

In the matter of Companies Act 2013

And

**In the matter of adjudication proceeding under of section 12 of the
Companies Act, 2013**

And

In the matter of

29 MAY 2017/320

- 1) Madhur Industries Ltd.
Madhur Complex, 3rd Floor, Stadium Cross Road.
Navrangpura, Ahmedabad-380009
- 2) Shri Vinit Rameshchandra Parikh, (M.D. and CFO)
15/18, Shalin Bungalow, Vrajvan Soc, Bopal
Ahmedabad, Gujarat-3800058

.....Respondents

Date of hearing-16/05/2017

Present

1. Shri V.K. Khumbchandani, Registrar of Companies
2. Shri Sudhir Phaye, Dy. Registrar of Companies,
3. Shri Naresh Chandra, Senior Technical Assitany,
4. Shri Abish Shah

**Adjudicating officer
Presenting Officer
Present Staff**

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

ORDER

The above named Company was incorporated on 03/04/1973 and as per record of this office presently having its Registered office at 3rd Floor, Madhur Complex, Stadium Cross Road, Navrangpura, Ahmedabad-380009.

The technical scrutiny of the Balance Sheet for the financial year 2014-15 of the aforesaid named company was carried out by this office. In this regard, the Registrar of Companies, Gujarat had issued query letter under section 206(4) of the Companies Act, 2013 to the company on 12/07/2016, but the same was returned back with postal remark "Left". Therefore this office issued an adjudication notice for violation of section 12 of the Companies Act, 2013 to M/s. Madhur Industries Limited and its Managing Director & CFO on 17/03/2017 and subsequent reminder dated 02/05/2017 in the matter. In this regard company has submitted its replies vide letters dated 03/04/2017 and 16/05/2017. The company vide letter dated 16.05.2017 stated that the registered office of the company has been shifted to Madhur Complex, Stadium Cross Road, Navrangpura, Ahmedabad- 380 009 w.e.f. 12/04/2017 and also submitted copy of e-form INC 22 for reference. In view of the same section 12(1) of the Companies Act, 2013 is attracted for not capable to receive correspondence dated 12.07.2016.

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.

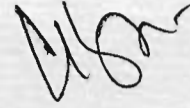
- 1) In view of the above facts the undersigned has reasonable cause to believe that the provision of Section 12(1) of the Companies Act, 2013 has not been complied with by the Company and its officer in default. Thus, the Company and its officer s in default have rendered themselves liable to be panel 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 adjudication notice for violation of section 12 of the Companies Act, 2013 to the Company and its Respondents on 17/03/2017 by giving an opportunity of being heard in the matter of adjudication proceeding before the undersigned on 05/04/2017. No one was remain present in the office of the undersigned on 05/04/2017. However, the Respondent company furnished reply vide letter dated 03/04/2017. The said replied of the company was not found satisfactory. Hence, an opportunity of being heard on 16/05/2017 in the matter was also given to the respondent and its officer in default.
- 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 16/05/2017 for adjudicate penalty for violation of provision of section 12 of the Companies Act, 2013 by issuing a notice dated 02/05/2017.
- 4) In response to the adjudication notice dated 02/05/2017 issued by the undersigned, the Company and its officer in default in the matter have authorized Shri Anish Shah, Practicing Company Secretary vide authorization letter dated 16/05/2017 to appear and represent before the adjudication 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.
- 5) That Shri Anish Shah, Practicing Company Secretary presented before the undersigned on 16/05/2017. That during the hearing on 16/05/2017, Shri Anish Shah, 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. In this connection.

That keeping in mind all the relevant facts and after consideration of the oral submissions made by Shri Anish Shah, Practicing Company Secretary and Authorized Representative of the Respondents, it is observed that the company Respondent had committed default under section 12(1) of the Companies Act, 2013 for not maintaining its registered office capable of receiving and acknowledging notice issued by this office of undersigned vide letter dated 12/07/2016. After taking into consideration all relevant facts of the cases, penalty Rs. 2000/- on the Company and Rs. 1,000/- on M.D. are imposed.

The penalties imposed as under should be paid by the Respondents within prescribed time as per law and submit the copies of Challan to this office:-

Sr. No.	Name of the Respondents	Amount (In Rs.)
1.	Madhur Industries Ltd. Madhur Complex, 3 rd Floor, Stadium Cross Road. Navrangpura, Ahmedabad-380009	2,000/-
2.	Shri Vinit Rameshchandra Parikh, (M.D. and CFO)	1,000/-

The adjudication notice stands disposed of with this order.

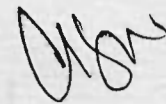


(V. K. Khubchandani)
Adjudicating Officer,
Registrar of Companies,
Gujarat, Dadra and Nagar Haveli.

Signed this _____

Copy to:

- 1) Madhur Industries Ltd.
Madhur Complex, 3rd Floor, Stadium Cross Road.
Navrangpura, Ahmedabad-380009
- 2) Shri Vinit Rameshchandra Parikh, (M.D. and CFO)
15/18, Shalin Bunglow, Vrajvan Soc, Bopal
Ahmedabad, Gujarat-3800058
- 3) Regional Director(NWR)
Ministry of Corporate Affairs,
Ahmedabad, with reference to the Directorate's Letter No.
RD(NWR)/TS(Ahm)/77A/2015/3629 dated 22.11.2016.
- 4) The Director (R & S Division)
Ministry of Corporate Affairs.
5th Floor, Paryavaran Bhavan. CGO Complex.
Lodhi Road, New Delhi
- 5) Mater File
- 6) Office Copy



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