



GOVERNMENT OF INDIA

MINISTRY OF CORPORATE AFFAIRS

OFFICE OF THE REGISTRAR OF COMPANIES CUM OFFICIAL LIQUIDATOR

ATTACHED TO THE HON'BLE HIGH COURT OF HIMACHAL PRADESH

CORPORATE BHAWAN, PLOT NO.4-B, SECTOR 27-B,

MADHYA MARG, CHANDIGARH-160019

Telephone: 0172-2638015/ PHONE NO.0172-2638015

Email: roc.himachal@mca.gov.in

No. / ROC/OL/HP/2019/Kasauli Resorts/Penalty Order/ 59 to 61

Dated 05-07-2019

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

**KASAU LI RESORTS PRIVATE LIMITED**

**U55101HP1998PTC021679**

**Appointment of Adjudicating 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 adjudging penalties under the provisions of this Act.

**Company:-**

2. Whereas Company **KASAU LI RESORTS PRIVATE LIMITED** [ herein after known as **Company**] is a registered company with this office under the provisions of Companies Act, 1956/2013 having its registered address at VILLAGE NALWAKASOLI DISTT. SOLAN H.P. Himachal Pradesh as per the MCA website

**Facts about the Case:-**

3. That this office had received on 26.03.2019 an application on the letterhead of above mentioned company regarding scheme of Merger and amalgamation under Section 233 of the Companies Act, 2013. It has been observed that Corporate Identification Number (CIN No.) and full address of the Registered Office of the company are not mentioned on the

letter head of the company as per requirement of Section 12(3) (C) of the Companies Act, 2013. Wherein it has been intimated to the company through Notice of Adjudication no. ROC/HP/GC/44 to 46 dated 13-05-2019.

**4. Following was mentioned in the aforesaid Show Cause Notice dated 13.05.2019.**

**Sections 12(8) are reproduced as under:-**

*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.*


5. That in response to the Show Cause Notice U/s. 12(8) of the Act dated 13.05.2019, the company had submitted its reply dated 20-05-2019 and Authorized Representative of the company appeared on 27-05-2019. Submission of Company that there was clerical error in printing the said Letter since by mistakenly an old letter pad was used. There after company submitted some proofs of correspondence before and after the date of receipt of letter in Office of Registrar of Companies Himachal Pradesh (i.e. 27-05-2019). Which were issued by the company to another entity dated 19-03-19 and 02-04-19.

**6. ORDER**

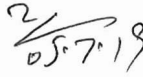
Having considered the facts and circumstances of the case and after taking into account the factors above since the company admitted the default that letter pad without CIN was used mistakenly and also submitted proof of letter pad with CIN used by company. Being a single stance of using a letter pad without CIN, I hereby impose a penalty of Rs.1, 000/- **(Rupees One Thousand Only)** on each of the addressees by this order for one day I am of this opinion that penalty is commensurate with the aforesaid failure committed by the Noticee.

The noticee shall pay the penalty amount in the Misc. Head available on Ministry Website [www.mca.gov.in](http://www.mca.gov.in), within 90 days of receipt of this order and copy of challan shall also be forwarded to this Office.


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

  
(Dr. Afsar Ali)  
Registrar of Companies-cum Official Liquidator  
& Adjudicating Officer  
Himachal Pradesh

To

  
2/5.7.18

1. M/s. KASALI RESORTS PRIVATE LIMITED,  
VILLAGE NALWAKASOLI, DISTT. SOLAN, H.P. HIMACHAL PRADESH
2. MR. SHAM SUNDER SHARMA  
HOUSE NO. 18, SECTOR 3-A, CHANDIGARH-160009
3. MR. ADITYA NATH SHARMA,  
HOUSE NO. 18, SECTOR 3-A, CHANDIGARH-160009

*Need on behalf of  
18 co + directors*  
  
5/7/18