



Corporate Supervision Department
Company Law Division

Before Amina Aziz – Director (CSD)

In the matter of

Ikan Engineering Services (Pvt.) Limited

Number and date of notice: EMD/242/L/812/14-566-568 dated December 1, 2014

ORDER

UNDER SECTION 241 READ WITH SECTION 476 OF THE COMPANIES ORDINANCE, 1984

This order shall dispose of the proceedings initiated against the directors including chief executive (the "respondents") of **Ikan Engineering Services (Pvt.) Limited** (the "Company"). The proceedings against the respondents were initiated through show cause notice (the "SCN") dated December 1, 2014 issued under section 241 read with section 476 of the Companies Ordinance 1984 (the "Ordinance").

2. The brief facts of the case are that examination of annual audited financial statements of the Company for the years ended June 30, 2011 (the "Accounts") filed under section 242 of the Ordinance revealed that the balance sheet and profit & loss accounts attached with the Accounts were only signed by the Chief Executive of the Company and did not bear signatures of one of the other directors as per requirements of section 241 of the Ordinance, which prescribes the mode of authentication of the Accounts. Consequently, the SCN was issued to the respondents.

3. The respondent has not submitted any response to the SCN. Relevant provisions of section 241 of the Ordinance are produced below:

Sub-section (1): *Save as provided by sub-section (2), the balance-sheet and profit and loss account or income and expenditure account shall be approved by the directors and shall be signed by the chief executive and at least one director.*

Sub-section (3): *If a company makes default in complying with the requirement of this section, the company and every officer of the company who is knowingly and wilfully in default shall be liable to a fine not exceeding five thousand rupees.*

4. Having gone through the facts of the case and relevant provisions of the Ordinance, it transpires that the provisions of sub-section (1) of section 241 have been contravened because the



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balance sheet and profit and loss accounts of the Company attached with the Accounts 2011 were only signed by the chief executive. It is important to note that the law provides a clear mode of authenticating the Accounts by those charged with the responsibility of managing and overseeing the affairs of a Company. Therefore, it is of utmost importance that the Accounts are appropriately authenticated. However, I take into account the fact that the Company is a closely held private company with only four shareholders who are also directors of the Company. Keeping in view these facts, I hereby conclude the proceedings with a warning to the respondents to be careful in future regarding compliance with applicable legal provisions.

The respondents are further directed in terms of section 473 of the Ordinance to file duly authenticated Accounts with the respective Company Registration Office.

Amyna Aziz
Director (CSD)

Announced:
May 11, 2016
Islamabad