

**In the matter of Companies Act, 2013**

And

**In the matter of adjudication proceeding under Sub-section (1)  
of section 12 of the Companies Act, 2013.**

And

**In the matter of M/s. Asis Logistic Ltd.**

- 1) M/s Asis Logistic Limited,
- 2) Shri Mukesh Hariram Bansal (WTD)
- 3) Shri Ameet Mukesh Bansal (CFO-KMP)
- 4) Shri Birendra Kumar Nath (Company Secretary) .....Respondents

**Date of hearing- 06.12.2017**

**Present**

- |  |  |
|--|--|
| 1. Shri V. K. Khubchandani, Registrar of Companies | <b>Adjudicating Officer</b>  |
| 2. Shri Sudhir Phaye, Dy. Registrar of Companies,  | <b>Presenting Officer</b>  |
| 3. Shri Naresh Chandra, Senior Technical Assistant | <b>Present staff</b>   |
| 4. Shri Gaurang R. Shah                            | <b>Company Secretary (PCS) and<br/>authorised representative of<br/>the above respondents.</b> |

**ORDER**

The above named company was incorporated on 15.04.1972 and as per record of this office presently the company is having its Registered office situated at Unit No. 611, Skylon Co-operative Housing Society, GIDC, Char Rasta, Vapi, Valsad, Gujarat- 396 195. The Regional Director (NWR), Ahmedabad vide letter No. RD (NWR)/Sec.13/(43)/2017-18/2514 dated 31.08.2017 has stated that an envelope regarding notice in the matter of hearing of Petition under Section 13 of the Companies Act, 2013 was returned with postal remarks "Left" by the Postal authority due to undelivered at the registered office of the Company. Thus it was observed by the Regional Director (NWR) that M/s. Asis Logistic Ltd. is not maintaining its Registered Office at its address viz 611, Skylon Co-operative Housing Society, GIDC, Char Rasta, Vapi, Valsad, Gujarat- 396 195 and directed this office to take necessary action under section 12 of the Companies Act, 2013 against the company and its officers in default.

As per section 12(1) of the Companies Act, 2013, a company shall, on and from the fifteenth day of its incorporation and at all times there after, have a registered office capable of receiving and acknowledging all communication and notices as may be addressed to it.

- 1) In view of the above facts the undersigned has reasonable cause to believe that the provision of Section 12(1) of the Companies Act, 2013 not been complied with by the Company and its officers in default. Thus, the Company and its officers in default have rendered themselves liable to be panel action as provided in sub-section (8) of section 12 of the Companies Act, 2013. As per provision of section 12 (8), there is provision for penalty for which the ROC is empowered to adjudicate the penalty under section 454 (3) of the Companies Act, 2013.
- 2) The office of the Registrar of Companies, Gujarat, Dadra and Nagar Haveli issued show cause notice for violation of section 12 of the Companies Act, 2013 to the Company and its Respondents on 26.10.2017. The Company has filed their replies vide letter dated 04.11.2017, which was not found satisfactory. Thus the office of the Registrar of Companies, Gujarat, Dadra and Nagar Haveli, Ahmedabad issued adjudication notice for violation of section 12 of the Companies Act, 2013 to the Company and its Respondents No. 2 to 4 on 17.11.2017 by giving an opportunity of being heard in the matter of adjudication proceeding before the undersigned on 23<sup>rd</sup> November, 2017. On request of the authorized representative Shri Gourang R. Shah, PCS of the Respondents, the matter was adjourned to 06.12.2017.
- 3) The undersigned in exercise of power conferred under sub section 3 of section 454 of the Companies Act, 2013 fixed the date of hearing on 06.12.2017 for adjudicating penalty for violation of provision of section 12 (1) of the Companies Act, 2013.
- 4) In response to the adjudication notice dated 17.11.2017 issued by the undersigned, the Company and its officer in default have authorized Shri Gourang R. Shah, Practicing Company Secretary vide authorization letters dated 21.11.2017 to company and its officers in default to appear and represent before the adjudicating authority- Registrar of Companies, Gujarat on the above given date and time for oral and written submission and to all acts and things as may be necessary and incidentally in the matter.
- 5) During the hearing on 06.12.2017, Shri Gourang R. Shah, Practicing Company Secretary and Authorized representative of the Respondents reiterated submissions made in the adjudication notices. He further submitted that violation on the part of the Respondents was absolutely unintentional and was committed inadvertently without any malafied intension. During the discussion, authorized representative has placed the written submission dated 06.12.2017 of the company.

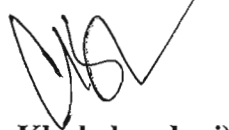
That keeping in mind all the relevant facts and after consideration of the oral submissions made by Shri Gourang R. Shah, Practicing Company Secretary and Authorized Representative of the Respondents, it is observed that the company and Respondent No. 1 to 4 had committed default under section 12 (1) of the Companies Act, 2013 for not maintaining of registered office. The submission dated 06.12.2017 made by the company appears to be satisfactory. However, as a matter of fact that the notice sent by Directorate was undelivered

on a particular date, it is hereby ordered that sum of Rs. 1000/- each to company and its 3 officers has been imposed as penalty and the matter stand disposed off.

The penalties imposed as under should be paid by the Respondents as per Law and submit the copies of Challan to this office. The company should file the INC 28 with attachment of this order and copy of aforesaid Challan.

Sr. No.	Name of the Respondents	Amount (In Rs.)
1.	M/s Asis Logistic Limited,	1,000/-
2.	Shri Mukesh Hariram Bansal (WTD)	1,000/-
3.	Shri Ameet Mukesh Bansal (CFO-KMP)	1,000/-
4.	Shri Birendra Kumar Nath (Company Secretary)	1,000/-
	Total Rs.	4,000/-

The adjudication notice stands disposed of with this order.

  
(V.K. Khubchandani)  
Adjudicating officer,  
Registrar of Companies,  
Gujarat, Dadra and Nagar Haveli.

Signed this      day of December, 2017.

11 DEC 2017

Copy to:

- 1) M/s Asis Logistics Limited,  
Unit No. 611, Skylon Co-operative Housing Society,  
GIDC, Char Rasta, Vapi, Valsad, Gujarat- 396 195.
- 2) Shri Mukesh Hariram Bansal (WTD)  
3<sup>rd</sup> Floor Plot No. 326, Matrusmruiti Linking Road,  
Khar (W) Mumbai- 400 052.
- 3) Ameet Mukesh Bansal (CFO-KMP)  
Matru Smruti, 5<sup>th</sup> Floor, Plot No. 326,  
Linking Road, Khar (West) Mumbai- 400 052.
- 4) Shri Birendra Kumar Nath (Company Secretary)  
Flt No. 1502, 15<sup>th</sup> Floor, Bldg. No. T3, Daffodil,  
Ghodbunder Road, Thane, 400 607.
- 5) Regional Director (NWR)  
Ministry of Corporate Affairs,  
Ahmedabad, with reference to the Directorate's Letter No. RD (NWR)  
Sec. 16//122/2017/3370 dated 20.10.2017.

6) The Director (R & S Division)  
Ministry of Corporate Affairs,  
5<sup>th</sup> Floor, Paryavaran Bhavan, CGO Complex,  
Lodhi Road, New Delhi

7) Mater File

8) Office Copy



**(V.K. Khubchandani)**  
Adjudicating officer,  
Registrar of Companies,  
Gujarat, Dadra and Nagar Haveli.