

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. Gayatri Lease Finance Private Limited

2 JAN 2018 *hjm*

1. GAYATRI LEASE FINANCE PRIVATE LIMITED
306, SAFFRON TOWER, PANCHWATI TO AMBAWADI ROAD,
AMBAWADI, AHMEDABAD-380006.
2. BHAVARLAL HIRALAL MODI (DIRECTOR)
A02 SAI PRASAD APPT, NR DARPAN ACADEMY,
USMANPURA-380015.
3. VARUN JAYANT JAIN (DIRECTOR)
23 SOMAN BLDG 226 RAJARAM MOHAN ROY MARG,
OPP HIRA HOTEL, MUMBAI-400004. Respondents

Date of hearing- 28.12.2017

Present

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| 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 Himanshu Maheshwari | Company Secretary (PCS) and
authorized representative of
the above respondents. |

ORDER

The above named company was incorporated on 01.03.1995 and as per record of this office presently the company is having its registered office situated at 402, Sai Prasad Apartment, Nr. Darpan Academy, Usmanpura, Ahmedabad-380013. The RBI vide e-mail dated 06.10.2017 informed this office that the Letter issued to company was returned undelivered, it had been observed by the RBI that the company is not found at its registered office address. Thus the company found to be not operating its registered office address and forwarded the matter to this office for necessary action.

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.

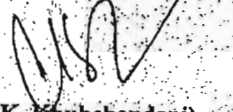
- 1) In view of the above facts the undersigned has reasonable cause to believe that the provision of Section 12(1) of the Companies Act, 2013 not been complied with by the Company and its officers in default. Thus, the Company and its officers in default have rendered themselves liable to be panel action 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 30.10.2017. The Respondents had not furnished their reply to the undersigned. Therefore 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 on 01.12.2017 and fixed the date of hearing on 06.12.2017, but no one remained present in the office of the undersigned on 06.12.2017. Hence this office has issued Adjudication notice on 11.12.2017 by giving an opportunity of being heard in the matter of adjudication proceeding before the undersigned on 20th December, 2017. The representative of the respondents requested for adjournment for submitting of relevant documents and reply in support of its view point. On the request of the representative of respondents the matter was adjourned to 28.12.2017.
- 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 28.12.2017 for adjudicating penalty for violation of provision of section 12 (1) of the Companies Act, 2013.
- 4) In response to the adjudication notice dated 11.12.2017 issued by the undersigned, the Company and its officer in default have authorized Shri Himanshu Maheshwari, Practicing Company Secretary vide authorization letter dated 18.12.2017 on behalf of the 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 28.12.2017, Shri Himanshu Maheshwari, Practicing Company Secretary and Authorized representative of the Respondents reiterated submissions made in the adjudication notices. He further submitted that the company has shifted its registered office since October 01st 2017 from 306, Saffron tower, Panchwati to Ambawadi Road, Ambawadi, Ahmedabad- 380 006 to 402, Sai Prasad Apartment, Nr. Darpan Academy, Usmanpura, Ahmedabad-380013. The delay in filing form INC-22 is due to some error in Original Rent Agreement made between company and the owner and due to this the Revision of Rent Agreement takes time and its result into delay in filling of Form INC 22. During the discussion, authorized representative has placed the written submission dated 20.12.2017 and 28.12.2017.

That keeping in mind all the relevant facts and after consideration of the oral and written submission made by Shri Himanshu Maheshwari, Practicing Company Secretary and Authorized Representative of the Respondents, it is observed that the company and Respondent No. 2 & 3 had committed default under section 12(1) of the Companies Act, 2013 for not capable to receive communication made by the RBI due to facts submitted in para 5 above. The submission made by the company appears to be satisfactory. It is hereby ordered that sum of Rs. 1000/- each to company and its 2 officers has been imposed 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 the said Challan.

Sr. No.	Name of the Respondents	Amount (In Rs.)
1.	M/s GAYATRI LEASE FINANCE PRIVATE LIMITED,	1,000/-
2.	BHAVARLAL HIRALAL MODI (DIRECTOR)	1,000/-
3.	VARUN JAYANT JAIN (DIRECTOR)	1,000/-
	Total Rs.	3,000/-

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 January, 2018.

Copy to:

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306, SAFFRON TOWER, PANCHWATI TO AMBAWADI ROAD,
AMBAWADI, AHMEDABAD-380006.
2. BHAVARLAL HIRALAL MODI (DIRECTOR)
A02 SAI PRASAD APPT, NR DARPAN ACADEMY,
USMANPURA-380015.
3. VARUN JAYANT JAIN (DIRECTOR)
23 SOMAN BLDG 226 RAJARAM MOHAN ROY MARG,
OPP HIRA HOTEL, MUMBAI-400004.
4. Regional Director (NWR)
Ministry of Corporate Affairs,
Ahmedabad.

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

✓ 6. Mater File

7. Office Copy