



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. 4460/2021

BEFORE THE ADJUDICATING OFFICER

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


IN THE MATTER OF M/S. NORINCO INTERNATIONAL THATTA POWER (PRIVATE)
LIMITED

Present: Mr. Azizullah Enayat (Authorized Representative)

Date of hearing: 11-Feb-2021

1. This Order shall dispose of the proceedings initiated under Section-130 of the Companies Act, 2017 ("The Act"), vide Show Cause Notice dated 20-Jan-2021 ["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 20-Jan-2021 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 4-Feb-2021 and subsequently adjourned to 11-Feb-2021 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. He stated that the AGM of the Company could not be held within prescribed time due to Covid-19 Pandemic situation and non-finalization of financial statements. Accordingly, that AGM was held late on 21-12-2020. Subsequently the company has now filed relevant Form-A with a minor delay which is regretted.

6. The submissions made by the authorized representative with regard to the said default is quite sustainable. The company has now made good of the default. Further, there is evidence on the record that the subject default jeopardizes the interest of any stakeholder. I am therefore, convinced to take a lenient view. Hence, the subject default is condoned. However, the management of the company is hereby warned not to repeat the said or any other default in future and ensure the timely compliances all the statutory requirements of applicable laws, rules and Regulations.
7. Nevertheless, the company has admittedly failed to hold its AGMs for the years 2019 within prescribed time in violation of the provisions of section-132 of the Act, for which the dealing Registrar may take cognizance of the default separately.
8. A copy of this order be placed on the record/file of the company for future reference and further appropriate action to be taken by the concerned registrar, if any.



(ZIA UL RASHEED ABBASI)
ADJUDICATING OFFICER /
ADDITIONAL REGISTRAR

Dated: 15-Feb-2021