

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. JAMNAGAR COLD STORAGE PRIVATE LIMITED,

MAR 2019

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1. M/S. JAMNAGAR COLD STORAGE PRIVATE LIMITED
3, Dev arpan complex, Nr. Dev Hotel,
Nr. Kochrab Ashram, Paldi,
Ahmedabad- 380007
2. TRIVENIBEN RAMNIKLAL BHADRA (Director)
D-202, 15- Opp. Vikramnagar Colony,
Near Rambaug, Iskon-Ambli Road,
Bopal, Ahmedabad 380058.
3. RAMNIKLAL RANCHHODDAS BHADRA (Director)
D-202, 15- Iscon Ambli Road, Opp. Vikramnagar Colony,
Near Rambaug, Bopal, Ahmedabad 380058.Respondents

Date of hearing- 06.02.2019

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. Ms. Bhavna Satwani **Company Secretary
(PCS) and authorised
representative of the
above respondents.**

ORDER

The above named company was incorporated on 14.10.1992 and as per record of this office presently the company is having its Registered office situated at 3, Dev arpan complex, Nr. Dev Hotel, Nr. Kochrab Ashram, Paldi, Ahmedabad- 380007.

WHEREAS M/s. JAMNAGAR COLD STORAGE PRIVATE LIMITED (herein after referred to as "company") is a company having its Registered office at 3, Dev arpan complex, Nr. Dev Hotel, Nr. Kochrab Ashram, Paldi, Ahmedabad- 380007 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, on and from the fifteenth day 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.

Whereas the Directorate (NWR), Ministry of Corporate Affairs, Ahmedabad had issued letter dated 03.07.2018 to the Company at its registered office address situated at B/42 4th Floor, Pariseema-Complex, C G Road, Navrangpura, Ahmedabad, Gujarat- 380 009 regarding application under section 87 of the Companies Act, 2013 with regard to rectification in register of charges of the company. But the said letter was returned undelivered by the Postal Authority with the remarks of "**LEFT**".

1. **Whereas**, the Regional Director vide letter No. RD (NWR/Sec. 87/2018/3656 dated 25.10.2018 directed the undersigned that the subject company is not maintaining its registered office on the aforesaid address, thereby violated the provisions of Section 12(1) of the Companies Act, 2013 and initiate necessary action for violation of section 12(1) of the Companies Act, 2013.
2. 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.

3. 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 its Respondents on 15.11.2018. In response of the said notice, no reply filed by the Company and its officers in default.
4. This office issued adjudication notice for violation of section 12(1) of the Companies Act, 2013 to the Company and its Respondents on 27.12.2018 by giving an opportunity of being heard in the matter of adjudication proceeding before the undersigned on 17.01.2019. No one were present on the date of aforesaid hearing in the matter. However, on request of the authorized representative Ms. Bhavna Satwani, PCS of the Respondents, the matter was adjourned to 06.02.2019.
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 06.02.2019 for adjudicating penalty for violation of provision of section 12 (1) of the Companies Act, 2013.
6. In response to the adjudication notice dated 06.02.2019 issued by the undersigned, the Company and its officer in default have authorized Ms. Bhavna Satwani, Practicing Company Secretary vide Board Resolution dated 16.01.2019 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.
7. During the hearing on 06.02.2019, Ms. Bhavna Satwani, Practicing Company Secretary and Authorized representative of the Respondents reiterated submissions made in the adjudication notices. She tendered written submission dated 05.02.2019 before the members stating that the Letter issued by the Directorate was undelivered due to the maintenance activities going on in the complex where the registered office was situated during the month of July, 2018. She stated that the


registered office of the company was shifted form B/42 4th Floor, Pariseema-Complex, C G Road, Navrangpura, Ahmedabad, Gujarat- 380 009 to 3, Dev arpan complex, Nr. Dev Hotel, Nr. Kochrab Ashram, Paldi, Ahmedabad- 380007 w.e.f. 04.01.2019. She informed the members that violation on the part of the Respondents was absolutely unintentional and was committed inadvertently without any malafied intension.

8. That keeping in mind all the relevant facts and after consideration of the oral submissions made by Ms. Bhavna Satwani, Practicing Company Secretary and Authorized Representative of the Respondents, it is observed that the company and Respondent No. 2 & 3 have committed default under section 12 (1) of the Companies Act, 2013 for not maintaining of registered office. The submission dated 05.02.2019 made by the company appears to be satisfactory. However, as a matter of the fact that the notice sent by Directorate was undelivered due to maintenance activities was in progress in the Complex during default period, it is hereby ordered that sum of Rs. 3,000/- each to company and its 2 officers has been imposed 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. JAMNAGAR COLD STORAGE PRIVATE LIMITED	3,000/-
2.	TRIVENIBEN RAMNIKLAL BHADRA (Director)	3,000/-
3.	RAMNIKLAL RANCHHODDAS BHADRA (Director)	3,000/-
	Total Rs.	9,000/-

The adjudication notice stands disposed of with this order.


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

Signed this 06 day of February, 2019.

Copy to:

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Nr. Kochrab Ashram, Paldi,
Ahmedabad- 380007
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- ✓4. Mater File
5. Office Copy