

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. DHANLAXMI YARN PRIVATE LIMITED. /6865

28 FEB 2019

1. M/S. DHANLAXMI YARN PRIVATE LIMITED
Survey No. 279/2/3/3, Velugam, Silvassa,
Dadra & Nagar Haveli- 396 230.
2. SURESHCHANDRA HEERALAL LADDHA (M.D.)
WARD NO .12, D.NO: 427 GROUND FLOOR,
SHAHU CORNER, OPP: TARA INTERNA TIONAL HOTEL,
ICHALKARANJI - 416115, MH.

.....Respondents

Date of hearing- 21.02.2019

Present

- | | |
|--|---|
| 1. Shri L. R. Meena, 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 Parth Muraleedharan Nair, | Company Secretary (PCS) and
authorised representative of
the above respondents. |

ORDER

The above named company was incorporated on 13.01.2003 and as per record of this office presently the company is having its Registered office situated at Survey No. 279/2/3/3, Velugam, Silvassa, Dadra & Nagar Haveli- 396 230

.WHEREAS M/s. DHANLAXMI YARN PRIVATE LIMITED (herein after referred to as "company") is a company having its Registered office at SURVEY NO. Survey No. 279/2/3/3, Velugam, Silvassa, Dadra & Nagar Haveli- 396 230 registered under the provisions of the Companies Act, 1956 (hereinafter referred to as "Act") in the state of Gujarat.

And whereas As per Section 12(1) of the Companies Act, 2013, a company shall, within thirty days of its incorporation and at all times thereafter should have a registered office capable of receiving and acknowledging all communications and notices as may be addressed to it.

And whereas, the Regional Director (NWR), Ministry of Corporate Affairs had issued Letters dated 03.08.2018 and 20.09.2018 to the Company at its registered office address at SURVEY NO. 2/2/2, GALA NO. 2/6/7, MADHUBA DAM ROAD NR.GUJRAT POER LHOUSE, VILL. KARAD, SILVASSA, UT, DN regarding application under section 87 of the Companies Act, 2013 with regard to rectification in register of charges of the Company, but the said letters were returned undelivered by the Postal Authority with the remarks "LEFT". Therefore, the Regional Director (NWR) vide letter No. RD/ (NWR)/Sec. 87/2018/3658 dated 25.10.2018 directed the undersigned that the subject company has not maintaining its registered office on the aforesaid address in compliance of section 12(1) of the Companies Act, 2013 and initiate necessary action for violation of section 12(1) of the Companies Act, 2013.

- 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 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(1) of the Companies Act, 2013 to the Company and Respondents Managing Director on 15.11.2018. In response of the said notice, no reply was received by the respondent.
- 3) Thereafter, this office issued adjudication notice for violation of section 12(1) of the Companies Act, 2013 to the Company and Respondent Managing Director on 27.12.2018 and 23.01.2019 by giving two opportunities of being heard in the matter of adjudication proceeding before the undersigned on 17.01.2019 and 14.02.2019 respectively. Further, ^{due to} some urgent official work, the matter was re-scheduled on 21.02.2019 by issuing a adjudication notice on 06.02.2019.
- 4) 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 21.02.2019 for adjudging penalty for violation of provision of section 12 (1) of the Companies Act, 2013.
- 5) In response to the adjudication notices issued by the undersigned, the Company and its officers in default have authorized Shri Parth Muraleedharan Nair, Practicing Company Secretary vide Board Resolution and MOA dated 12.02.2019 and 19.02.2019 respectively 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.

- 6) During the hearing on 21.02.2019, Shri Parth Muraleedharan Nair, Practicing Company Secretary and Authorized representative of the Respondents reiterated submissions made in the adjudication notices. He submitted that due to shifting of registered office w.e.f. 19.07.2018, the Letters issued by the Directorate were returned/undelivered. However, the company has shifted its registered office to Survey No. 279/2/3/3, Velugam, Silvassa, Dadra & Nagar Haveli- 396 230 and filed e-form No. INC-22 vide SRN dated H45297538 on 20.02.2019 with additional fee. He further submitted that violation on the part of the Respondents was absolutely unintentional and was committed inadvertently without any malafied intension.
- 7) That keeping in mind all the relevant facts and after consideration of the oral submissions made by Shri Parth Muraleedharan Nair, Practicing Company Secretary and Authorized Representative of the Respondents, it is observed that the company and Respondents had committed default under section 12 (1) of the Companies Act, 2013 for not maintaining of registered office during shifting of registered office process. The oral submission during the hearing made by Parth Muraleedharan Nair on behalf of the Respondents appears to be satisfactory. However, as a matter of fact that the notices sent by Directorate were returned undelivered on a particular date, it is hereby ordered that sum of Rs. 4,000/- each on company and its Managing director have been imposed as penalty for period occurred during the process of shifting of registered office of the company 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. DHANLAXMI YARN PRIVATE LIMITED	4,000/-
2.	Shri SURESHCHANDRA HEERALAL LADDHA (M.D.)	4,000/-
	Total Rs.	8,000/-

The adjudication notice stands disposed of with this order.


(L. R. Meena)
Adjudicating officer,
Registrar of Companies,
Gujarat, Dadra and Nagar Haveli.

Signed this 21st day of February, 2019.

Copy to:

1. M/S. DHANLAXMI YARN PRIVATE LIMITED
Survey No. 279/2/3/3, Velugam, Silvassa,
Dadra & Nagar Haveli- 396 230 POER LHOUSE,
VILL. KARAD, SILVASSA UT DN
2. SURESHCHANDRA HEERALAL LADDHA (M.D.)
WARD NO .12, D.NO: 427 GROUND FLOOR,
SHAHU CORNER, OPP: TARA INTERNATIONAL HOTEL,
ICHALKARANJI - 416115, MH.
3. Master File
4. Office Copy