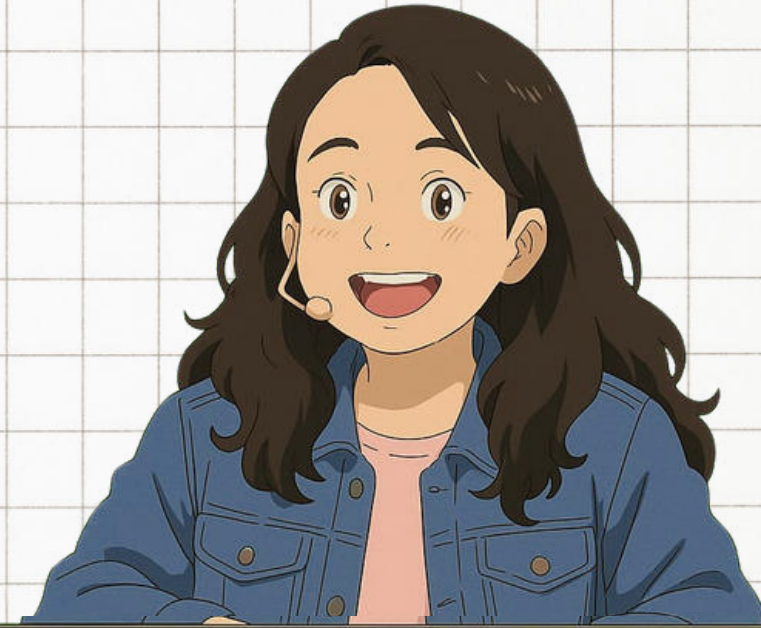


June 2025
Attempt

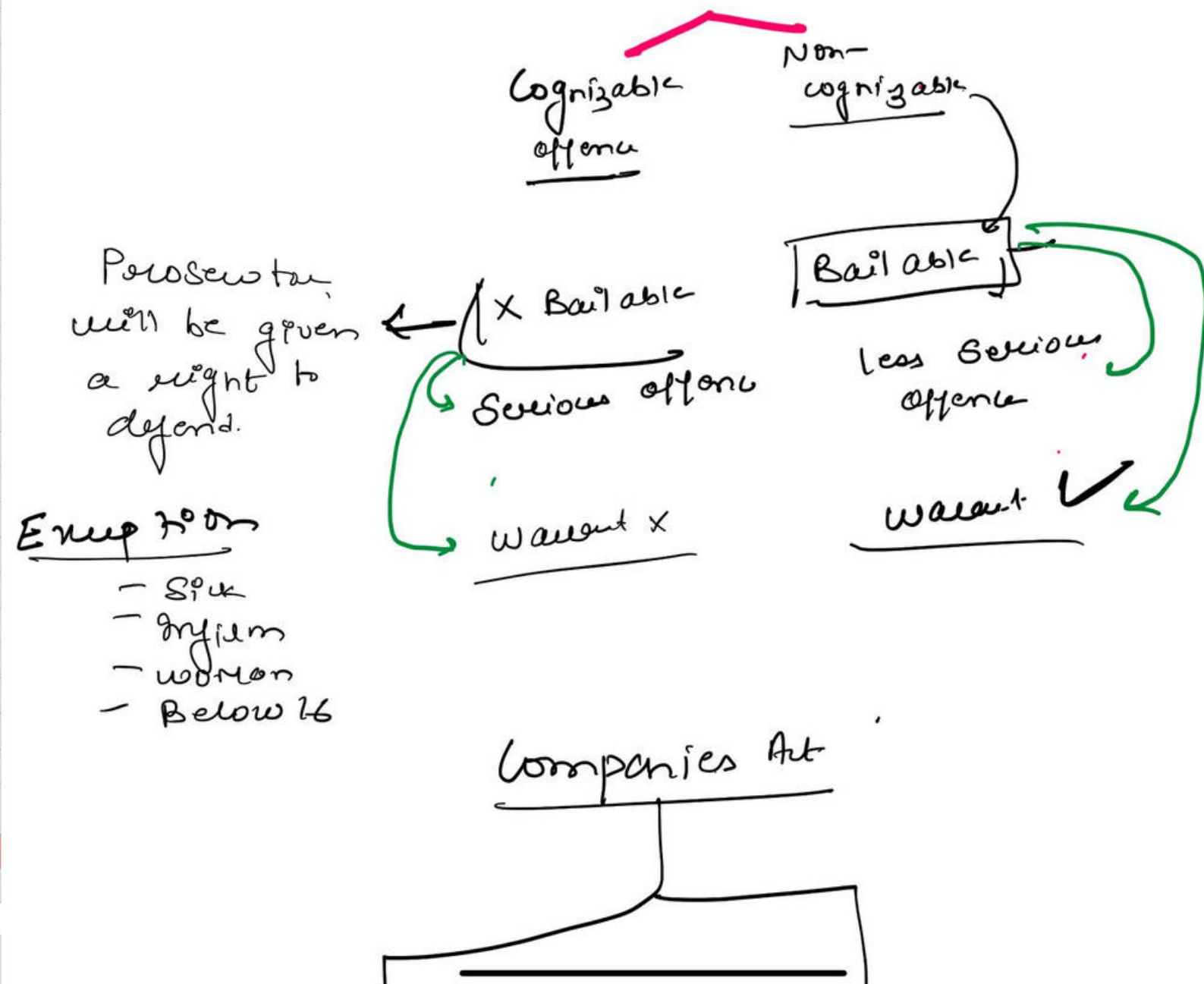
Chapter 06:

Adjudication and prosecution

Handwritten Notes



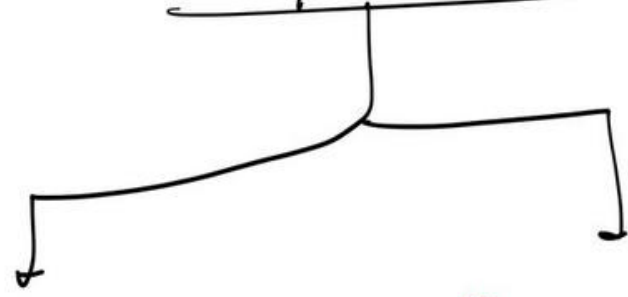
red as
 police
 of the
 it was
 under
 5/12
 F
 been
 of the
 entral
 ating
 ng, by
 npany



writing, by
by a company
6.3
y the Central
shall not be
liquidator of a
of any of the
of companies.
(6)
means an
dile or under
ct, 2013 shall
e released on
such release;
not there are
e is not likely

- written
- Below 16

Companies Act



offences involving fraud

offences not involving fraud

Non Cognisable

Bailable
warrant ✓

BF 70

Fraud

Fraud

Cognisable offence

Non Bailable

6

warrant X

warrant ✓

Non Bailable

G

warrant X

Exception →

cognizable
offence

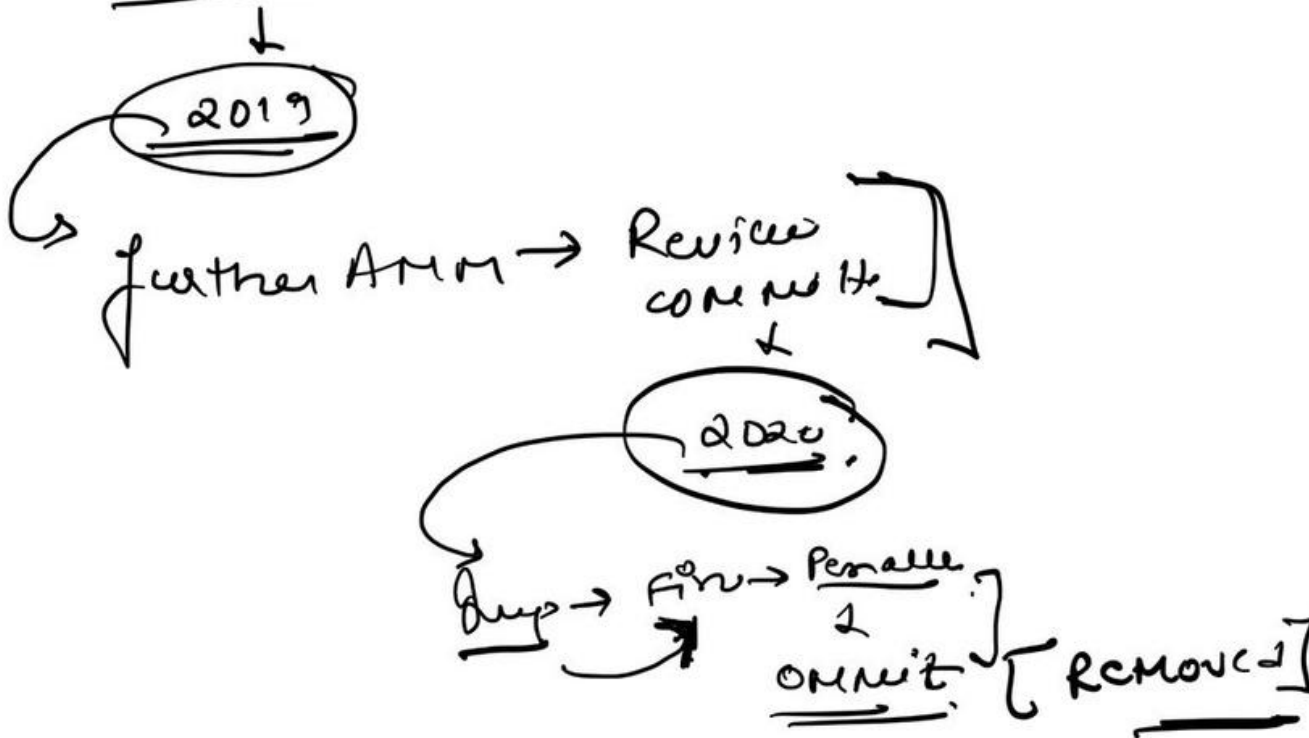
→ Fraud
↓

Nobody can be
arrested without the
warrant

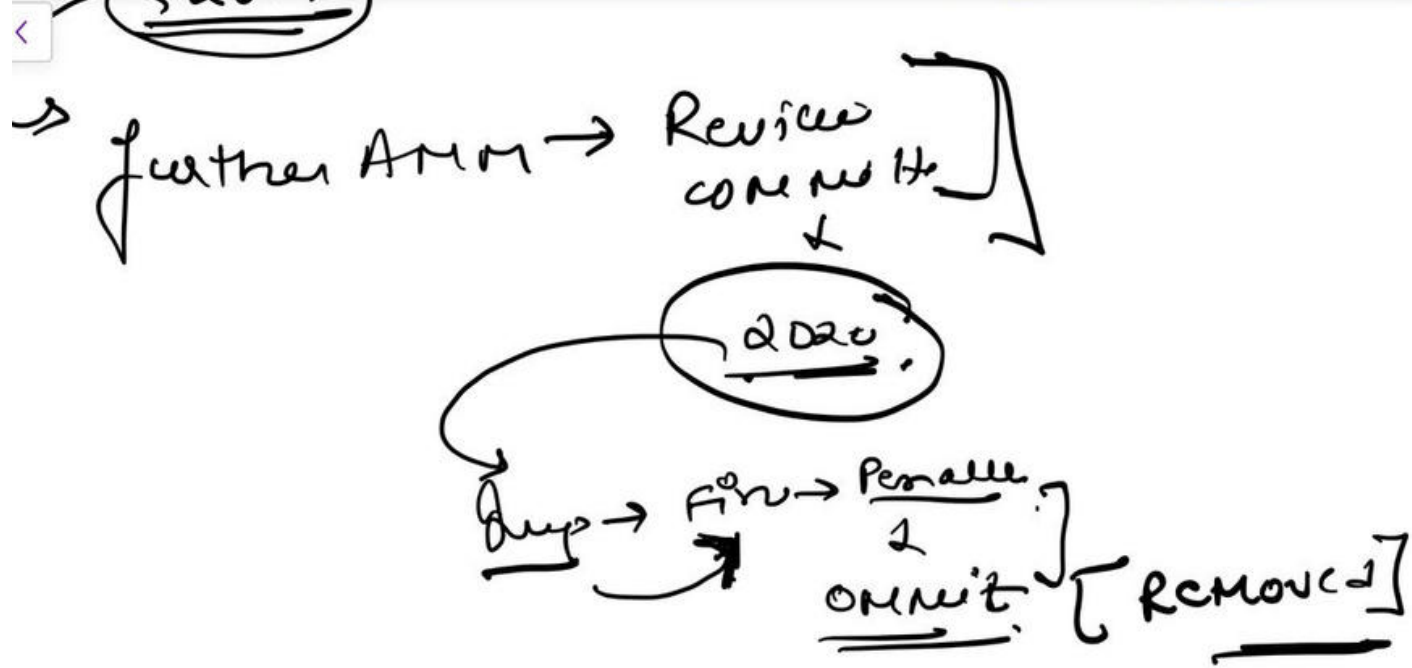
Topic 2

Decriminalisation | Ease of Doing Business

Index Seeliva



↓ default / non compliance → will lead to withdrawal of benefits



default / non compliance → will lead to withdrawal of benefits

- ① withdrawal of Exemptions of Pvt Co.
- ② Buy Back
- ③ Disqualification of Director
- ④ Inactive Co.

Stakeholders
 +
 w.

Topic 3

①
②
③
④

447

* act

OMM

cof

Abuse



Intention

deceive

injury → w./

stakeholder

Irrespective of
wrongful
gain/loss

* of Amt Inv in Fraud

102 or 1% of T/O

[WEL]

Unit X

of Amt in rule
 102 or 1% of T/O
 [WEL]

Sup → GM — 10y
 &
 Fine → upto 3X Amt
 of Frow

Unit X
 Sup → upto 5y
 or
 Fine → upto 50L
 or
 Both

of PI inv → Sup → 3y → 10y
 &
 Fine → Amt → 3X
 Amt

Non
 ...dall's

&
 Fine → Amt →



Text Mode

Lasso Select

Insert Space



Shapes

Ink to Shape

Drawing Mode



upto 3x Amt
of Frow

Imp → upto 5y

or

Firu → upto 50L

or

Both

By PI inv → Imp → 3y → 104

&

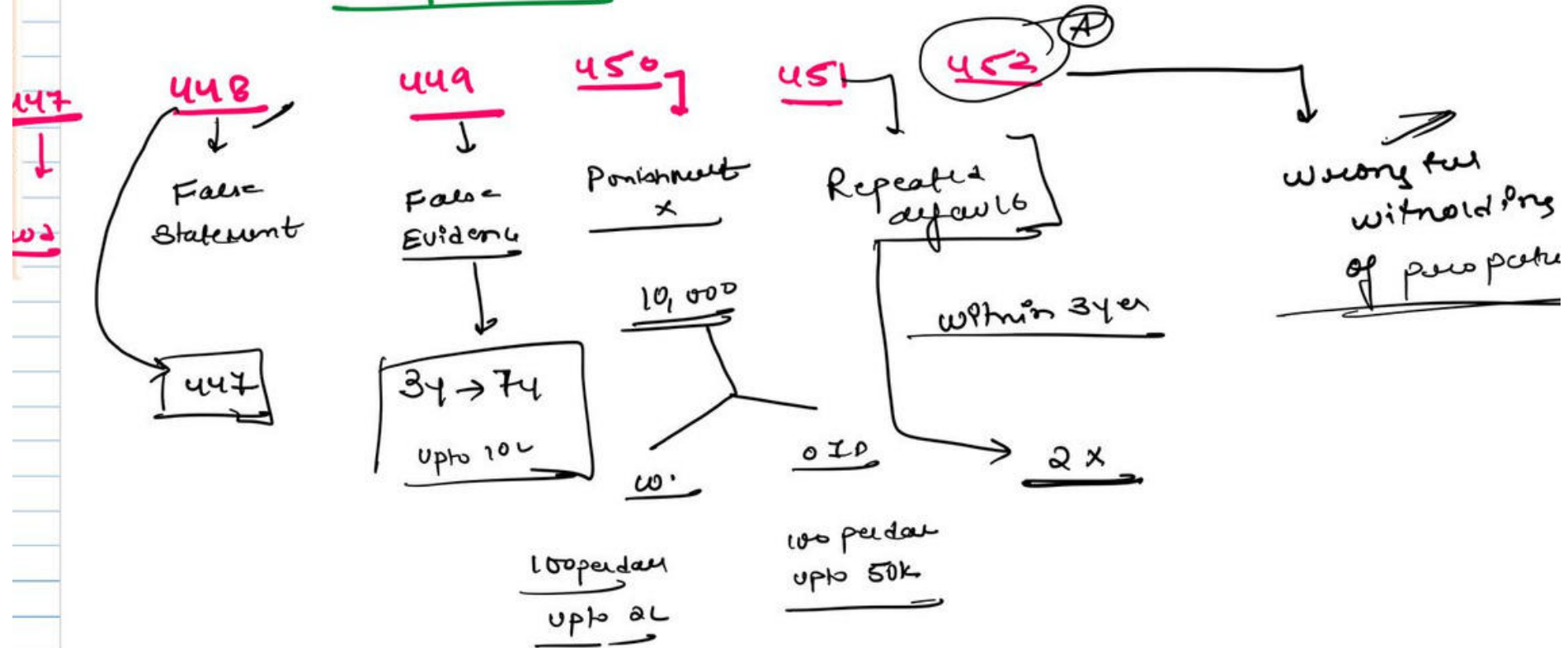
Firu → Amt → 3x
Amt

&

Non
compounded

Firu → Amt → 3x

Topic 4



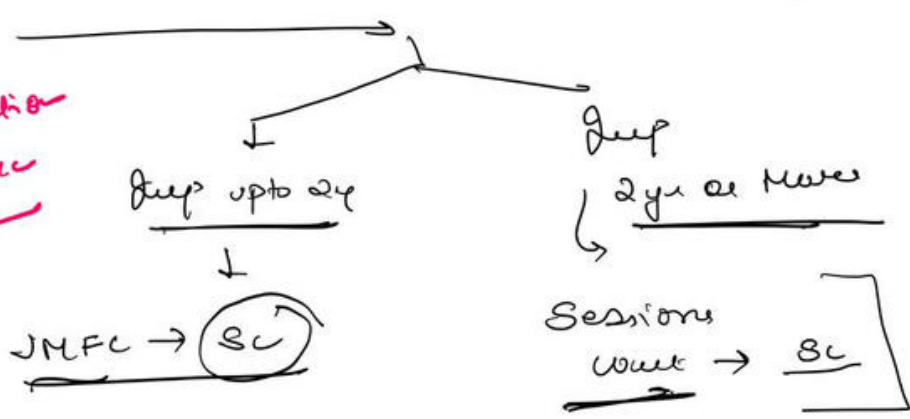
Speedy Trial

Topic 5

435 → Special Court
↓
Speedy Trial

Existing courts → designate
as Special Court

CJI
+
in consultation
with C of K



436 → Power of Special Court

Concepts

SUMMONS
case

warrant
case

SUMMONS

warrant

Jmp upto 24%

Jmp 24%

Power

Jmp = up

Tu

but of SC =

Roe
→
FO



Power of SC

Imp = upto 3 year



Warrant case

but if SC desires

tried as
as summons case

but

Imp orders is not
more than 2 year

to simplify the legal process.
vested with the Central Government

VIES ACT, 2013

Step 1 ICE TO COMPANY AND OFFICER DEFAULT

will issue a show cause notice to the company
5 days and maximum 30 days, to show cause
non-compliance.

ture of non-compliance or default under the
pany or officer in default and draw attention
the maximum penalty which can be imposed

ified date, in electronic mode only.
od by 15 days (there is a sufficient cause)

2 ICER NOTICE FOR HEARING

r in default the adjudicating officer is of the
shall issue a notice, within a period of ten
fixing a date for the appearance of such
officer of such company, or any other person.

6.15

es to make an oral representation, whether
and has indicated the same while submitting
ficer shall allow such person to make such

is an Artificial Intelligence initiative under
rs to make compliance process easier and to

Topic 6

default

ROC

Issue SCN

15-30 days

Co.

OIA

Nature
of Default

Non
Penalty

Reply

Electronically

Extension can be
granted of 15 days
if there is a
sufficient cause

within
10 days

Date of Hearing

1) OOBH

2) SUMMON

call for documents
& records

Enforce the attendance of

but
Imp order is
more than 2 years

Date of Hearing

1) oobm

2) Summon

call for documents & records.

Enforce the attendance of any witness

3) Order

Physical appearance

30 days

PA

30 days

→ copy to both the parties

Impose Penalty

- Imposed by Ao
- Paid on MCA Portal
- Tax to Consolidated Fund of India

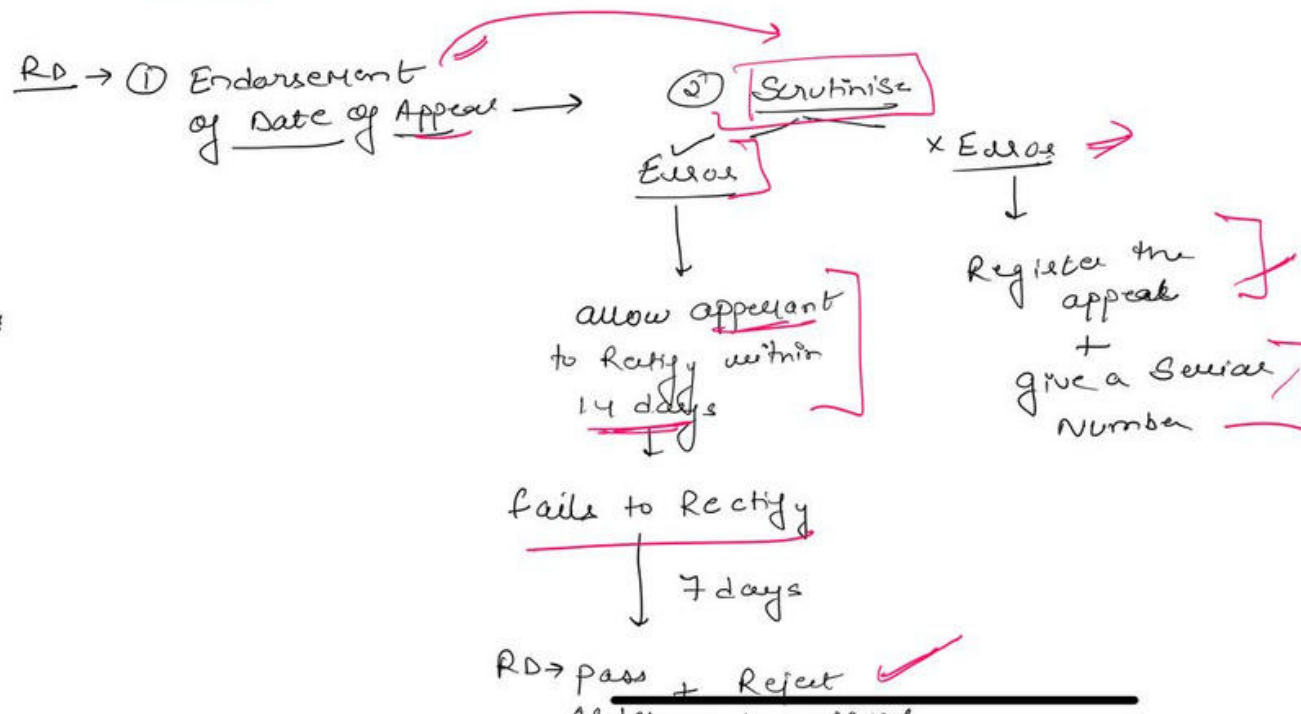
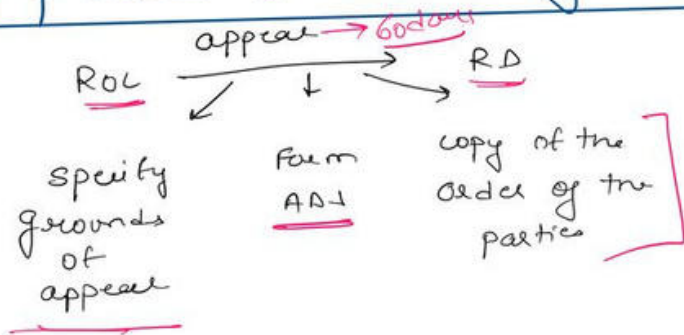
- d) Factors:
- Nature of default
 - Size of Co.
 - Amt of loss
 - Amt of Gain
 - Repetitive Nature of Default

Roc

Nat

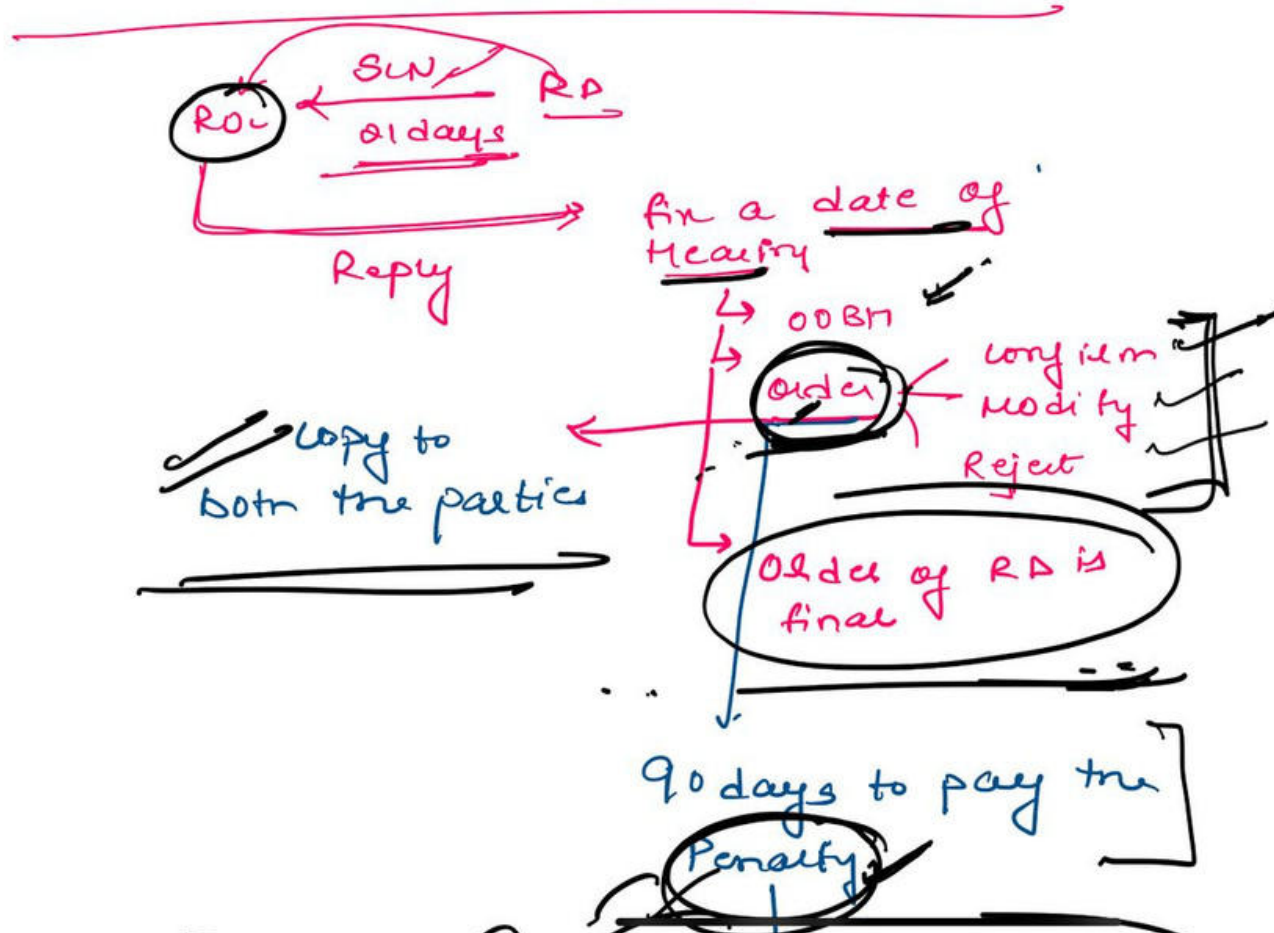
Topic 7

Appeal to Regional Director



fails to Rectify
↓
7 days

RD → pass + Reject ✓
Order the appeal



< the parties

Order of RA is final

Default

90 days to pay the

Penalty

(K)

if x paid

offence

Fine

25k - 5L

Topic 9

SEBI



76 →

not less
than Division
chief

14 days

default fee

SEN



Nature of
offence

Reply

DOH will
be fined

DOM will
be fined

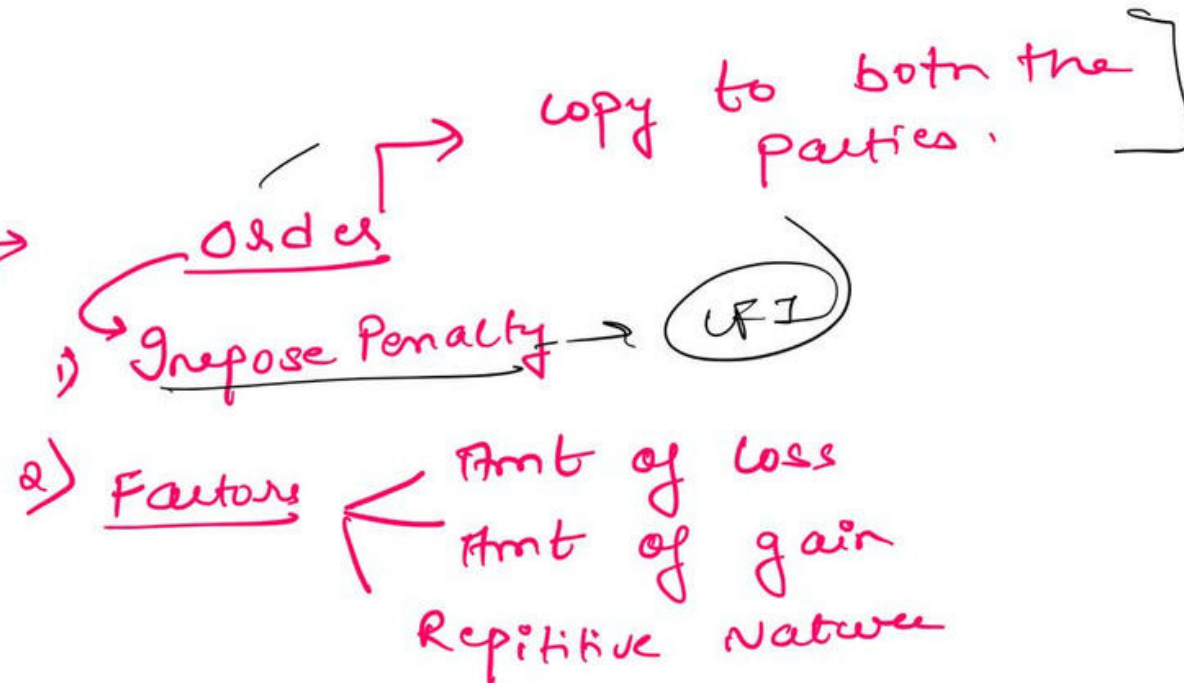
Reply

① Ho will Explain
the offence that has
been committed

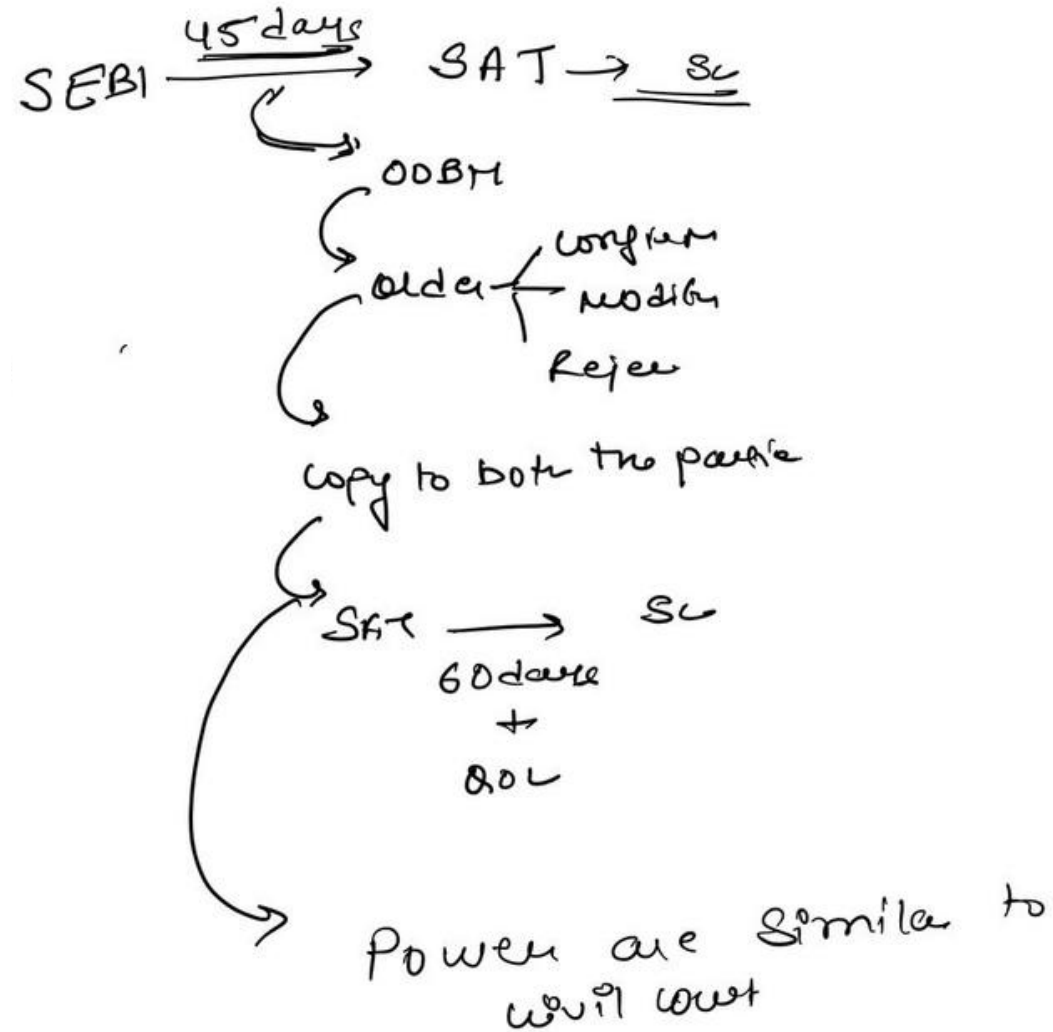
② OOBH → opp to produce
Evidence

③ Summon

④ Poured with
Inquiry



Topic 10 → Appeal



Topic 11

FEMA

- ① AO → appointed by Cg //
- initiate process
— of Adj → on complaint made by Cg
- Resolve made within 1 year →
- Extension → Reasons
- Powers are similar to Civil court →

Enforcement of orders of AO

- ①
- ②
- ③
- ④

he should not be granted

make an order for the
under arrest, shall cause

n under sub-section (9),

is one crore; up to three

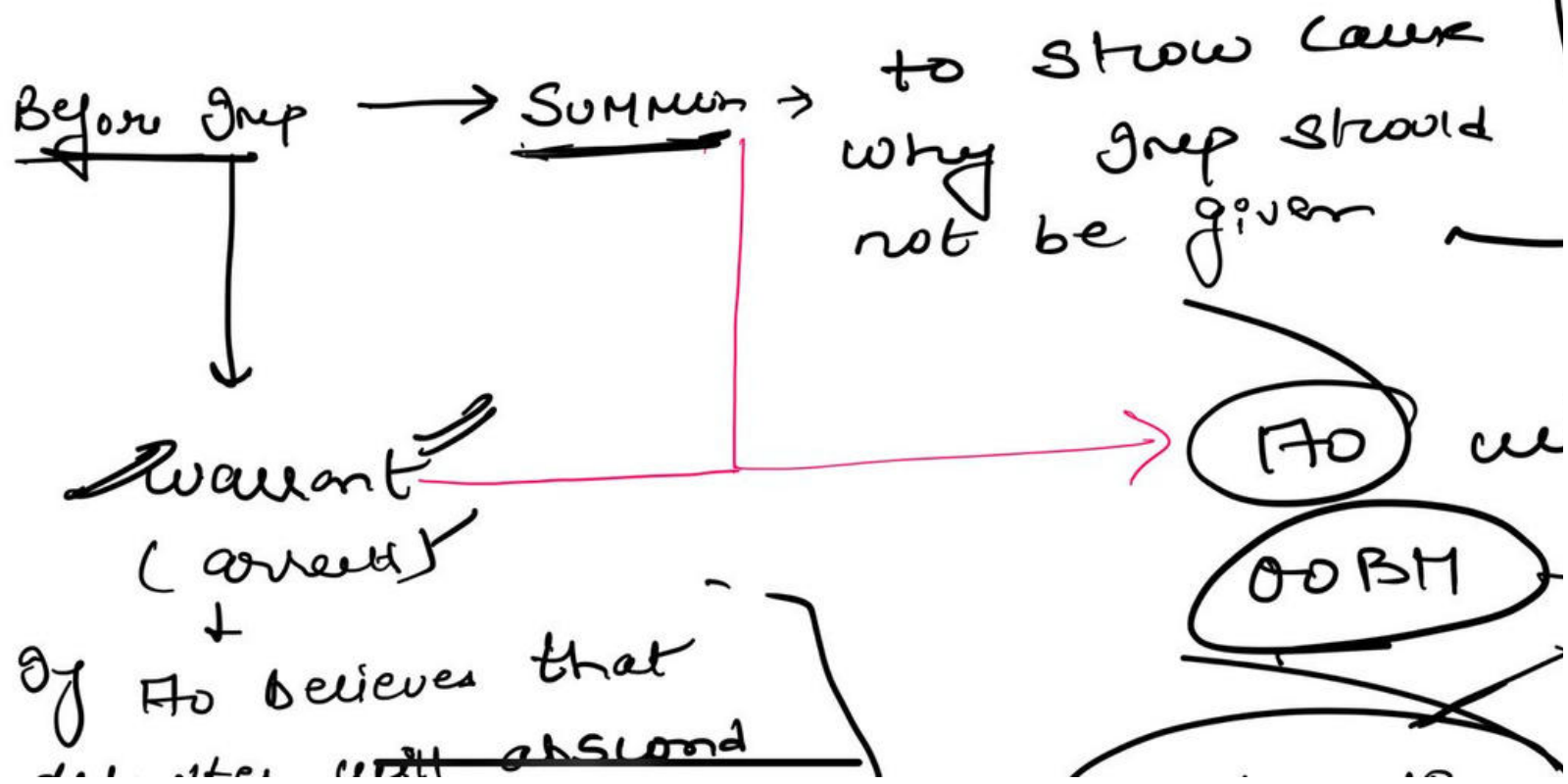
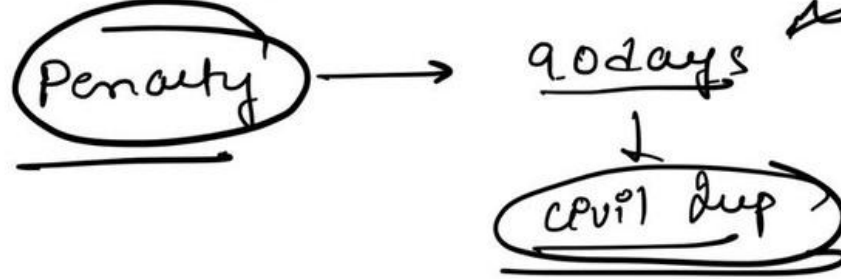
y by reason of his release,
able to be arrested under
on.

ficer of Enforcement not
ty from any person who
13 within the period of
penalty is served on him.

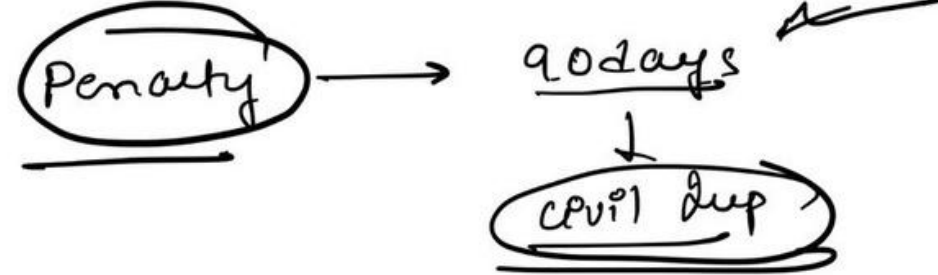
Central Government as it
after giving a reasonable
contravention.
ecify the jurisdiction.
except upon a complaint
al order by the Central

f a legal practitioner or a
Adjudicating Authority

Enforcement of order of Ho



Enforcement of orders of ATO



Before Jmp → SUMMON →

to show cause
why jmp should
not be given

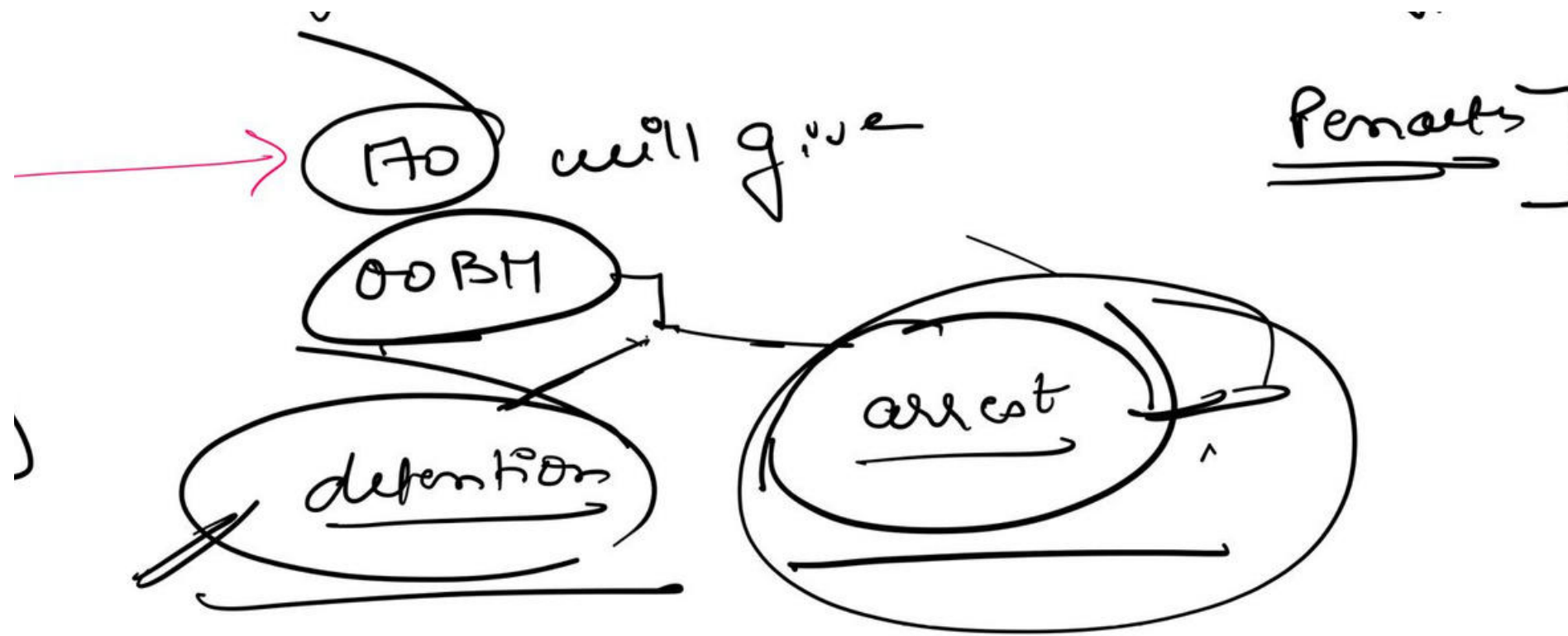
warrant
(arrest)

if ATO believes that
defaulter will abscond

ATO will

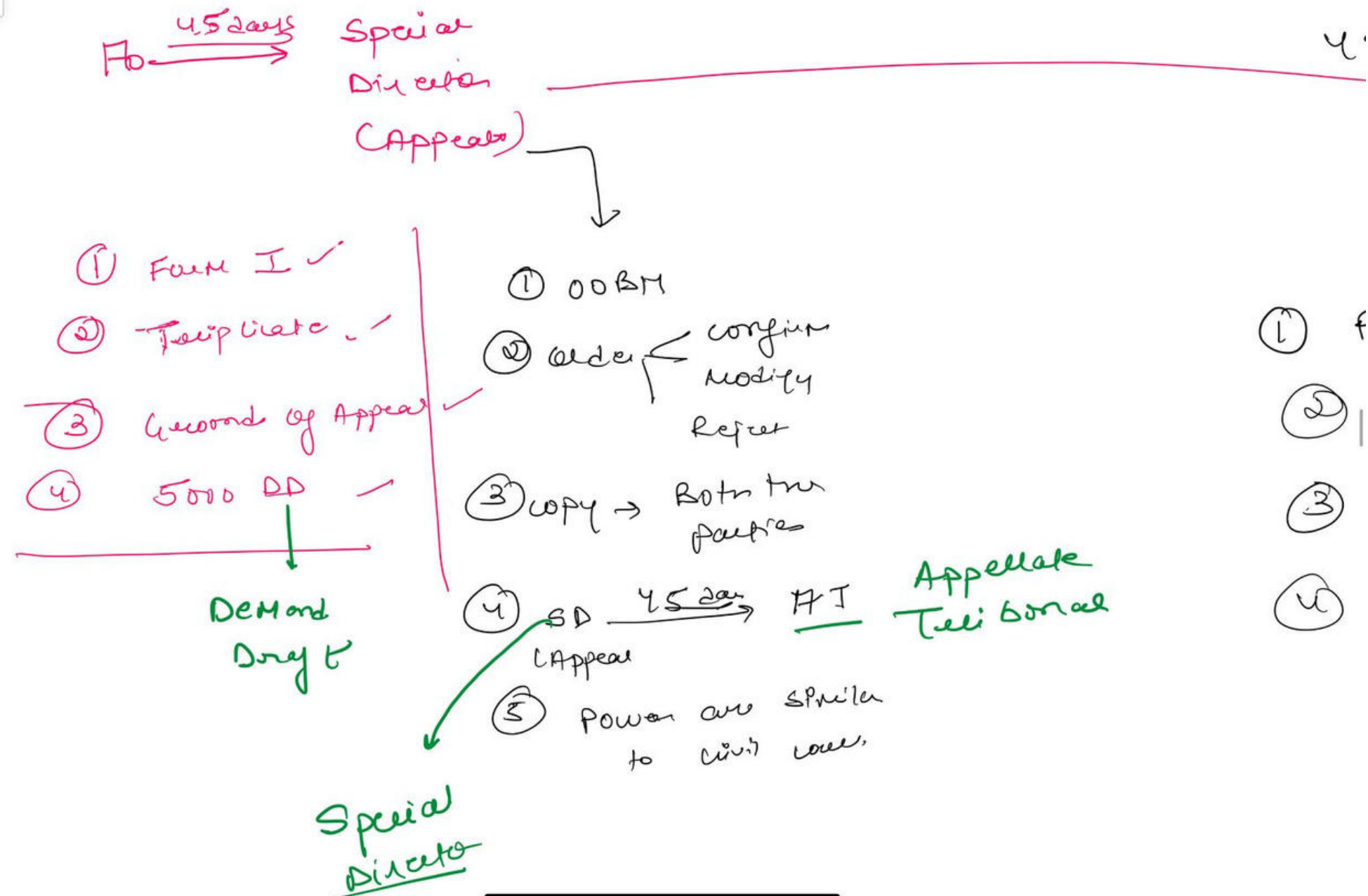
OOBM

detention



Certificate of
Emancipation

that above 24 can



45 days
→ Appellate Tribunal

- ① Form II
- ② Temp rate
- ③ Ground of Appeal
- ④ 10,000 DD

- ① OOBM
- ② order 
- ③ copy → Both parties
- ④ AT $\xrightarrow[20\%]{60\text{ days}}$ HC
- ⑤ civil court → SLIP

FEMA → Inventory Procedure

