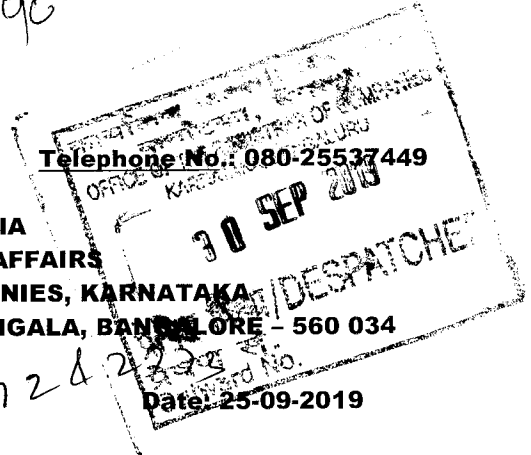




96

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/ Adj. Order /Sec.454 /Co. No.058848 /27724

ORDER OF ADJUDICATION OF PENALTY UNDER SECTION 454 OF COMPANIES ACT 2013 READ WITH RULE 3 OF THE COMPANIES (ADJUDICATION OF PENALITIES) RULES 2014 FOR VIOLATION OF PROVISIONS OF SECTION 12 OF THE COMPANIES ACT 2013 BY HOMAG MACHINERY BANGALORE PRIVATE LIMITED (THE COMPANY):

1. In the matter of M/s HOMAG MACHINERY BANGALORE PRIVATE LIMITED incorporated on 27.05.2011 under the jurisdiction of Registrar of Companies, Bangalore with the registered office situated at 7/6 , Veerananjipura Grama, Kasaba Hobli, Nelamangala TQ Bangalore Rural, 562123
2. Whereas section 12(3)(c) of the Companies Act 2013, stipulated that every Company shall get its name, address of its registered office and the Corporate Identity Number along with telephone number, fax number, if any, e-mail and website addresses, if any, printed in all its business letters, billheads, letter papers and in all its notices and other official publications.
3. Whereas the Company has not mentioned properly about its registered office in the letter head addressed to the R.D. (SER) Hyderabad, in connection with a matter pertaining to Merger under section 232 of the Companies Act, 2013 thereby violated the provisions of section 12(3)(c) of the Companies Act, 2013. The Company vide its adjudication application dated: 09.01.2019 admitted that the company and its officers in default had violated the provisions of the section 12(3)(c) of Companies Act, 2013.
4. Whereas, this office had issued a notice on 28.05.2019 to the addressees i.e M/s HOMAG MACHINERY PRIVATE LIMITED and its officer in default viz. Mr. Deepak Kasturirangan Ghati, (Managing Director) who were called upon under Section 454(4) of the Companies Act, 2013, read with Rule 3(3) of the Companies (Adjudication of penalties) Rules 2014 to appear personally or through their authorized representative before the undersigned on 07.06.2019 at 3:45 p.m. in the chamber of Registrar of companies, II Floor, E Wing, Kendriya Sadan, Koramangala, Bangalore-560034 for hearing.

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5. In response to the notice, the authorized representative of the company, Shri Prasanna S Rao (Practicing Company Secretary) attended the hearing on 07.06.2019 for adjudicating the matter. The same was adjourned to 17.06.2019 on request made by the representative of the company. It was noticed that the officer in default i.e Mr. Deepak Kasturirangan Ghati (Managing Director) has not filed separate application and affidavit and for this reason it was further adjourned to 30.08.2019.
6. As per Section 12(8) of the Companies Act 2013, if any default is made in complying with the provisions of Section 12(3)(c) of the Act, 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. On **30.08.2019** the matter was heard and the authorized representative of the company, Prasanna S Rao (Practicing Company Secretary) attended the hearing. Since the company has failed to state clearly the registered office in the letter head and thus **violated the provisions of Section 12 of Companies Act 2013, a penalty of Rs 25000/- each on the company and its Managing Director in default is imposed (totaling to Rs 50,000/-) and hereby directed that they shall pay the penalty of Rs.25,000/- each** immediately through MCA 21 portal and proof of payment be produced for verification within 30 days from the date of receipt of order.
8. Whereas sub-section (5) of section 454 of the Companies Act, 2013 provides that any person aggrieved by an order made by the adjudicating officer under sub-section (3) may prefer an appeal to the Regional Director having jurisdiction in the matter and further sub-section (6) provides that every appeal under sub-section (5) shall be filed within sixty days from the date on which the copy of the order made by the adjudicating officer is received by the aggrieved person and shall be in such form, manner and be accompanied by such fees as may be prescribed.
9. Please note that as per Section 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.

In case of default in payment of penalty, prosecution will be filed under section 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.


To,

No. ROCB/ HOMAG MACHINERY/Sec.454/058848

1. M/s HOMAG MACHINERY BANGALORE PRIVATE LIMITED
7/6, Veerananjipura Grama ,
Kasaba hobli, Nelamangala, TQ,
Bangalore Rural 562123

No. ROCB/ HOMAG MACHINERY/Sec.454/058848

2. Mr. DEEPAK KASTURIRANGAN GHATI, MANAGING DIRECTOR
No.4 TK Deepak Layout, JP Nagar
8th Phase , Jambu Savari Dinne
Bangalore 560083

O/c.

25.5.19