

(0612)2221002
(0612)2222172



FAX : (0612)2222172
E-Mail : roc.patna@mca.gov.in
Website : www.mca.gov.in

भारत सरकार/Government of India
कारपोरेट कार्य मंत्रालय/Ministry of Corporate Affairs
कार्यालय कम्पनी रजिस्ट्रार, विहार-राह-शासकीय सभापक उच्च न्यायालय, पटना
Office of the Registrar of Companies, Bihar-cum-Official Liquidator, High Court, Patna
चौथा तल, 'क' खण्ड, गौर्यालोक काङ्ग्लेक्स/4th Floor, 'A' Wing, Maurya Lok Complex
डाक बंगला रोड, पटना /Dakbunglow Road, Patna-800001

No.: ROC/S-12/BR/26063/ 1641 - 1643

Dated: 28.08.2019

Order for penalty for violation of section 12(1) r/w 12(4) of the Companies Act, 2013

M/S. LOTUS SHREE CONSTRUCTION PRIVATE LIMITED

Appointment of Adjudication Officer:-

1. Ministry of Corporate Affairs vide its Gazette Notification No. A-42011/112/2014- Ad.II dated 24.03.2015 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 adjudicating penalties under the provisions of this Act.

Company:-

2. Whereas, Company M/S. LOTUS SHREE CONSTRUCTION PRIVATE LIMITED (herein after known as Company) is a registered company with this office under the provisions of the companies Act, 2013/1956 (or previous Acts in force, as applicable) having its registered office situated at Bank Mens Colony, Chitragupta Nagar, Kankarbagh, Patna, Patna, Bihar, 800016, India, as per MCA website.

Facts about the case:-

3. WHEREAS, office of the Registrar of Companies, Bihar-cum-Official Liquidator, High Court, Patna, has issued letter No. ROC/Pat/26063/2419-2422 dated 03.01.2019 to the company and its directors, however the letter addressed to the company and its directors return undelivered. Therefore it appears that the company is not maintaining registered office as required under section 12(1) of the Companies Act, 2013.

4. That, this office has issued show cause notice dated 22.05.2019 to the company and its officers, the notice addressed to the company and its one director return undelivered and no reply has been received from them. Hence it appears that the provisions of Section 12 of the Companies Act, 2013 has been contravened by the company and its directors/officers and therefore they are liable for penalty u/s 12(8) of the Companies Act, 2013.
5. Sections 12(1), 12(4) and 12(8) are reproduced as under:-

Section 12(1) - "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".

Section 12(4) - "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".

Section 12(8) - If any default is made in complying with the requirements 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".

6. Whereas, this office had issued "Notice for Hearing" vide No. ROC/S-12/BR/26023/1256-1258 dated 08.07.2019 to the company and directors/officers in default to appear personally or through authorized representative under Rule 3(3), Companies (Adjudication of Penalties) Rules, 2014 on 30.07.2019 at 3:00 p.m.) and also to submit their response, if any, one day prior to date of hearing i.e. 29.07.2019. Again all the notices return undelivered.
7. That, on the date of hearing neither the authorized representative of the company nor the directors were present for hearing and also reply has not been received. Hence the Company and its directors/Officers in default are liable for penalty as per section 12(8) of the Companies Act, 2013.

ORDER

8. Having considered the facts and circumstances of the case and after taking into account the factors above, I hereby impose a penalty of Rs. 100000 (one lakh) on the company and Rs. 100000 (one lakh) on the managing director of the company under section 12(8) of the Act for failure in compliance of section 12(1), (12(4) and 12(8) of the Companies Act, 2013.
9. The noticee shall pay the amount of penalty individually for the company and its directors (out of own pocket) by way of e-payment (available on Ministry website www.mca.gov.in) under "Pay miscellaneous fees" category in MCA fee and payment Services within 90

(ninety) days of this order. The Challan/SRN generated after payment of penalty through online mode shall be forwarded to this office.

10. Appeal against this order may be filed in writing with the Regional Director (ER), Ministry of Corporate Affairs, Kolkata, within a period of 60 (sixty) days from the date of receipt of this order, in Form ADJ (available on Ministry website www.mca.gov.in) setting forth the grounds of appeal and shall be accompanied by a certified copy of this order {Section 454(6) of the Act read with Companies (Adjudication of Penalties) Rules, 2014}.

11. Your attention is also invited to section 454(8) of the Act in the event of non-compliance of this order.



(HIMANSHU SHEKHAR)

Registrar of Companies & Adjudicating Officer
Patna.

To

1. Lotus Shree Construction Private Limited
Bank Mens Colony, Chitragupta Nagar,
Kankarbagh, Patna Bihar 800016 India.
2. Smt Sushama Sinha
Managing Director
Chitraguptanagar Balkamensa Kolani,
Uttaranchal Patna 800001, Bihar India.

Copy to:-

The Regional Director (ER)
Ministry of Corporate Affairs
234/4 A.J.C. Bose Road, 2nd MSO Building
2nd Floor, Kolkata 700020, for information please.

O/C
28/8/19

पंजीकरण/ प्रमाणित कर/ पत्राचार/ स्पीड पोस्ट
Reg. Post. Ord. / Messenger / Speed Post
प्रेषित दिनांक / Despatched on... 28/8/19 Page 3 of 3
Office of / FOC - Cum - U.I., Patna, Bihar
स्थान / Sign.....