

In the matter of Companies Act 2013

And

**In the matter of adjudication proceeding under section 12
of the Companies Act, 2013.**

And

In the matter of

1107 MW 3
3 MAY 2017

M/S. CHAMBAL TRADINGS PRIVATE LIMITED (CIN-U5252GJ1958PLC051691)

- 1) M/s. CHAMBAL TRADINGS PRIVATE LIMITED
Plot No. 280, Sarkhej-Gandhinagar Highway,
Near BMCA Club, Makarba, Ahmedabad- 380051.
- 2) Shri Pawan Agarwal (Director),
E-1/79, Arera Colony, Bhopal, Madhya Pradesh – 462016.
- 3) Shri Rajeev Chaturvedi (Director)
C - 4, Chankya Puri, Kolar Road, Bhopal, Madhya Pradesh – 462042
- 4) Shri Manish Sethi (Director)
G-116,, Preet Vihar, Delhi – 110092

3 MAY 2017

.....Respondents

Date of hearing- 02/05/2017

Present

- | | |
|--|---|
| 1. Shri V. K. Khubchandani, Registrar of Companies | Adjudicating Officer |
| 2. Shri Sudhir Phaye, Dy. Registrar of Companies, | Presenting Officer |
| 3. Shri Naresh Chandra, Senior Technical Assistant | Present staff |
| 4. Shri Amit S. Vidyarthi, | Chartered Accountant and
authorised representative of
the above respondents. |

ORDER

The above named company was incorporated on 18.11.1985 and as per record of this office presently having its registered office situated at Plot No. 280, Sarkhej-Gandhinagar Highway, Near BMCA Club, Makarba, Ahmedabad- 380051.

The Regional Director (NWR), Ahmedabad had issued letter to M/s. Chambal Trading Private Limited on its registered office address in the matter of Shifting of registered office from the state of Gujarat to the NCT of Delhi vide letter No. RD (NWR)/Sec13/(770)2017/5399 dated 21.03.2017, but the said letter was returned from the postal authority with remarks of "Incomplete Address". Thus it was observed by the Regional Director (NWR) that company has not maintained its registered office on the aforesaid address, thereby violated the provisions of Section 12 of the Companies Act, 2013. Further, the Regional Directorate (NWR) vide their letter No. RD (NWR)/13(770)/2016-17/22 dated

04.04.2017 has directed the undersigned to take necessary action under section 12(8) for violation of Section 12 of the Companies Act, 2013.

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 thereafter; 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 has 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 45~~3~~(3) of the Companies Act, 2013.
- 2) The office of the Registrar of Companies, Gujarat, Dadra and Nagar Haveli issued adjudication notice for violation of section 12 of the Companies Act, 2013 to the Company and its directors on 28.04.2017 by giving an opportunity of being heard in the matter of adjudication proceeding before the undersigned on 3rd May, 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 03.05.2017 for adjudicate penalty for violation of provision of section 12 (1) of the Companies Act, 2013.
- 4) In response to the adjudication notice dated 28.04.2017 issued by the undersigned, the Company and its officer in default in the matter have authorized Shri Amit S. Vidyarthi, Chartered Accountant vide Power of Attorney executed on 02.05.2017 to appear and represent in the matter before the adjudicating authority- Registrar of Companies, Gujarat.
- 5) That, Shri, Amit S. Vidyarthi, Chartered Accountant vide vide letter dated 02.05.2017 requested this office to prepone the date of hearing on 02.05.2017 and also submitted his clarification in the matter. Since Shri, Amit S. Vidyarthi, Authorised representative has already appeared before the undersigned on 02.05.2017. Therefore undersigned is accepted his request and allowed to hear the matter on 02.05.2017.
- 6) That Shri Amit S. Vidyarthi, Chartered Accountant submitted that the aforesaid notice issued by the Regional Director (NWR) was undelivered due to new security person who was not aware about many offices are situated in the same premises. That during the hearing on 02.05.2017, Shri Amit S. Vidyarthi, Chartered Accountant 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.

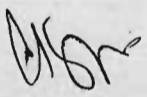
That keeping in mind all the relevant facts and after consideration of the oral & written submissions made by Shri Amit S. Vidyarthi, Chartered Accountant and Authorized Representative of the Respondents, it is observed that the company and Respondent No. 2 to

4 had committed default under section 12 (1) of the Companies Act, 2013 for not maintaining of registered office capable of receiving and acknowledging notice issued by the Directorate vide Letter dated 21.03.2017. After taking into consideration all the relevant facts of the cases, penalty Rs. 2,000/- on Company and Rs. 950/- on each Respondents are imposed.

The penalties imposed as under should be paid by the Respondents within 7 days and submit the copies of Challan to this office:

Sr. No.	Name of the Respondents	Amount (In Rs.)
1.	M/s.CHAMBAL TRADINGS PRIVATE LIMITED	2,000/-
2.	Shri Pawan Agarwal (Director)	950/-
3.	Shri Shri Rajeev Chaturvedi (Director)	950/-
4.	Shri Manish Sethi (Director)	950/-

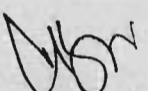
The adjudication notice stands disposed of with this order.


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

Signed this 03 day of May, 2017.

Copy to:

- 1) M/s. CHAMBAL TRADINGS PRIVATE LIMITED
Plot No. 280, Sarkhej-Gandhinagar Highway,
Near BMCA Club, Makarba, Ahmedabad- 380051.
- 2) Shri Pawan Agarwal (Director)
E-1/79, Arera Colony, Bhopal, Madhya Pradesh – 462016.
- 3) Shri Rajeev Chaturvedi (Director)
C - 4, Chankya Puri, Kolar Road, Bhopal, Madhya Pradesh – 462042.
- 4) Shri Manish Sethi (Director)
G-116, Preet Vihar, Delhi – 110092.
- 5) The Director (R & S Division),
Ministry of Corporate Affairs, New
5th floor, Paryavaran Bhavan, CGO Complex,
Lodhi Road, New Delhi.
- 6) The Regional Director (NWR),
Ministry of Corporate Affairs
Ahmedabad. (With reference to the Directorate's letter No. RD
(NWR)/13(770)/2016-17/22 dated 04.04.2017)
- 7) Master File
- 8) Office Copy


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