

In the matter of Companies Act, 2013

And

**In the matter of adjudication proceeding under Sub-section (2)
of section 12 of the Companies Act, 2013.**

And

In the matter of M/s. KWENG MAGNETS LIMITED. /518

- 2 MAY 2019

1. M/s. KWENG MAGNETS LIMITED
J-66, GIDC Antalia, Billimora,
Dist. Navsari, Gujarat-396325.
2. JAYSHREE JITENDRA DESAI (DIRECTOR)
504, Abhishek Co Op Housing Society, Somnath Road,
Billimora, Gandevi, Navsari-396321, Gujarat
3. JITENDRA DHIRAJLAL DESAI (DIRECTOR)
504, Abhishek Co Op Housing Society, Somnath Road,
Billimora, Gandevi, Navsari-396321,
SURAT-395003.
4. PALLAVA JITENDRA DESAI (Director)
504, Abhishek Co Op Housing Society, Somnath Road,
Billimora, Gandevi, Navsari-396321,
SURAT-395003.
5. PANKIT JITENDRA DESAI (Director)
504, Abhishek Co. Op. Housing Society, Somnath Road,
Billimora, Gandevi, Navsari-396321,
SURAT-395003.

.....Petitioners.

Date of hearing- 24.04.2019

Present

1. Shri L. R. Meena, Registrar of Companies
2. Shri Sudhir Phaye, Dy. Registrar of Companies,
3. Shri A.G. Shaikh (PCS),

Adjudicating Officer

Presenting Officer

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

ORDER

The above named company was incorporated on 16.06.2017 and as per record of this office presently the company is having its Registered office situated at J-66, GIDC Antalia, Billimora, Navsari, Gujarat-396325.

WHEREAS M/s. KWENG MAGNETS LIMITED (herein after referred to as "company") is a company having its Registered office at J-66, GIDC Antalia, Billimora, Navsari, Gujarat-396325 registered under the provisions of the Companies Act, 2013 (hereinafter referred to as "Act") in the state of Gujarat.

And whereas As per Section 12(2) of the Companies Act, 2013, every company shall furnish to the Registrar verification of its registered office within a period of thirty days of its incorporation in such manner as may be prescribed in the Act.

And Whereas the Company had filed form No. INC-22 vide SRN H43389063 by delay of 562 days with regard to intimation of the Registered office of the company with the office of the undersigned on 29.01.2019. During examine the said application, it has been observed that the company has not filed the said form No. INC-22 within the prescribed time limit under the provisions of section 12(2) r.w. section 403 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(2) 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) Shri A.G. Shaikh, PCS and authorized representative of the company vide a letter dated 08.04.2019 submitted petition for adjudication of violation of section 12(2) of the Companies Act, 2013 on behalf of company and its five officers.
- 3) The office of the Registrar of Companies, Gujarat, Dadra and Nagar Haveli issued adjudication notice for violation of section 12(2) of the Companies Act, 2013 to the Company and its petitioners on 16.04.2019 by giving an opportunity of being heard in the matter of adjudication proceeding before the undersigned on 08.05.2019.


- 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 18.02.2019 for adjudicating penalty for violation of provision of section 12(2) of the Companies Act, 2013.
- 5) That in response of the adjudication notice dated 16.04.2019, Shri A.G. Shaikh (PCS) has visited to the office of the undersigned on 24.04.2019 and requested the undersigned to process and hear the matter of adjudication for violation of section 12(2) of the Companies Act, 2013 on 24.04.2019 in place of 08.05.2019. The adjudication office has grant the permission to Shri A.G. Shaikh (PCS) appears on behalf of the respondents for hearing the matter on spot on 24.04.2019 instead of 08.05..2019 accordingly.
- 6) In response to the adjudication notice dated 16.04.2019 issued by the undersigned, the Company and its officer in default have authorized Shri Shri A.G. Shaikh, Practicing Company Secretary vide Board Resolution dated 25.03.2019 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 24.04.2019, Shri Shri A.G. Shaikh, Practicing Company Secretary and Authorized representative of the petitioners 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.
- 8) That keeping in mind all the relevant facts and after consideration of the oral submissions made by Shri Shri A.G. Shaikh, Practicing Company Secretary and Authorized Representative of the petitioners, it is observed that the company and five officers have committed default under section 12 (2) of the Companies Act, 2013 for delay filing e-form INC-22 for maintaining of registered office of the Company. The submission made by the petitioners appears to be satisfactory. However, as a matter of fact that the applicant company inadvertently without any malafied intension could not be filed form No. INC-22 in time prescribed under the provisions of section 12(2) of the Companies Act, 2013, it is hereby ordered that sum of Rs. 20,000/- each to company and its five officers has been imposed as

penalty for delay filing form No. INC -22 as aforesaid 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. KWENG MAGNETS LIMITED | 20,000/- |
| 2. | JAYSHREE JITENDRA DESAI (Director) | 20,000/- |
| 3. | JITENDRA DHIRAJLAL DESAI (Director) | 20,000/- |
| 4. | PALLAVA JITENDRA DESAI (Director) | 20,000/- |
| 5. | PANKIT JITENDRA DESAI (Director) | 20,000/- |
| | Total Rs. | 1,00,000/- |

The adjudication notice stands disposed of with this order.


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

Signed this 24th day of April, 2019.

Copy to:

1. M/s. KWENG MAGNETS LIMITED
J-66, GIDC Antalia, Billimora,
Navsari, Gujarat-396325.
2. JAYSHREE JITENDRA DESAI (DIRECTOR)
504, Abhishek Co Op Housing Society, Somnath Road,
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Billimora, Gandevi, Navsari-396321,
SURAT-395003.

6. Shri A.G. Shaikh (PCS),
M-2, Super Tax Tower, Opp. Kinnary Cinema,
Riong Road, Surat-395 002- for information.

7. Master File

8. Office Copy