



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. 50/2023

BEFORE THE ADJUDICATING OFFICER

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

IN THE MATTER OF

M/S. CHILDREN'S HOSPITAL QUETTA

Case Fixed for Final Hearing: 06-04-2023

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: 28-02-2023 ["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 years 2019 to 2022, 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 28-02-2023 was served to the company, calling upon to Show Cause in my office on 15-03-2023 and subsequently adjourned to 27-03-2023 and 06-04-2023 (vide reminder notices dated 16-03-2023 and dated 28-03-2023 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 13.03.2023 was received on 27.03.2023 stating therein that as per the orders of

Honorable High Court Balochistan, (copy attached) the Children Hospital has now been taken over the Government of Balochistan, Health department from 01st July, 2019. Further, the previous company mode/board is non-existent in present premises.

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 the company neither initiate any winding up proceeding/process nor fulfilled statutory requirements of law. Moreover, the attached order dated 27.06.2019 in CP.NO.618/2018 is an interim order and not the final Judgement. Even otherwise, mere transfer of assets or any undertaking does not exonerate the company from making corporate compliance, including filing of Annual Return (Form-B) until the company is finally dissolved.
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. Henceforth, I hereby impose a penalty of Rs.75,000/- on the company for the years 2020 to 2022 only as the company had already been penalized in respect of same violation for the year 2019.
8. 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 within the above said period and also directed to file the overdue annual return 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: 17-04-2023