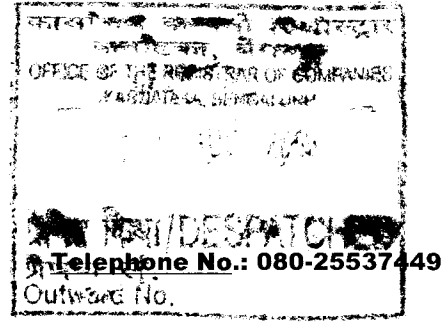




Email: roc.bangalore@mca.gov.in



**GOVERNMENT OF INDIA
MINISTRY OF CORPORATE AFFAIRS
OFFICE OF THE REGISTRAR OF COMPANIES, KARNATAKA
II FLOOR, "E" WING, KENDRIYA SADAN, KORAMANGALA, BANGALORE – 560 034**

No. ROCB/JANITH/ADJ /12(1)/86957/2019

Dated: 24-07-2019

ORDER OF ADJUDICATION OF PENALTY UNDER SECTION 454 OF THE COMPANIES ACT, 2013 READ WITH RULE 3 OF THE COMPANIES (ADJUDICATION OF PENALTIES) RULES, 2014 FOR VIOLATION OF SECTION 12(1) OF THE COMPANIES ACT 2013 BY M/S. JANITH CLOTH MERCHANTS PRIVATE LIMITED (THE COMPANY):

1. In the matter of M/s. JANITH CLOTH MERCHANTS PRIVATE LIMITED incorporated on 09/09/2010 under the Registrar of Companies, Bangalore.
2. Whereas pursuant to provisions of sub section (1) of section 12 of the Companies Act, 2013, the company on and from the thirtieth day of its incorporation and at all times thereafter, have a registered office capable of receiving and acknowledging all communications and notices as may be addressed to it.
3. Further as per Section 12(4) of the Companies Act 2013, notice of every change of the situation of the registered office, verified in the manner prescribed, after the date of incorporation of the company, shall be given to the Registrar within fifteen days of the change, who shall record the same.
4. Whereas, during inquiry, u/s 206 of Companies Act, 2013 as directed by the Ministry, the Books of Accounts, Bank statements and details of transactions post demonetization together with the source of funds etc., were called from the company vide this office letter dated 22-02-2018. The letter addressed to the company was returned undelivered. The copies of the said letter addressed to directors were neither served nor returned. As such, it is noticed that the company is not operating in the given registered address, as per the record of the MCA and hence the undersigned has reasonable cause to believe that the aforesaid Sub Section (1) & (4) of Section 12 of the Companies Act, 2013 has been violated.

5. This office had issued adjudication notice U/s 454 of the Companies Act 2013 r/w Rule 3 (3) of the Companies (Adjudication of Penalties) Rules 2014 to the Company and its officers in default viz. Shri. Brij Bihari Mishra and Shri Bablu Das on 09/07/2019 calling upon to appear personally or through their authorized representative before the undersigned on 23/07/2019 at 3 P.M. in the chamber of Registrar of companies, II Floor, E Wing, Kendriya Sadan, Koramangala, and Bangalore-560034 for hearing. However, none of the directors/officers appeared either personally or through their authorized representative before the undersigned on 23/07/2019. Further, no reply has been received from the Company and its directors to the said notice too.
6. As per Sec 12(8) of the Companies Act 2013, if any default is made in complying with the provisions of Sec 12, the Company and every officer who is in default shall be liable to a penalty of one thousand rupees for every day during which default continues but not exceeding one lakh rupees.
7. Therefore in view of the above said violation of Sec 12(4) of the Companies Act 2013 r/w Rule 25 of Companies (Incorporation) Rules 2014, the Company and its officers are liable for a maximum impossible penalty of Rs. 1, 00,000/- each as per Sec 12(8) of the Companies Act 2013. Accordingly, the undersigned in exercise of the powers vested to him vide Sec 454(1) & (3) of Companies Act 2013 considering the delay of 517 days till date, hereby impose a maximum penalty of **Rs.1 lakh** each totaling to Rs. 100000*3= Rs. 3,00,000/- on the Company and its officers and hereby direct that they shall pay the penalty of Rs.1 lakh each immediately in the MCA 21 portal and proof of payment be produced for verification within 30 days from the date of receipt of order.
8. Please note that as per Sec 454(8) (i) of the Companies Act 2013, Where company does not pay the penalty imposed by the adjudicating officer or the Regional Director within a period of ninety days from the date of the receipt of the copy of the order, the company shall be punishable with fine which shall not be less than twenty-five thousand rupees but which may extend to five lakh rupees.
 - (ii) Where an officer of a company who is in default does not pay the penalty within a period of ninety days from the date of the receipt of the copy of the order, such officer shall be punishable with imprisonment which may extend to six months or with fine which shall not be less than twenty-five thousand rupees but which may extend to one lakh rupees, or with both.

9. Any person aggrieved by an order made by the adjudicating officer under sub-section (3) of Section 454 of the Companies Act, 2013 may prefer an appeal to the Regional Director having jurisdiction in the matter, within 60 days from the date of receipt of the order.
10. Therefore, in case of default in payment of penalty, prosecution will be filed u/s 454(8(i) and (ii) of the Companies Act 2013 at your own costs without any further notice.



(C V SAJEEVAN)
REGISTRAR OF COMPANIES
KARNATAKA, BANGALORE

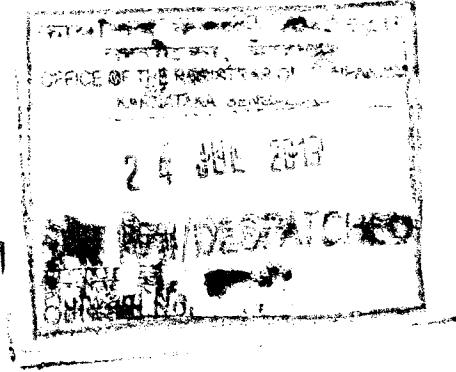
etc dk
24/07/19

To,

1. ROCB/JANITH/ADJ /12(1)/86957/2019 - 1560
M/s. JANITH CLOTH MERCHANTS PRIVATE LIMITED
47 MANIN PALLY, SIRUR PARK ROAD SESHADRIPURAM
BENGALURU - 560020

2. ROCB/JANITH/ADJ /12(1)/86957/2019 - 1559
Mr. BRIJ BIHARI MISHRA
Janith Cloth Merchants Private Limited,
33/1, N S Road,
KOLKATTA-700001 WEST BENGAL

3. ROCB/JANITH/ADJ /12(1)/86957/2019 - 1561
Mr. BABLU DAS
Janith Cloth Merchants Private Limited,
22, Canning Street,
KOLKATTA-700001 WEST BENGAL



e-mail: jvsteel05@gmail.com