



भारत सरकार / Government of India
कार्पोरेट कार्य मंत्रालय / Ministry of Corporate Affairs
कंपनी रजिस्ट्रार, कर्नाटक / Registrar of Companies, Karnataka
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M MINISTRY OF
C CORPORATE
A AFFAIRS
GOVERNMENT OF INDIA

File No. ROC(B)/Adj.Ord.454-155/ Prabhavati Shankargouda/ DIN: 02888982/2024

Date: 19/11/2024

ORDER OF ADJUDICATION OF PENALTY UNDER SECTION 454 OF COMPANIES ACT, 2013 READ WITH RULE 3 OF THE COMPANIES (ADJUDICATION OF PENALITIES) RULES, 2014 FOR VIOLATION OF PROVISIONS OF SECTION 155 OF THE COMPANIES ACT, 2013 READ WITH RULE 11 OF THE COMPANIES (APPOINTMENT OF DIRECTORS) RULES, 2014 FRAMED THEREIN BY PRABHAVATI SHANKARGOUDA PATILMUNENAKOPPA, DIRECTOR (DIN: 02888982)

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

2. Ms. Prabhavati Shankargouda Patilmunenakoppa, Director (DIN: 02888982) has filed a suo-motu adjudication application on 16.08.2024 for violation of section 155 of the Act read with Rule 11 of Companies (Appointment of Directors) Rules, 2014. It is seen from the application that Ms. Prabhavati Shankargouda Patilmunenakoppa, residing at #83, Ashok Nagar, Near Vijay Hotel, Vijaynagar, Hubballi-680032, Dharwad, Karnataka obtained DIN (Director Identification Number) No. 02888982 on 31.12.2009. She had obtained her first DIN for being appointed as a director in ELFIN INFRA BUILDERS PRIVATE LIMITED, a company having registered office at Hubli, Karnataka.

3. Thereafter, the applicant became a director in NRPINDIA SUGARS AND AGRO INDUSTRIES PRIVATE LIMITED, incorporated under the jurisdiction of this office, for which she inadvertently and without any malafide intention obtained another DIN which was allotted to her i.e. 08540757. However, the applicant has come to the realise that the acquisition of second DIN (08540757) was inadvertent and in contravention of the Act following which she applied for surrendering the second DIN vide e-form DIR-5 (SRN AA6731264) on 31.01.2024. However, she has violated the provisions of section 155 of the Act.

4. As per the provisions of section 155 of the Act, no individual, who has already been allotted a Director Identification Number under section 154, shall apply for, obtain or possess another Director Identification Number.

5. As per the provisions of section 159 of the Act, if any individual or director of a company makes any default in complying with any of the provisions of section 152, section 155 and section 156, such individual or director of the company shall be liable to a penalty which may extend to fifty thousand rupees and where the default is continuing one, with a further penalty which may extend to five hundred rupees for each day after the first during which the default continues.

6. Pursuant to the initiation of adjudication proceedings on 16.08.2024, Notice of hearing was sent on 14.10.2024 and physical hearing was held on 24.10.2024. It was attended by CS Narayan Desai, practising company secretary and authorised representative of Ms Prabhavati Shankargouda Patilmunenakoppa. He made his submissions as stated in the application and requested to waive off the penalty or impose the minimum possible as the director had suo-motu applied for surrendering her second DIN and the violation has not caused any harm to any person or company. Further, documents regarding allotment of second DIN and copy of DIR-5 were sought during the hearing to ascertain the duration of default which were submitted by the authorised representative on 25.10.2024. It is established through these documents that the second DIN was allotted / approved on 20.08.2019 and DIR-5 for surrendering it was filed on 31.01.2024.

7. It is established that there is a violation of section 155 of the Act for the duration of 20.08.2019 to 30.01.2024 i.e. 1625 days which is punishable under section 159 of the Act which provides for a maximum one-time penalty of fifty thousand rupees and further maximum penalty of five hundred rupees for each day after the first during which the default continues. Therefore, having considered the facts and circumstances of the case and the submissions made by the director through his authorised representative as detailed above, and in exercise of the powers vested under section 454(3)(a) of the Companies Act 2013, I do hereby impose 25% of the maximum penalty in the following manner on the director considering the nature of default, its non-repeating nature and no injury caused to public interest.

Particulars	Penalty imposed as per section 159 of the Act
Ms Prabhavati Shankargouda Patilmunenakoppa	Rs. 2,15,500 (12,500 + 2,03,000)

8. The director is hereby directed to pay the penalty amount as tabulated above within 90 days from the date of receipt of this Order and file Form INC-28 attaching a copy of the Order and payment challans. In case of director, such penalty amount is required to be paid out of their own funds. The noticee shall pay the said amount of penalty online by using the website www.mca.gov.in (Miscellaneous head) specifying the details of this Order and the noticee who is paying the penalty.

9. Appeal, if any, against this Order may be filed with the Regional Director (South East Region), Hyderabad within a period of 60 days from the date of receipt of this Order in Form ADJ setting forth the grounds of appeal and shall be accompanied by a certified copy of this Order.

10. Your attention is also invited to section 454(8) of the Companies Act, 2013 in case of non-compliance of this Order wherein necessary penal action will be initiated under 454(8)(i) and (ii) of the Companies Act, 2013 against the company and directors / key managerial personnel without further notice in the matter.



(Sanjay Sood)
Registrar of Companies, Karnataka
and Adjudicating Officer

To

ROC(B)/Adj.Ord.454-155/ Prabhavati Shankargouda/ DIN: 02888982/2024
Ms Prabhavati Shankargouda Patilmunenakoppa,
D/o Mr. Suhas Ratnakatti,
#83, Ashok Nagar, Near Vijay Hotel,
Vijaynagar, Hubballi-680032,
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