

Before Amir M. Khan Afridi – Head of Department

In the matter of Show Cause Notice issued to Mitchell’s Fruit Farms Limited

Date of Hearing:

June 7, 2022

Order - Redacted Version

Order dated June 22, 2022 was passed by Head of Department (Adjudication-I) in the matter Mitchell’s Fruit Farms Limited. Relevant details are given as hereunder:

Nature	Details
1. Date of Action	Show cause notice dated May 24, 2022
2. Name of Company	Mitchell’s Fruit Farms Limited
3. Name of Individual*	The proceedings were initiated against the Company
4. Nature of Offence	<p>Proceedings were initiated in terms of Section 132(3) of the Companies Act, 2017 (the Act) read with sections 134(3) and 510(2) thereof and Circular 10 of 2019 (the Circular).</p> <p>Brief facts of the case are that review of the record available with the Commission transpired that the Company held its Annual General Meeting (AGM) for the year ended June 30, 2021 on October 28, 2021 and with respect to the AGM Notice dated October 01, 2021 (the Notice) it was observed that the Company failed to:</p> <ul style="list-style-type: none">(i) file with the Commission, the Notice within three (3) days of its publication, contrary to the requirements of the Circular;(ii) file copy of at least one daily Urdu newspaper and one English newspaper wherein the Notice was published in Urdu and English languages respectively; and(iii) annex to the Notice, a statement setting out all material facts concerning the special business of alteration of its memorandum of association and articles of association.
5. Action Taken	<p>Key findings were reported in the following manner:</p> <p>I have reviewed the facts of the case and considered the submissions made in writing and the arguments submitted during the hearing in light of the relevant provisions of the Act and the Circular and state that by failing to: file the Notice of the AGM with the Commission within three (3) days of its publication; file copy of at least one daily Urdu newspaper and one English newspaper wherein the Notice was published in Urdu and English languages respectively; and annex to the Notice, Statement of Material Facts regarding the special business of alteration of the Company’s Memorandum and Articles of Association.</p>

	<p>The Company has contravened the provisions of Sections 132 and 134 of the Act read with the Circular, which attract applicability of the penal provision i.e., Section 510 of the Act.</p> <p>Therefore, in exercise of the powers conferred under sub-section (2) of Section 510 of the Act, I hereby impose a penalty of Rs. 50,000/- (Rupees Fifty thousand only) on the Company, i.e. Mitchell's Fruit Farms Limited.</p>
6. Penalty Imposed	Penalty of Rs. 50,000/- imposed on the Company.
7. Current Status of Order	No Appeal has been filed by the Company.

Redacted version issued for placement on website of the Commission.