



SECURITIES & EXCHANGE COMMISSION OF PAKISTAN

(Adjudication Department-II, Adjudication Division)
4th Floor State Life Building No.2, Wallace Road, Karachi.
Website: www.secp.gov.pk

CASE No. 898/2022

BEFORE THE ADJUDICATING OFFICER

ORDER UNDER SECTION 120 READ WITH SECTION 479 OF THE COMPANIES ACT, 2017

IN THE MATTER OF M/S. THARPARK AR SUGAR MILLS LIMITED

Present: **Mr. Abdur Rub (Authorized Representative)**

Date of hearing: 18-August-2022

1. This Order shall dispose of the proceedings initiated under Section 120 of the Companies Act, 2017 (The Act), vide Show Cause Notice dated 27-June-2022 [“the Notice”].
2. The facts of the case are that, in pursuance of Order dated December 01, 2021 under Section 257 of the Companies Act, 2017 (“Act”) to conduct investigation into all respects of Tharparkar Sugar Mills Limited and after scrutiny of all the records and books of accounts, books and papers, Inspectors have submitted the investigation report dated March 21, 2022 which revealed that the company is not maintaining any index of the member of the Company required in terms of Section 120 of the Companies Act, 2017 (the “Act”).
3. Prima facie, the company violated the provisions of section 120 (1) of the Act, which attracts penal provisions contained in section 120 (4) of the Act.
4. Consequently, the afore mentioned violation of law rendered the company and its officer(s) liable to a penalty of level - 1 on the standard scale provided under section 120 (4) read with section 479(2) of the Act. Accordingly, taking cognizance of the matter, a Show Cause Notice dated 27-June-2022 was served to the company through its Chief Executive as well as the directors of the company, calling upon them to Show Cause in my office on 07-July-2022 and subsequently re-fixed on 18-Aug-2022 as to why the penalty laid down under the above mentioned section should not be imposed.
5. On the date of hearing, Mr. Abdur Rub (authorized representative) of the Company appeared before me in person. While admitting the default, he stated that the Company was incorporated on April 23, 1994 as an unlisted public limited company under the Companies Ordinance, 1984 and it obtained Certificate of Commencement of Business on June 30, 1994. The Company issued shares at the

value of Rs. 116,195,000/- divided into 11,619,500 Ordinary Shares of Rs.10/- each from the year 1994 to 1999 and accordingly, prepared Index of Members as required by the then prevailing Companies Ordinance, 1984. However, since incorporation, our registered office was relocated two/ three times and most of the record was not traceable therefore, the Index of Members could not be presented to the investigation team. However, we have re-generated the Index of Members. Copy of the same is enclosed for your record and information.

6. The contention of the company and its authorized representative for the non-compliance of law is not a precise excuse, as it shows negligence on the part of management of the company who is responsible to manage, pursue and make sure that the compliances are being made timely and strictly in accordance with the law and to keep all the statutory record available at the registered office address of the company. However, keeping in view the aforesaid facts as narrated above and assurance given by the authorized representative that no such default would be repeated in future and the company shall ensure proper and timely compliance of statutory requirements of law, I am convinced not to take stringent action against the company. Further, the company has now made good of the default per se attached documents. Besides, there is no evidence / information available on the record of this case which could jeopardize the interest of any stakeholder. Hence penalty of **Rs.25,000/-** is imposed on the company.
7. The management of the company is advised to deposit the penalty amount within 30 days from the date of receipt of this order in any designated branches of MCB Bank Limited or UBL Bank and furnish original receipted challan to this office within the above said period positively.
8. A copy of this order be placed on the record of company maintained by the dealing Registrar of the Company Registration Office.



(ZIA UL RASHEED ABBASI)
ADJUDICATING OFFICER /
ADDITIONAL REGISTRAR

Dated: 25-Aug-2022