



# SECURITIES & EXCHANGE COMMISSION OF PAKISTAN

(Adjudication Department-II, Adjudication Division)

4<sup>th</sup> Floor State Life Building No.2, Wallace Road, Karachi.

Website: [www.secp.gov.pk](http://www.secp.gov.pk)

CASE No. 1158/2022

**BEFORE THE ADJUDICATING OFFICER**

**ORDER UNDER SECTION 130 READ WITH SECTION 479 OF THE COMPANIES ACT, 2017**

**IN THE MATTER OF**

**M/S. BALOCHISTAN BOARD OF INVESTMENT AND TRADE COMPANY**

Case Fixed for Final Hearing: 16-Jan-2023

**Present:** None present for personal hearing

1. This Order shall dispose of the proceedings initiated under Section 130 of the Companies Act, 2017 ("The Act"), vide Show Cause Notice dated: 25-11-2022 ["the Notice"].
2. The facts of the case are that the company was required to file its Annual statutory return with the Registrar, within 30 days from the date of its Annual General Meeting (AGM) or when no such AGM was held from the last day of the calendar year to which it relates in terms of provisions of section 130(2) of the Act which states that "A Company not having a share capital shall in each year prepare and file with the registrar a return containing the particulars in a specified form as on the date of the annual general meeting or, where no such meeting is held or if held is not concluded, on the last day of the calendar year".
3. However, the record of the company registration office revealed that the company failed to file the Annual statutory return (Form-B) for the year 2021, in violation of the above said provisions of law.
4. The aforesaid violation attracts the penal provisions of sub-section-6(b) of section-130 of the Act which provides that any violation of Section-130 shall be an offense liable to a penalty of Level-1 of the standard scale, i-e up-to Rs.25,000/- and upto Rs.500/- per day during which default continues, as provided u/s 479(2) of the Act. Accordingly, taking cognizance of the matter, a Show Cause Notice dated 25-11-2022 was served to the company through its Chief Executive, calling upon them to Show Cause in my office on 08-12-2022 and subsequently adjourned to 19-12-2022 and 03-01-2022 (vide reminder notices dated 09-12-2022 and dated 19-12-2022 respectively), as to why the penalty laid down under the above mentioned section should not be imposed.
5. In response to the above-mentioned show cause notice, no one appeared before the undersigned for personal hearing. However, a written reply from the company dated 23.12.2022 was received on 27.12.2022 stating therein that the company's management were truly engaged in development of Bostan Special Economic Zone

promotion, investment opportunities and most of the staff were present on site during the last 06 months for facilitation and enhancement of province's mega project. The Audit Report for the financial year is attached with this letter and will be received by your esteemed office in 2 to 3 working days from the date of this letter.

6. Accordingly, the record of the concerned registrar of company registration office, Quetta was got verified to ascertain the narrative of the company but it was revealed that neither financial statement nor annual return (Form-B) were filed along with prescribed filling fee, even as of the date of this order.
7. The attitude of the management of the subject company towards compliance with law, rules and regulations is very disappointing. Due to failure, to make good of the default and valid justification for commitment of violation of law as confronted in above-mentioned show cause notice and subsequent notices/reminder, the undersigned is left with no choice but to impose penalty on the company. As much as, the company is habitual of making non-compliances and was also penalized earlier for making similar violation of law for the year 2019 and 2020 and this constitutes the continuous default for the third consecutive years. Henceforth, I hereby impose a penalty of Rs.75,000/- on the company for the year 2021.
8. The management of the company is advised to deposit the penalty amount within 15 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 within the above said period and also directed to file the overdue annual return(s) immediately but not later than 30 days from the date of receipt of this order positively.
9. A copy of this order be placed on the record of company maintained by the concerned/dealing Registrar of the Company Registration Office.



**(ZIA UL RASHEED ABBASI)**  
**ADJUDICATING OFFICER /**  
**ADDITIONAL REGISTRAR**

Dated: 16-01-2023