



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. AOK-792/2024

BEFORE THE ADJUDICATING OFFICER

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

IN THE MATTER OF PAK ITEHAD HAJJ & UMRAH COMPANY (PVT.) LIMITED

Case Fixed for Final Hearing: 07-06-2024

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 09-01-2024["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 failed to file its annual returns for the year(s) 2020 to 2022, 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 09-01-2024 and subsequent reminders dated 24-01-2024 and 15-03-2024 were served to the company, calling upon to show cause in my office within 10 days from date of show cause notice and reminders thereafter, 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 request for seeking extension of time was received for and on behalf of the subject company stating that:

“That the applicant company is on paper only no such business has been carried since its registration. That the above company is purely for Hajj & Umrah purposes due to non-availability of Hajj Quota no single economic activity has been carried. The company is waiting for grant of Hajj Quota. That it is the history of above company that we were filing annual returns regularly within stipulated time as required by Government. That from 2020 all country was suffered with deaseas non as Corona Virus we were also suffered. All activities of director & CEO of the company was suspended their personal business due to Corona Virus. It was very difficult for each director to bear their own family expense. Hence we were unable to submit our annual returns for 2020, 2021 & 2022”.

However, in spite of an ample opportunity of being heard and sufficient extension of time, neither anyone appeared for hearing nor the default was made good.

6. The contention for and on behalf of the company by CEO that it had failed to file Annual Return due to dormant status/non-availability of Hajj Quota of company is not truly a justifiable excuse as the requirements of Section-130 of the Companies Act, 2017 are applicable on the company till it is finally dissolved. The aforesaid circumstances, in spite of being conceivable, should have not been a hindrance in making requisite compliance, i-e filling of year ended forms-A (annual Returns). The board of Directors (BoD) could simply instruct it's any officer or even official to file the statutory returns containing the requisite information made upto the period ended on 31st December each year. It is an apparent ignorance and negligence on the part of management which could not be considered as a plausible plea under the eyes of law. Notwithstanding, keeping in view the circumstances narrated hereinabove and assurance given by the CEO that the management of the company will ensure timely compliances of statutory requirements as soon as possible, I am convinced to take a lenient view and not inclined to impose a penalty on the directors/officers in personam this time. In this regard, the record maintained by the dealing/concerned registrar, shows that the company has failed to file its annual returns for the previous year(s)2020, 2021 & 2022. Accordingly, this is a consecutive default of 3 year(s). Hence, a penalty of Rs. 75000/- is hereby imposed on the company without prejudiced.
7. The management of the company is advised to deposit the penalty amount within 30 days 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 and also directed to file requisite financial statements immediately but not later than 30 days from the date of receipt of this order positively.
8. 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: 13-06-2024