

**BEFORE THE ADJUDICATING OFFICER**

**ROC -cum- OL, ODISHA, CUTTACK**

**(ADJUDICATION ORDER NO. ROC/CTC/AO/12/30734/2019)**

**ORDER**

**UNDER SECTION 454 OF THE COMPANIES ACT, 2013 READ WITH THE  
COMPANIES (ADJUDICATION OF PENALTIES) RULES, 2014**

**SNOWHERB MARKETING PRIVATE LIMITED  
CIN : U93090OR2019PTC030734**

**Appointment of Adjudicating Officer :-**

1. The Ministry of Corporate Affairs vide its Gazette Notification No. A-42011/112/2014-Ad. II dated 24.03.2015 appointed the undersigned as Adjudicating Officer (hereinafter referred to as "the A.O") in exercise of the powers conferred under Section 454 of the Companies Act, 2013 (herein after known as The Act) read with Companies (Adjudication of Penalties) Rules, 2014.

**Company :-**

2. Snowherb Marketing Private Limited (herein after known as the Company) CIN U93090OR2019PTC030734 is a registered company with the office of the ROC -cum- OL, Odisha and having its registered office address at Khata No. 243/162, Plot No. 1136/2059, Village/Po: Sankhapur (Jararpur), Ps. Bantala, Angul : 759 129, Odisha, India as per the records maintained by this office in online registry.

**Show Cause Notice, Reply and Personal Hearing :**

3. The Reserve Bank of India, Bhubaneswar has intimated this office that the representative of Market Intelligence Unit visited the recorded registered office address of the company and found that the company did not exist at the said address. On the basis of the said information this office issued letter to the company at its recorded address vide this office letter No. ROC/Sec.12/30734/2019/2087 dated 09.12.2019 seeking clarification, but the said letter was returned undelivered with the postal remark "No such Addressee"

*Pethi*  
24/07/2020

3. As both the aforesaid notices/letters were returned undelivered, it is presumed that the company has not maintained its registered office at the recorded address furnished by it and available in MCA21 records. Hence, the Adjudicating Officer issued Show Cause Notice under Sub-Rule (2) of Rule 3 of the Companies (Adjudication of Penalties) Rules, 2014 for contravention of Section 12(1) of the Companies Act, 2013 to the Company and its directors/officer-in-default viz. Shri Nilakantha Behera (DIN 08337829) and Shri Raman Kumar Sahu (DIN 08398943). In response to the said Show Cause Notice, the company vide its letter dated 27.01.2020 stated that "During the transfer of registered office from one place to another place, it may mistakenly undelivered of previous letter, whereas letter mentioned above was in favour of the company was received on 23<sup>rd</sup> January, 2020, in the above mentioned current address of the company".
4. Thereafter, Notice of Inquiry was also issued vide this office Show Cause Notice No. ROC/Sec. 454/30734/2019/2468(3) dated 06.02.2020 pursuant to Rule (3) of Companies (Adjudication of Penalties) Rules, 2014 to the Company and Officers/Directors (Noticee) calling upon them to appear personally or through authorized representative under Rule 3(3) of the Companies (Adjudication of Penalties) Rules, 2014 on 24.02.2020 at 4.00 PM.

**Provisions of the Companies Act, 2013 :**

5. Sub-Section (1) of Section 12 of the Act provides, "A company shall, on and from the fifteenth day of its incorporation and at all times thereafter, have a registered office capable of receiving and acknowledging all communication and notices as may be addressed to it."

**ORDER**

6. The letters issued by this office to the company at its registered office have been returned undelivered which proves that the company has not been maintaining its

registered office, hence contravention of the Provisions of Sub-Section (1) of the Companies Act, 2013 is proved against the company and its directors/officers inviting penal action under sub-section (8) of Section 12 of the Companies Act, 2013. The offence is of serious nature since non-maintenance of registered office by the Company put itself out of reach of stakeholders/regulatory authorities and other concerned.

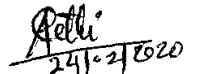
The object of maintaining the registered office of company is in the public interest, to enable the investors, public and whosoever interested in the company can access the fundamental information about the company and its management.

7. On the fixed date i.e. on 24.02.2020, Cs Rashmi Ranjan Satapathy, Practicing Company Secretary and authorized representative appeared before the Adjudication Officer and furnished a written statement mentioning that at the time of registration, the registered office of the company was at C/o. Kailash Chandra Sahu, At : Talmul Sasan, Po: Talmul, PS. Banarpal, Angul, Odisha which is the own house of the promoter at his native village, to get a better communication facilities the registered office of the company was shifted to the present address with effect from 02.11.2019 for which necessary Form No. INC 22 was filed on 05.11.2019 vide SRN R10826824.
8. Having considered the facts, circumstances and documentary evidence of the case, and after taking into account of the above factors, the A.O. is of the considered view that the company is functioning at its recorded address as no letters issued by this office were returned undelivered except the first one, hence I am not inclined to impose any penalty and therefore adjudication proceeding is hereby dropped. However, the company is hereby warned to be more careful in future in compliance of the provisions of the Act and requirement of the regulators from time to time.
9. The company and its directors are hereby directed to rectify the default immediately from the date of receipt of copy of this order.

10. In terms of the provisions of sub-rule (9) of Rule 3 of the Companies (Adjudication of Penalties) Rules, 2014, a copy of this order is being sent to M/s. Snowherb Marketing Private Limited, Khata No. 243/162, Plot No. 1136/2059, Village/Po: Sankhapur (Jararpur), Ps. Bantala, Angul : 759 129, Orissa.

Place : Cuttack

Dated, the 24<sup>th</sup> February, 2020

  
24/02/2020  
( A. K. SETHI )  
Adjudicating Officer, Odisha  
ROC -cum- OL, Odisha