



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. 4135/2020

BEFORE THE ADJUDICATING OFFICER

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


IN THE MATTER OF M/S. ELIXIR CAPITAL (PRIVATE) LIMITED

Present: Mr. Yaseen Amin – Head of Department
(Authorized Representative of the Company)

Date of hearing: 18-Nov-2020

1. This Order shall dispose of the proceedings initiated under Section-130 of the Companies Act, 2017 ("The Act"), vide Show Cause Notice dated 04-Nov-2020 ["the Notice"].
2. The facts of the case are that the company was required to file its annual returns within thirty days from the date of the Annual General Meeting (AGM) held in the year or, when no such meeting is held or if held is not concluded, from the last day of the calendar year to which it relates in terms of provisions of section 130(3) of the Act.
3. However, the record of the company registration office revealed that the company has failed to file its annual returns for the year 2019, in violation of the above said provisions of law.
4. This constituted violation of law and rendered the company liable to penalty of level – 1 on the standard scale, provided under section 130(6)(b) read with section 479(2) of the Act. Accordingly, taking cognizance of the matter, a Show Cause Notice dated 04-Nov-2020 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 19-Nov-2020, as to why the penalty laid down under the above mentioned section should not be imposed.
5. On the date of hearing, authorized representative of the Company appeared before me in person. While admitting the default, he stated that the company did not file Annual Return because the company could not hold its AGM for the 2019.

6. The contention of the authorized representative of the company that the annual returns could not be filed in accordance with the law is not a justifiable excuse, as it shows negligence on the part of management of the company who is responsible to manage, pursue and make sure that annual returns and other statutory returns are duly being filed by the company within statutory time period. Moreover, section-130 provides that in case the AGM could not be held, the company was required to file year-ended Form-A i.e. (31-12-2019). However, keeping in view the assurance given by the authorized representative that the management of the company will ensure timely compliances of statutory requirements in future, I am convinced to take a lenient view. Hence, a token penalty of **Rs: 5,000/=** in respect of non-filing of statutory return(s) is hereby 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. Further, the management of the company is also directed to file the over due annual return (Form-A) for the year 2019 immediately but not later than 15 days from the date of receipt of this Order.
8. A copy of this order be placed on the record of the company for future reference. Moreover, the concern registrar may take cognizance for violation u/s 132 separately.


(ZIA UL RASHEED ABBASI)
ADJUDICATING OFFICER /
ADDITIONAL REGISTRAR

Dated: 19-Nov-2020