incorporated on 31.01.2019, is a registered LLP with this office under the LLP Act, 2008 having its registered office as per MCA21 Registry at No.70/69, 7th Street Mettu Street, Chennai, Athipet, Tamil Nadu 600058. The financial & other details of the subject LLP as available on MCA-21 portal is stated as under:

S.No.	Particulars	Details
1.	LLP's Status	Active
2.	Filing Status	The LLP has not filed Statement of Account and Insolvency and Annual Return since its incorporation i.e. on 31.01.2019
3.	Paid up Capital	Rs.10,00,000/-
4.	Number of Designated Partners	2

3. Designated Partners during the period of violation:

S.No.	Name	Date of Appointment	Date of Cessation
1.	Mr. Senthil Raj	31.01.2019
2.	Mr. Muhammed Faisal Palakkathodi	31.03.2019

4. Section and Penal Provision as per LLP Act,2008

Section 13. Registered office of limited liability partnership and change therein :-

(1) Every limited liability partnership shall have a registered office to which all communications and notices may be addressed and where they shall be received.

(2) A document may be served on a limited liability partnership or a partner or designated partner thereof by sending it by post under a certificate of posting or by registered post or by any other manner, as may be prescribed, at the registered office and any other address specifically declared by the limited liability partnership for the purpose in such form and manner as may be prescribed.

(3) A limited liability partnership may change the place of its registered office and file the notice of such change with the Registrar in such form and manner and subject to such conditions as may be prescribed and any such change shall take effect only upon such filing.

(4) If any default is made in complying with the requirements of this section, the limited liability partnership and its every partner shall be liable to a penalty of five hundred rupees for each day during which the default continues, subject to a maximum of fifty thousand rupees for the limited liability partnership and its every partner.

5. Issue of Adjudication Notice:

A complaint has received from Reserve Bank of India against the subject LLP alleging that the LLP is doing the Business of Ponzi Scheme. On receipt of the complaint, Registrar of Companies, Chennai had issued notice to the LLP and its Designated Partners on 26.09.2022. The notice issued on 26.09.2022 to the LLP was returned/undelivered. Further, the Registrar of Companies, Chennai has deputed an Official to the registered address of LLP for physical verification. The deputed official visited the registered address of LLP on 30.05.2023 and reported that the LLP is not functioning at its registered address. Therefore, the LLP has failed to maintain its registered office as required under Section 13 of LLP Act, 2008. Hence, the LLP and its Designated Partners are liable for penal action under Section 13(4) of the LLP Act, 2008.

Subsequently, the Adjudicating Authority had issued Notice to the LLP and its Designated Partners vide Notice No. ROC/CHN/ADJ/MYCLUBTRADE/LLP/S.13/2024 on 12.07.2024.

6. Reply of LLP and its Designated Partners for Adjudication Notice issued:

No reply or submissions have been received from the LLP and its Designated Partners.

7. Adjudication Hearing:

The Adjudicating Authority had issued Adjudication Hearing Notice to the LLP and its Designated Partners on 23.10.2024 for hearing on 05.11.2024. The Designated Partners/ authorized representatives did not appear for the hearing fixed on 05.11.2024. The Adjudicating Authority had issued final hearing notice on 14.11.2024 for hearing on 22.11.2024 at 11:20 AM. Neither the Designated Partners nor their authorized

representatives have appeared on the said date. Hence, as per Rule 37A (11) of LLP (Amendment) Rules, 2022, the matter is being proceeded with in the absence of such persons (*ex-parte*).

8. Analysis of Non-compliance of the LLP Act,2008

It is noticed that the notice issued to the LLP on 26.09.2022 was returned /undelivered, the deputed official reported the LLP is not functioning at its registered address and the LLP has not submitted any notice to the Registrar regarding shifting of its registered office. Thus, it is evident that the LLP and its Designated Partners have failed to comply with provision of Section 13 of the LLP Act, 2008, thereby attracting penal provisions mentioned under Section 13(4) of the LLP Act,2008.

Since the LLP has not filed its statutory returns since its incorporation, the benefits of Small LLP are not extended to this LLP while adjudicating the penalty.

9. Decision

Having considered the facts and circumstances of the case, it is concluded that, the LLP has violated Section 13 of the LLP Act, 2008 for the period 26.09.2022 to 22.11.2024 (789 days).

Accordingly, I am inclined to impose a penalty as prescribed under Sub-section 4 of Section 13 of the LLP Act,2008. The details of the penalty imposed on the LLP and its Designators Partners are shown in the table below:

S.No	LLP and Designated Partners	No of days of default	Per day penalty for default	Total Penalty	Maximum Penalty	Penalty imposed
1.	Myclubtrade Services International LLP	789 days	Rs.500/-	789 x 500= 3,94,500	Rs.50,000/-	Rs.50,000/-
2.	Mr. Senthil Raj	789 days	Rs.500/-	789 x 500= 3,94,500	Rs.50,000/-	Rs.50,000/-
3.	Mr. Muhammed Faisal Palakkathodi	789 days	Rs.500/-	789 x 500= 3,94,500	Rs.50,000/-	Rs.50,000/-

Therefore, in view of the above said violation, in exercise of the powers vested in the undersigned under Section 76A of the LLP Act, 2008 a penalty of Rs.50,000/- (Rupees Fifty thousand) is imposed on the LLP and Rs. 50,000/- (Rupees Fifty thousand) is imposed each designated partners. Total Rs. 1,50,000/- (Rupees One lakh fifty thousand) as penalty amount for violation of Section 13 of the LLP Act,2008.

10. Order:

Parties as above mentioned in table are hereby directed to pay the penalty amount as imposed.

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

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 76A(5) & 76A(6) of the LLP (Amendment) Act,2021 read with LLP Rules, 2009].

Your attention is also invited to Section 76(A)(8) & 76(A)(9) of the LLP Act in the event of non-compliance of this order.



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

To

1. F.NO.ROC/CHN/MYCLUBTRADE /ADJ/S.13/2024
Myclubtrade Services International LLP
LLPIN: AA0-1857
No.70/69, 7th Street Mettu Street, Chennai, Athipet, Tamil Nadu 600058
2. F.NO.ROC/CHN/MYCLUBTRADE /ADJ/S.13/2024
Mr.Senthil Raj (DPIN: 08348948)
Flat No.3F, Skyline Oscanic Apartment, Opposite Bombay Hotel
Kozhikode, Kerala 673001
3. F.NO.ROC/CHN/MYCLUBTRADE /ADJ/S.13/2024
Mr. Muhammed Faisal Palakkathodi (DPIN:03118885)
Palkkathodi House, PO Ambalakkadavu, Kalikavu Malappuram, Dist, Kerala 676525

Copy To

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