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**GOVERNMENT OF INDIA
MINISTRY OF CORPORATE AFFAIRS
OFFICE OF THE REGISTRAR OF COMPANIES, KARNATAKA
II FLOOR, "E" WING, KENDRIYA SADAN, KORAMANGALA, BANGALORE – 560034**

No. ROCB/ Adj. Order /Sec.454 /Co. No.102659

Date: 24-10-2019

**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
MOUNTAIN STREAM HOSPITALITY PRIVATE LIMITED (THE COMPANY):**

1. In the matter of M/s MOUNTAIN STREAM HOSPITALITY PRIVATE LIMITED incorporated on 28.04.2017 under the jurisdiction of Registrar of Companies, Bangalore with the registered office situated at #3, Manjunath Complex, Office No.5, 1st F, Sumangali Seva Ashram Road, Hebbal Bangalore 560024.
2. Whereas section 12(2) of the Companies Act 2013, a Company shall furnish to the Registrar verification of its registered office in Form Inc-22 within a period of 30 days of its incorporation in such manner as may be prescribed. However the Company has not filed the Form Inc-22 within stipulated time i.e by 27.05.2017 and filed the same only on 22.01.2019 vide SRN: H42679050 with a delay of 604 days. The Company vide its adjudication application dated: 01.02.2019 admitted that the company and its officers in default had violated the provisions of the section 12(2) of Companies Act, 2013 and not filed form i.e Inc-22 within stipulated time.
3. Whereas, this office had issued a notice on 27.08.2019 to the addressees i.e M/s MOUNTAIN STREAM HOSPITALITY PRIVATE LIMITED (THE COMPANY) and every officer in default viz. Ms. Punitha Kadalur Thammanna and Mr. Hariprasad Kadaluru Thammanna (directors) 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 **05.09.2019 at 3.10 p.m.** in the chamber of Registrar of companies, II Floor, E Wing, Kendriya Sadan, Koramangala, Bangalore-560034 for hearing.
4. In response to the notice, the authorized representative of the company, Shri Ravi Kumar TL (Practicing Company Secretary) attended the hearing on 05.09.2019 for adjudicating the matter. However it was seen that all the directors did not file the application and for this reason it was adjourned to 25.09.2019.

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5. As per Section 12(8) of the Companies Act 2013, if any default is made in complying with the provisions of Section 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.

6. On **25.09.2019** the matter was heard. It was noticed that the Company and its officers are liable for a penalty of Rs 1,00,000/- each as per Section 12(8) of the Companies Act 2013. Accordingly, the undersigned in exercise of the powers vested to him vide Section 454(1) & (3) of Companies Act 2013 considering the delay of 604 days, hereby impose a penalty of **Rs.1 lakh each on the Company and its 2 Directors in default (totaling to Rs.3,00,000/)** and hereby direct that they shall pay the penalty of Rs.1 lakh each immediately through MCA 21 portal and proof of payment be produced for verification within 21 days from the date of receipt of order.

7. 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.

8. 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.

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To,

No. ROCB/ MOUNTAIN STREAM HOSPITALITY /Sec.454/102659

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1. M/s MOUNTAIN STREAM HOSPITALITY PRIVATE LIMITED
#3, Manjunath Complex, Office No.5,
1st F, Sumangali Seva Ashram Road, Hebbal
Bangalore 560024

No. ROCB/ MOUNTAIN STREAM HOSPITALITY /Sec.454/102659

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2. Ms. PUNITHA KADALUR THAMMANNA, Director
A-404, 4th Floor, The Icon (GCrop)
Thanisandra Main Road, Ward 6, Elements Mall,
Bangalore 560045

No. ROCB/ MOUNTAIN STREAM HOSPITALITY /Sec.454/102659

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3. Mr. HARIPRASAD KADALURU THAMMANNA, Director
B-403, SIROYA Environ, SSA Road,
Anand Nagar Hebbal, Bangalore North,
Bangalore 560024

