

In the matter of Companies Act 2013

And

In the matter of adjudication proceeding under Sub-section (1) of section 118 of the Companies Act, 2013 and read with section 454 (3) of the Companies Act, 2013.

And

15 APR 2017

In the matter of

- 1) M/s HALDYN GLASS LIMITED,
Village: Gavasad Tal. Padra. Dist. Vadodara- 391 430.
- 2) Anwar abdulla Lambay (Company Secretary)
Ascon Acres 4, Naya Nagar, Mira Road (E),
Dist.Thane, Thane, Maharashtra.
- 3) Shri Tarun Narendra Shetty (Managing Director)
12-B, Balmoral, 7 Mount Mary Road, Bandra West,
Mumbai 400 050.
- 4) Shri Narendra Dejoo Shetty (W.T.D.),
12-B, Balmoral, 7 Mount Mary Road, Bandra West,
Mumbai 400 050.
- 5) Shri Ganesh Prasad Chaturevedi (KMP),
A-1505, Vishnu Shivam Tower, Thakur Village,
Kandivali (East), Mumbai- 400 010.

.....Respondents

Date of hearing- 21/03/2017

Present

1. Shri V. K. Khubchandani,
2. Shri Sudhir Phaye – Dy. Registrar of Companies,
3. Shri Naresh Chandra Senior Technical Assistant
4. Shri Ashish Doshi,

Adjudicating Officer

Presenting Officer

Present staff

**Company Secretary and
authorised representative of
the Above respondents.**

OIC

ORDER

In the above named M/s. Haldyn Glass Limited

The above named company was incorporated on 25.04.1991 and presently having its Registered office situated at VILLAGE-GAVISAD DIST.-PADRA, BARODA, Gujarat-391430, India.

As per the Ministry's order vide letter no. 04/112/2015/CL-II dated 10/12/2015, the inspection of books of account and other records of the Company was carried out Under section 206(5) of the Companies Act, 2013 by the Directorate (NWR), Ahmedabad. During the course of inspection of the Books of accounts and other records of the company by an officer appointed by the Central Government, under Section 206(5) of the Companies Act, 2013, it was observed and inter-alia pointed out by the Inspecting officer that provisions of **Section 118(1)** of the Companies Act, 2013 (Corresponding section 193 of the Companies Act, 1956) has been contravened as under:-

“During the inspection of books of accounts and Minutes book of Share Transfer committee of board of directors from 2011-2016, it is observed that the pages of the said minutes book is not consecutively numbered, hence Violated Section 193 of the Companies Act, 1956 (corresponding Section 118 of the Companies Act, 2013).”

- 1) In view of the above facts the undersigned has reasonable cause to believe that the provision of Section 118 of the Companies Act, 2013 (Corresponding section 193 of the Companies Act, 1956) not been complied with by the Company and its officers in default. The office of the Registrar of Companies, Gujarat, Dadra and Nagar Haveli issued Show Cause Notices to the Company and its four Respondents on 07.10.2016.
- 2) The compounding application under section 441 of the Companies Act, 2013 for compounding of offence under section 193 of the Companies Act, 1956 (Corresponding section 118 of the Companies Act, 2013) was filed by the Company and its four officers in default on 19/12/2016. The report on the compounding application was forwarded to the Directorate (NWR), Ahmedabad vide this office letter No. ROC/Guj/Compounding/ Sec.441/8785 dated 13/01/2017 for consideration.
- 3) The Directorate (NWR), Ahmedabad vide its letter dated 07/02/2017 has stated that the violations of Section 193 of the Companies Act, 1956 for the years upto 31.03.2014 have been compounded subject to payment of compounding fees. With regard to violation of section 118 (1) of the Companies Act, 2013 for the financial year 2014-15 and 2015-16, the Directorate has directed to the ROC, Gujarat to proceed for adjudication of penalty under section 454 (3) of the Companies Act, 2013.

- 4) The Company and its officers in default have rendered themselves liable to be panel action as provided in sub-section 11 of section 118 of the Companies Act, 2013. As per provision of section 118 (11), there is provision for penalty for which the ROC is empowered to adjudicate the penalty under section 45~~4~~(3) of the Companies Act, 2013.
- 5) 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 21.03.2017 for adjudicate penalty for violation of provision of section 118 (1) read with rule 25 of the Companies (Management and Administration) Rules, 2014.
- 6) In response to the adjudication notice issued by Registrar of Companies, Gujarat vide dated 09.03.2017 to the company and its officers in default in the matter have authorized Shri Ashish Doshi, Company Secretary vide authorization dated 20.03.2017 to appear and represent before the adjudicating authority- Registrar of Companies, Gujarat on 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. .
- 7) That during the hearing on 21.03.2017, Mr. Ashish Doshi, 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.

That keeping in mind all the relevant facts and after consideration of the oral submissions made by the Mr. Ashish Doshi, Practicing Company Secretary and Authorized Representative of the Respondents, it is observed that the company and Respondent No. 2 to 5 had committed default under section 118 (1) of the Companies Act, 2013 for the Financial Year 2014-15 and 2015-16. After taking into consideration all the relevant facts of the cases, penalty Rs. 10,000/- on Company and Rs.750/- on each Respondents are hereby imposed for each year.

The penalties imposed as under should be paid by the Respondents within 15 days and submit the copies of Challan to this office:-

Sr. No.	Name of the Respondents	Amount (In Rs.)
1.	M/s HALDYN GLASS LIMITED,	20,000/-
2.	Anwar abdulla Lambay (Company Secretary)	1,500/-
3.	Shri Tarun Narendra Shetty (Managing Director)	1,500/-
4.	Shri Narendra Dejoo Shetty (W.T.D.),	1,500/-
5.	Shri Ganesh Prasad Chaturevedi (KMP),	1,500/-

The adjudication notice stands disposed of with this order.

(Handwritten Signature)
(V.K. Khubchandani)
 Registrar of Companies,
 Gujarat, Dadra and Nagar Haveli.

Signed this day of March, 2017.

Copy to:

1. Regional Director (NWR)
 Ministry of Corporate Affairs,
 Ahmedabad, with reference to his Letter No. RD (NWR)/441/Sec.193/
 264 to 267/2017/4710 dated 07.02.2017.
2. M/s HALDYN GLASS LIMITED,
 Village: Gavasad Tal. Padra. Dist. Vadodara- 391 430.
3. Anwar abdulla Lambay (Company Secretary)
 Ascon Acres 4, Naya Nagar, Mira Road (E),
 Dist.Thane, Thane, Maharashtra.
4. Shri Tarun Narendra Shetty (Managing Director)
 12-B, Balmoral, 7 Mount Mary Road, Bandra West,
 Mumbai 400 050.
5. Shri Narendra Dejoo Shetty (W.T.D.),
 12-B, Balmoral, 7 Mount Mary Road, Bandra West,
 Mumbai 400 050.
6. Shri Ganesh Prasad Chaturevedi (KMP),
 A-1505, Vishnu Shivam Tower, Thakur Village,
 Kandivali (East), Mumbai- 400 010.

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15 APR 2017

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

**In the matter of adjudication proceeding under Sub-section (1)
of section 118 of the Companies Act, 2013 and read with section 454
(3) of the Companies Act, 2013.**

And

In the matter of

- 1) M/s HALDYN GLASS LIMITED,
Village: Gavasad Tal. Padra. Dist. Vadodara- 391 430.
- 2) Anwar abdulla Lambay (Company Secretary)
Ascon Acres 4, Naya Nagar, Mira Road (E),
Dist.Thane, Thane, Maharashtra.
- 3) Shri Tarun Narendra Shetty (Managing Director)
12-B, Balmoral, 7 Mount Mary Road, Bandra West,
Mumbai 400 050.
- 4) Shri Narendra Dejoor Shetty (W.T.D.),
12-B, Balmoral, 7 Mount Mary Road, Bandra West,
Mumbai 400 050.
- 5) Shri Ganesh Prasad Chaturevedi (KMP),
A-1505, Vishnu Shivam Tower, Thakur Village,
Kandivali (East), Mumbai- 400 010.

5 APR 2017

.....Respondents

Date of hearing- 21/03/2017

Present

1. Shri V. K. Khubchandani,
2. Shri Sudhir Phaye – Dy. Registrar of Companies,
3. Shri Naresh Chandra Senior Technical Assistant
4. Shri Ashish Doshi,
- 5.

Adjudicating Officer

Presenting Officer

Present staff

**Company Secretary and
authorised representative of
the above respondents.**

O/C

ORDER

In the above named M/s. Haldyn Glass Limited.

The above named company was incorporated on 25.04.1991 and presently having its Registered office situated at VILLAGE-GAVISAD DIST.-PADRA, BARODA, Gujarat-391430, India.

As per the Ministry's order vide letter no. 04/112/2015/CL-II dated 10/12/2015, the inspection of books of account and other records of the Company was carried out Under section 206(5) of the Companies Act, 2013 by the Directorate (NWR), Ahmedabad. During the course of inspection of the Books of accounts and other records of the company by an officer appointed by the Central Government, under Section 206(5) of the Companies Act, 2013, it was observed and inter-alia pointed out by the Inspecting officer that provisions of **Section 118(1)** of the Companies Act, 2013 (Corresponding section 193 of the Companies Act, 1956) has been contravened as under:-

*"During the inspection of **books of accounts and Minutes book of the General meetings from 2010-2015**, it is observed that the pages of the said minutes book is not consecutively numbered, hence Violated Section 193 of the Companies Act, 1956 (corresponding Section 118 of the Companies Act, 2013)."*

- 1) In view of the above facts the undersigned has reasonable cause to believe that the provision of Section 118 of the Companies Act, 2013 (Corresponding section 193 of the Companies Act, 1956) not been complied with by the Company and its officers in default. The office of the Registrar of Companies, Gujarat, Dadra and Nagar Haveli issued Show Cause Notices to the Company and its four Respondents on 07.10.2016.
- 2) The compounding application under section 441 of the Companies Act, 2013 for compounding of offence under section 193 of the Companies Act, 1956 (Corresponding section 118 of the Companies Act, 2013) was filed by the Company and its four officers in default on 19/12/2016. The report on the compounding application was forwarded to the Directorate (NWR), Ahmedabad vide this office letter No. ROC/Guj/Compounding/ Sec.441/8783 dated 13/01/2017 for consideration.
- 3) The Directorate (NWR), Ahmedabad vide its letter dated 07/02/2017 has stated that the violations of Section 193 of the Companies Act, 1956 for the years upto 31.03.2014 have been compounded subject to payment of compounding fees. With regard to violation of section 118 (1) of the Companies Act, 2013 for the financial year 2014-15, the Directorate has directed to the ROC, Gujarat to proceed for adjudication of penalty under section 454 (3) of the Companies Act, 2013.

- 4) The Company and its officers in default have rendered themselves liable to be panel action as provided in sub-section 11 of section 118 of the Companies Act, 2013. As per provision of section 118 (11), there is provision for penalty for which the ROC is empowered to adjudicate the penalty under section 453 (3) of the Companies Act, 2013.
- 5) 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 21.03.2017 for adjudicate penalty for violation of provision of section 118 (1) read with rule 25 of the Companies (Management and Administration) Rules, 2014.
- 6) In response to the adjudication notice issued by Registrar of Companies, Gujarat vide dated 09.03.2017 to the company and its officers in default in the matter have authorized Shri Ashish Doshi, Company Secretary vide authorization dated 20.03.2017 to appear and represent before the adjudicating authority, Registrar of Companies, Gujarat on 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. .
- 7) That during the hearing on 21.03.2017, Mr. Ashish Doshi, Paracting 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.

That keeping in mind all the relevant facts and after consideration of the oral submissions made by the Mr. Ashish Doshi, Practicing Company Secretary and Authorized Representative of the Respondents, it is observed that the company and Respondent No. 2 to 5 had committed default under section 118 (1) of the Companies Act, 2013 for the Financial Year 2014-15 After taking into consideration all the relevant facts of the cases, penalty Rs. 10,000/- on Company and Rs.750/- on each Respondents are hereby imposed.

The penalties imposed as under should be paid by the Respondents within 15 days and submit the copies of Challan to this office:-

Sr. No.	Name of the Respondents	Amount (In Rs.)
1.	M/s HALDYN GLASS LIMITED,	10,000/-
2.	Anwar abdulla Lambay (Company Secretary)	750/-
3.	Shri Tarun Narendra Shetty (Managing Director)	750/-
4.	Shri Narendra Dejoo Shetty (W.T.D.),	750/-
5.	Shri Ganesh Prasad Chaturevedi (KMP),	750/-

The adjudication notice stands disposed of with this order.



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

Signed this day of March, 2017.

Copy to:

1. Regional Director (NWR)
Ministry of Corporate Affairs,
Ahmedabad, with reference to his Letter No. RD (NWR)/441/Sec.193/
264 to 267/2017/4710 dated 07.02.2017.
2. M/s HALDYN GLASS LIMITED,
Village: Gavasad Tal. Padra. Dist. Vadodara- 391 430.
3. Anwar abdulla Lambay (Company Secretary)
Ascon Acres 4, Naya Nagar, Mira Road (E),
Dist.Thane, Thane, Maharashtra.
4. Shri Tarun Narendra Shetty (Managing Director)
12-B, Balmoral, 7 Mount Mary Road, Bandra West,
Mumbai 400 050.
5. Shri Narendra Dejoo Shetty (W.T.D.),
12-B, Balmoral, 7 Mount Mary Road, Bandra West,
Mumbai 400 050.
6. Shri Ganesh Prasad Chaturevedi (KMP),
A-1505, Vishnu Shivam Tower, Thakur Village,
Kandivali (East), Mumbai- 400 010.

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15 APR 2017

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In the matter of adjudication proceeding under Sub-section (1) of section 118 of the Companies Act, 2013 and read with section 454 (3) of the Companies Act, 2013.

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In the matter of

15 APR 2017

- 1) M/s HALDYN GLASS LIMITED,
Village: Gavasad Tal. Padra. Dist. Vadodara- 391 430.
- 2) Anwar abdulla Lambay (Company Secretary)
Ascon Acres 4, Naya Nagar, Mira Road (E),
Dist.Thane, Thane, Maharashtra.
- 3) Shri Tarun Narendra Shetty (Managing Director)
12-B, Balmoral, 7 Mount Mary Road, Bandra West,
Mumbai 400 050.
- 4) Shri Narendra Dejoo Shetty (W.T.D.),
12-B, Balmoral, 7 Mount Mary Road, Bandra West,
Mumbai 400 050.
- 5) Shri Ganesh Prasad Chaturevedi (KMP),
A-1505, Vishnu Shivam Tower, Thakur Village,
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.....Respondents

Date of hearing- 21/03/2017

Present

1. Shri V. K. Khubchandani,
2. Shri Sudhir Phaye – Dy. Registrar of Companies,
3. Shri Naresh Chandra Senior Technical Assistant
4. Shri Ashish Doshi,

Adjudicating Officer

Presenting Officer

Present staff

**Company Secretary and
authorised representative of
the above respondents.**

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ORDER

In the above named M/s. Haldyn Glass Limited.

The above named company was incorporated on 25.04.1991 and presently having its Registered office situated at VILLAGE-GAVISAD DIST.-PADRA, BARODA, Gujarat-391430, India.

As per the Ministry's order vide letter no. 04/112/2015/CL-II dated 10/12/2015, the inspection of books of account and other records of the Company was carried out Under section 206(5) of the Companies Act, 2013 by the Directorate (NWR), Ahmedabad. During the course of inspection of the Books of accounts and other records of the company by an officer appointed by the Central Government, under Section 206(5) of the Companies Act, 2013, it was observed and inter-alia pointed out by the Inspecting officer that provisions of **Section 118(1)** of the Companies Act, 2013 (Corresponding section 193 of the Companies Act, 1956) has been contravened as under:-

*"During the inspection of **books of accounts and Minutes book of audit committee of board of directors** from 2011-2015, it is observed that the pages of the said minutes book is not consecutively numbered, hence Violated Section 193 of the Companies Act, 1956 (corresponding Section 118 of the Companies Act, 2013)."*

- 1) In view of the above facts the undersigned has reasonable cause to believe that the provision of Section 118 of the Companies Act, 2013 (Corresponding section 193 of the Companies Act, 1956) not been complied with by the Company and its officers in default. The office of the Registrar of Companies, Gujarat, Dadra and Nagar Haveli issued Show Cause Notices to the Company and its four Respondents on 07.10.2016.
- 2) The compounding application under section 441 of the Companies Act, 2013 for compounding of offence under section 193 of the Companies Act, 1956 (Corresponding section 118 of the Companies Act, 2013) was filed by the Company and its four officers in default on 19/12/2016. The report on the compounding application was forwarded to the Directorate (NWR), Ahmedabad vide this office letter No. ROC/Guj/Compounding/ Sec.441/8787 dated 13/01/2017 for consideration.
- 3) The Directorate (NWR), Ahmedabad vide its letter dated 07/02/2017 has stated that the violations of Section 193 of the Companies Act, 1956 for the years upto 31.03.2014 have been compounded subject to payment of compounding fees. With regard to violation of section 118 (1) of the Companies Act, 2013 for the financial year 2014-15, the Directorate has directed to the ROC, Gujarat to proceed for adjudication of penalty under section 454 (3) of the Companies Act, 2013.


- 4) The Company and its officers in default have rendered themselves liable to be panel action as provided in sub-section 11 of section 118 of the Companies Act, 2013. As per provision of section 118 (11), there is provision for penalty for which the ROC is empowered to adjudicate the penalty under section 453 (3) of the Companies Act, 2013.
- 5) 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 21.03.2017 for adjudicate penalty for violation of provision of section 118 (1) read with rule 25 of the Companies (Management and Administration) Rules, 2014.
- 6) In response to the adjudication notice issued by Registrar of Companies, Gujarat vide dated 09.03.2017 to the company and its officers in default in the matter have authorized Shri Ashish Doshi, Company Secretary vide authorisation dated 20.03.2017 to appear and represent before the adjudicating authority- Registrar of Companies, Gujarat on 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. .
- 7) That during the hearing on 21.03.2017, Mr. Ashish Doshi, Paracting 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.

That keeping in mind all the relevant facts and after consideration of the oral submissions made by the Mr. Ashish Doshi, Practicing Company Secretary and Authorized Representative of the Respondents, it is observed that the company and Respondent No. 2 to 5 had committed default under section 118 (1) of the Companies Act, 2013 for the Financial Year 2014-15. After taking into consideration all the relevant facts of the cases, penalty Rs. 10,000/- on Company and Rs.750/- on each Respondents are hereby imposed.

The penalties imposed as under should be paid by the Respondents within 15 days and submit the copies of Challan to this office:-

Sr. No.	Name of the Respondents	Amount (In Rs.)
1.	M/s HALDYN GLASS LIMITED,	10,000/-
2.	Anwar abdulla Lambay (Company Secretary)	750/-
3.	Shri Tarun Narendra Shetty (Managing Director)	750/-
4.	Shri Narendra Dejoo Shetty (W.T.D.),	750/-
5.	Shri Ganesh Prasad Chaturevedi (KMP),	750/-

The adjudication notice stands disposed of with this order.


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

Signed this day of March, 2017.

Copy to:

1. Regional Director (NWR)
Ministry of Corporate Affairs,
Ahmedabad, with reference to his Letter No. RD (NWR)/441/Sec.193/
264 to 267/2017/4710 dated 07.02.2017.
2. M/s HALDYN GLASS LIMITED,
Village: Gavasad Tal. Padra. Dist. Vadodara- 391 430.
3. Anwar abdulla Lambay (Company Secretary)
Ascon Acres 4, Naya Nagar, Mira Road (E),
Dist.Thane, Thane, Maharashtra.
4. Shri Tarun Narendra Shetty (Managing Director)
12-B, Balmoral, 7 Mount Mary Road, Bandra West, Mumbai 400 050.
5. Shri Narendra Dejoo Shetty (W.T.D.),
12-B, Balmoral, 7 Mount Mary Road, Bandra West, Mumbai 400 050.
6. Shri Ganesh Prasad Chaturevedi (KMP),
A-1505, Vishnu Shivam Tower, Thakur Village,
Kandivali (East), Mumbai- 400 010.

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- 1) M/s HALDYN GLASS LIMITED,
Village: Gavasad Tal. Padra. Dist. Vadodara- 391 430.
- 2) Anwar abdulla Lambay (Company Secretary)
Ascon Acres 4, Naya Nagar, Mira Road (E),
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- 3) Shri Tarun Narendra Shetty (Managing Director)
12-B, Balmoral, 7 Mount Mary Road, Bandra West,
Mumbai 400 050.
- 4) Shri Narendra Dejoo Shetty (W.T.D.),
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Present

1. Shri V. K. Khubchandani,
2. Shri Sudhir Phaye – Dy. Registrar of Companies,
3. Shri Naresh Chandra Senior Technical Assistant
4. Shri Ashish Doshi,

Adjudicating Officer

Presenting Officer

Present staff

**Company Secretary of and
authorized representative
of the above respondents.**

01C

ORDER

In the above named M/s. Haldyn Glass Limited

As per the Ministry's order vide letter no. 04/112/2015/CL-II dated 10/12/2015, the inspection of books of account and other records of the Company was carried out Under section 206(5) of the Companies Act, 2013 by the Directorate (NWR), Ahmedabad. During the course of inspection of the Books of accounts and other records of the company by an officer appointed by the Central Government, under Section 206(5) of the Companies Act, 2013, it was observed and inter-alia pointed out by the Inspecting officer that provisions of **Section 118(1)** of the Companies Act, 2013 (Corresponding section 193 of the Companies Act, 1956) has been contravened as under:-

*"During the inspection of **books of accounts and Minutes book of Corporate Social Responsibility committee of board of directors from 2014-2015**, it is observed that the pages of the said minutes book is not consecutively numbered, hence Violated Section 193 of the Companies Act, 1956 (corresponding Section 118 of the Companies Act, 2013)."*

- 1) In view of the above facts the undersigned has reasonable cause to believe that the provision of Section 118 of the Companies Act, 2013 (Corresponding section 193 of the Companies Act, 1956) not been complied with by the Company and its officers in default. The office of the Registrar of Companies, Gujarat, Dadra and Nagar Haveli issued Show Cause Notices to the Company and its four Respondents on 07.10.2016.
- 2) The compounding application under section 441 of the Companies Act, 2013 for compounding of offence under section 193 of the Companies Act, 1956 (Corresponding section 118 of the Companies Act, 2013) was filed by the Company and its four officers in default on 19/12/2016. The report on the compounding application was forwarded to the Directorate (NWR), Ahmedabad vide this office letter No. ROC/Guj/Compounding/ Sec.441/8782 dated 13/01/2017 for consideration.
- 3) The Directorate (NWR), Ahmedabad vide its letter No. RD (NWR)/44/Sec.193/263/2017/4709/dated 07/02/2017 has stated that the violations of Section 118 of the Companies Act, 2013 for the financial year 2014-15. Since offence committed under 118 (1) of the Companies Act, 2013 for the financial year 2014-15, for which penal provision under section 118(11) is for Penalty for which FOC is empowered to adjudicate the penalty under section 445(3) of the Companies Act, 2013. In view of the above facts and circumstances, the Company application was rejected by the Directorate.


- 4) The Company and its officers in default have rendered themselves liable to be panel action as provided in sub-section 11 of section 118 of the Companies Act, 2013. As per provision of section 118 (11), there is provision for penalty for which the ROC is empowered to adjudicate the penalty under section 453 (3) of the Companies Act, 2013.
- 5) 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 21.03.2017 for adjudicate penalty for violation of provision of section 118 (1) read with rule 25 of the Companies (Management and Administration) Rules, 2014.
- 6) In response to the adjudication notice issued by Registrar of Companies, Gujarat vide dated 09.03.2017 to the company and its officers in default in the matter have authorized Shri Ashish Doshi, Company Secretary vide authorisation dated 20.03.2017 to appear and represent before the adjudicating authority, Registrar of Companies, Gujarat on 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. .
- 7) That during the hearing on 21.03.2017, Mr. Ashish Doshi, Paracting 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.

That keeping in mind all the relevant facts and after consideration of the oral submissions made by the Mr. Ashish Doshi, Practicing Company Secretary and Authorized Representative of the Respondents, it is observed that the company and Respondent No. 2 to 5 had committed default under section 118 (1) of the Companies Act, 2013 for the Financial Year 2014-15. After taking into consideration all the relevant facts of the cases, penalty Rs. 10,000/- on Company and Rs.750/- on each Respondents are hereby imposed.

The penalties imposed as under should be paid by the Respondents within 15 days and submit the copies of Challan to this office:-

Sr. No.	Name of the Respondents	Amount (In Rs.)
1.	M/s HALDYN GLASS LIMITED,	10,000/-
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3.	Shri Tarun Narendra Shetty (Managing Director)	750/-
4.	Shri Narendra Dejoo Shetty (W.T.D.),	750/-
5.	Shri Ganesh Prasad Chaturevedi (KMP),	750/-

The adjudication notice stands disposed of with this order.


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

Signed this day of March, 2017.

Copy to:

1. Regional Director (NWR)
 Ministry of Corporate Affairs,
 Ahmedabad, with reference to his Letter No. RD (NWR)/441/Sec.193/
 264 to 267/2017/4710 dated 07.02.2017.
2. M/s HALDYN GLASS LIMITED,
 Village: Gavasad Tal. Padra. Dist. Vadodara- 391 430.
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 Ascon Acres 4, Naya Nagar, Mira Road (E),
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 A-1505, Vishnu Shivam Tower, Thakur Village,
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- 1) M/s HALDYN GLASS LIMITED,
Village: Gavasad Tal. Padra. Dist. Vadodara- 391 430.
- 2) Anwar abdulla Lambay (Company Secretary)
Ascon Acres 4, Naya Nagar, Mira Road (E),
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12-B, Balmoral, 7 Mount Mary Road, Bandra West,
Mumbai 400 050.
- 5) Shri Ganesh Prasad Chaturevedi (KMP),
A-1505, Vishnu Shivam Tower, Thakur Village,
Kandivali (East), Mumbai- 400 010.

.....Respondents

Date of hearing- 21/03/2017

Present

1. Shri V. K. Khubchandani,
2. Shri Sudhir Phaye – Dy. Registrar of Companies,
3. Shri Naresh Chandra Senior Technical Assistant
4. Shri Ashish Doshi,

Adjudicating Officer

Presenting Officer

Present staff

**Company Secretary and
authorised representative of
the above respondents.**

012

ORDER

In the above named M/s. Haldyn Glass Limited.

The above named company was incorporated on 25.04.1991 and presently having its Registered office situated at VILLAGE-GAVISAD DIST.-PADRA, BARODA, Gujarat-391430, India.

As per the Ministry's order vide letter no. 04/112/2015/CL-II dated 10/12/2015, the inspection of books of account and other records of the Company was carried out Under section 206(5) of the Companies Act, 2013 by the Directorate (NWR), Ahmedabad. During the course of inspection of the Books of accounts and other records of the company by an officer appointed by the Central Government, under Section 206(5) of the Companies Act, 2013, it was observed and inter-alia pointed out by the Inspecting officer that provisions of **Section 118(1)** of the Companies Act, 2013 (Corresponding section 193 of the Companies Act, 1956) has been contravened as under:-

"During the inspection of books of **accounts and Minutes book of board of directors** from 2011-2015, it is observed that the pages of the said minutes book is not consecutively numbered, hence Violated Section 193 of the Companies Act, 1956 (corresponding Section 118 of the Companies Act, 2013).

- 1) In view of the above facts the undersigned has reasonable cause to believe that the provision of Section 118 of the Companies Act, 2013 (Corresponding section 193 of the Companies Act, 1956) not been complied with by the Company and its officers in default. The office of the Registrar of Companies, Gujarat, Dadra and Nagar Haveli issued Show Cause Notices to the Company and its four Respondents on 07.10.2016.
- 2) The compounding application under section 441 of the Companies Act, 2013 for compounding of offence under section 193 of the Companies Act, 1956 (Corresponding section 118 of the Companies Act, 2013) was filed by the Company and its four officers in default on 19/12/2016. The report on the compounding application was forwarded to the Directorate (NWR), Ahmedabad vide this office letter No. ROC/Guj/Compounding/ Sec.441/8784 dated 13/01/2017 for consideration.
- 3) The Directorate (NWR), Ahmedabad vide its letter dated 07/02/2017 has stated that the violations of Section 193 of the Companies Act, 1956 for the years upto 31.03.2014 have been compounded subject to payment of compounding fees. With regard to violation of section 118 (1) of the Companies Act, 2013 for the financial year 2014-15, the Directorate has directed to the ROC, Gujarat to proceed for adjudication of penalty under section 454 (3) of the Companies Act, 2013.

- 4) The Company and its officers in default have rendered themselves liable to be panel action as provided in sub-section 11 of section 118 of the Companies Act, 2013. As per provision of section 118 (11), there is provision for penalty for which the ROC is empowered to adjudicate the penalty under section 453 (3) of the Companies Act, 2013.
- 5) 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 21.03.2017 for adjudicate penalty for violation of provision of section 118 (1) read with rule 25 of the Companies (Management and Administration) Rules, 2014.
- 6) In response to the adjudication notice issued by Registrar of Companies, Gujarat vide dated 09.03.2017 to the company and its officers in default in the matter have authorized Shri Ashish Doshi, Company Secretary vide authorisation dated 20.03.2017 to appear and represent before the adjudicating authority- Registrar of Companies, Gujarat on 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. .
- 7) That during the hearing on 21.03.2017, Mr. Ashish Doshi, Paracticing 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.

That keeping in mind all the relevant facts and after consideration of the oral submissions made by the Mr. Ashish Doshi, Practicing Company Secretary and Authorized Representative of the Respondents, it is observed that the company and Respondent No. 2 to 5 had committed default under section 118 (1) of the Companies Act, 2013 for the Financial Year 2014-15. After taking into consideration all the relevant facts of the cases, penalty Rs. 10,000/- on Company and Rs.750/- on each Respondents are hereby imposed.

The penalties imposed as under should be paid by the Respondents within 15 days and submit the copies of Challan to this office:-

Sr. No.	Name of the Respondents	Amount (In Rs.)
1.	M/s HALDYN GLASS LIMITED,	10,000/-
2.	Anwar abdulla Lambay (Company Secretary)	750/-
3.	Shri Tarun Narendra Shetty (Managing Director)	750/-
4.	Shri Narendra Dejoo Shetty (W.T.D.),	750/-
5.	Shri Ganesh Prasad Chaturevedi (KMP),	750/-

The adjudication notice stands disposed of with this order.

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

Signed this day of March, 2017.

Copy to:

1. Regional Director (NWR)
 Ministry of Corporate Affairs,
 Ahmedabad, with reference to his Letter No. RD (NWR)/441/Sec.193/
 264 to 267/2017/4710 dated 07.02.2017.
2. M/s HALDYN GLASS LIMITED,
 Village: Gavasad Tal. Padra. Dist. Vadodara- 391 430.
3. Anwar abdulla Lambay (Company Secretary)
 Ascon Acres 4, Naya Nagar, Mira Road (E),
 Dist.Thane, Thane, Maharashtra.
4. Shri Tarun Narendra Shetty (Managing Director)
 12-B, Balmoral, 7 Mount Mary Road, Bandra West,
 Mumbai 400 050.
5. Shri Narendra Dejoo Shetty (W.T.D.),
 12-B, Balmoral, 7 Mount Mary Road, Bandra West,
 Mumbai 400 050.
6. Shri Ganesh Prasad Chaturevedi (KMP),
 A-1505, Vishnu Shivam Tower, Thakur Village,
 Kandivali (East), Mumbai- 400 010.

o/c Narendra

5 APR 2017

589 TO 595

o/c