



भारत सरकार
कारपोरेट कार्य मंत्रालय
कम्पनी पंजियक का कार्यालय,
तमिलनाडू, कोयंबटूर
नंबर 7 ए जी टी बिजनेस पार्क फेज II, 1ST
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GOVERNMENT OF INDIA
MINISTRY OF CORPORATE AFFAIRS
OFFICE OF THE REGISTRAR OF COMPANIES
TAMILNADU – COIMBATORE
No.7 A G T BUSINESS PARK, PHASE II, 1ST FLOOR,
PEELAMEDU, COIMBATORE - 641014
e-Mail roc.coimbatore@mca.gov.in

Ref: ROC/CBE/A.O/12(1)/ 31642/2019

Date: 18.02.2020

Order for Penalty under Section 454 for violation of Section 12(1) of the Companies Act, 2013 read with the Companies (Adjudication of Penalties) Rules, 2014

IN THE MATTER OF M/s UNIVERSAL TRADING SOLUTION PRIVATE LIMITED
CIN: U65990TZ2019PTC031642

Appointment of Adjudicating Officer:

1. Ministry of Corporate Affairs vide its Gazette Notification No.A-42011/112/2014-Ad.II dated 24.3.2015 appointed undersigned as Adjudicating Officer in exercise of the powers conferred by Section 454 of the Companies Act, 2013 (herein after known as Act) read with Companies (Adjudication of penalties) Rules, 2014 for adjudging penalties under the provisions of this Act.

Company:

2. Whereas Company M/s UNIVERSAL TRADING SOLUTION PRIVATE LIMITED (hereinafter Known as Company) is a registered company with this office under the provisions of Companies Act, 2013 having its registered address at 3,3/1, NEHRU STREET, B.R.PURAM, PEELAMEDU, COIMBATORE - 641004.

Facts of the case:

3. Whereas notices under Section 206(4) were issued to the registered office of the company on 10.9.2019 calling for certain information, the same was returned with the Postal remark "No such addressee at this address". Consequently Adjudication notice under Section 454 read with Section 12(1) of the Act was issued vide No.ROC/CBE/PG/129/17380/2019 on 4.12.2019 to the Company and its two directors who are in default, viz., 1) Shri Kanagarajan Kalimuthu (DIN:08352062) 2) Shri Govindasamy Ramesh(DIN: 06419040) for non-maintenance of registered office. The Directors have received the Adjudication notice, but the notice issued to company was returned with the postal remark "No such addressee at this address". But the directors who have received Adjudication notice have wilfully not responded to the notice issued by this office with the sole purpose to stonewall and deny the information called for therein and the default still continues.

Provisions of the Companies Act, 2013

4. Sub-Section (1) of Section 12 of the Act provides that 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 communications and notices as may be addressed to it.
5. Sub-section (8) of Section 12 of the Act provides that if any default is made in complying with the requirement of this section, the company and every officer who is in default shall be liable to a penalty of one thousand rupees for every day during which the default continues but not exceeding one lakh rupees.

O R D E R

6. The Company and its Directors have not filed e form INC-22 and have not maintained registered office in pursuant to sub-section (1) of Section 12 of the Act, thereby attracting penal provisions under Sub-Section (8) of Section 12 of the Act. The offence is of serious nature as non-maintenance of registered office by the Company has placed itself out of reach of stakeholders/regulatory Authorities and others who have interest in the company.

The object of maintenance of registered office of a company is to enable the interested public/investors/statutory agencies to access and know about the company's state of affairs.

7. Having considered the facts and circumstances of the case of default by company in non-maintaining of registered office after taking into account the facts narrated in Para 4 & 7 supra, the Adjudicating Officer do hereby impose penalty on Company and its Directors as per Table Below for violation of Section 12 of the Companies Act, 2013. The Adjudicating Officer is of the opinion that penalty is commensurate with the aforesaid default committed by the Noticee's as the company and its directors have committed a default in non-maintaining the registered office of the company and liable to pay penalty as per Table below:-

Document required to be filed	No. of days Default*	Penalty imposed on company/Directors	For the period	First Default	Document required to be filed	No. of days Default*
INC-22 / non-maintenance of Registered office	161 days	Company	10.9.2019	-----	1000x161=1,61,000	1,00,000
		Shri Govindasamy Ramesh	10.9.2019	-----	1000x161=1,61,000	1,00,000
		Shri Kalimuthu Kanagarajan	10.9.2019	-----	1000x161=1,61,000	1,00,000

- No. of days have been calculated from 10.09.2019 to 18.02.2020.

8. The company and its directors are hereby directed to rectify the default immediately from the date of receipt of copy of this order.
9. The Penalty imposed shall be paid through the Ministry of Corporate Affairs portal only.
10. Appeal, if any against this order may be filed in writing with the Regional Director, Southern Region, Ministry of Corporate Affairs, 5th floor, Shastri Bhavan, 26, Haddows Road, Chennai – 600 006 within a period of sixty days from the date of receipt of this order, in Form ADJ setting forth the grounds of appeal and shall
11. Be accompanied by a certified copy of this order (Section 454 of the Companies Act, 2013 read with the Companies (adjudicating of Penalties) Rules, 2014).
12. Your attention is also invited to Section 454(8) of the Act regarding consequences of non-payment of penalty.

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 Company 1). M/s UNIVERSAL TRADING SOLUTION PRIVATE LIMITED 3,3/1, NEHRU STREET, B.R.PURAM,,PEELAMEDU,COIMBATORE - 641004, 2). Shri Kanagarajan Kalimuthu, Director, S/o Shri Kalimuthu, 1/3A, EP Colony, Madurai Veran Koil Street, Irugur, Coimbatore- 641103 3). Shri Govindasamy Ramesh, Additional Director, 3/164, Ponnakkani, Sulur, Ediyapalayam PO, Pappampatti, Coimbatore – 641 016.

Also to:-1. Regional Director, Southern Region, Ministry of Corporate Affairs, Chennai 2. Deputy Director, Legal Section, Ministry of Corporate Affairs, 5th Floor, 'A' Wing, Shastri Bhawan, Dr. Rajedraprasad. Road, New Delhi-110001.

Place: Coimbatore
Dated the 18th FEB 2020



(C.S. GOVINDARAJAN)
REGISTRAR OF COMPANIES
TAMILNADU, COIMBATORE

[Handwritten signature]
18/2/20