

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. Maxsun Pharmaceutical Private Ltd.

- 1) M/s Maxsun Pharmaceutical Private Limited,
- 2) Shri Chetan Asodariya (Director)
- 3) CHIRAG HARSUKHBHAI ASODARIYA (Director)
- 4). Shri Harsukh Kanabhai Asodaria (Director)Respondents

Date of hearing- 23/11/2017

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 Piyush Jethva | Company Secretary (PCS) and
authorised representative of
the above respondents. |

ORDER

The above named company was incorporated on 16.01.2015 and as per record of this office presently the company is having its Registered office situated at 4/8/53 Nana Mandanbhais Chawl Lila, Nagar Bapunagar, Ahmedabad- 380 024.

The Regional Director (NWR), Ahmedabad vide letter No. RD (NWR)/Sec.16/122/2017/3370 dated 24.10.2017 has stated that an envelope regarding notice in the matter of hearing of Petition under Section 16 of the Companies Act, 2013 was returned with postal remarks "not Known" by the Postal authority due to undelivered at the registered office of the Company. Thus it was observed by the Regional Director (NWR) that M/s. Maxsun Pharmaceuticals Pvt. Ltd. is not maintaining its Registered Office at its address vize 4/8/53 Nana Mandanbhais Chawl Lila, Nagar Bapunagar, Ahmedabad- 380 024 (receivable upto 24.10.2017) and directed to this office to invoke the penal provisions under section 12 of the Companies Act, 2013 against the company.

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 453 (3) of the Companies Act, 2013.
- 2) The office of the Registrar of Companies, Gujarat, Dadra and Nagar Haveli issued notice for violation of section 12 of the Companies Act, 2013 to the Company and its Respondents on 27.10.2017, ~~2017~~. The Respondents have filed their replies vide letter dated 10.11.2017, which were not found satisfactory. 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 17.11.2017 by giving an opportunity of being heard in the matter of adjudication proceeding before the undersigned on 23rd November, 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 23.11.2017 for adjudicating penalty for violation of provision of section 12 (1) of the Companies Act, 2013.
- 4) In response to the adjudication notice dated 17.11.2017 issued by the undersigned, the Company and its officer in default have authorized Shri Piyush Jethva, Practicing Company Secretary vide authorization letters dated 22.11.2017 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.
- 5) During the hearing on 23.11.2017, Shri Piyush Jethva, 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. During the discussion, authorized representative has placed the written submission of the said premises.


That keeping in mind all the relevant facts and after consideration of the oral submissions made by Shri Piyush Jethva, Practicing Company Secretary and Authorized Representative of the Respondents, it is observed that the company and Respondent No. 2 and 3 had committed default under section 12 (1) of the Companies Act, 2013 for not maintaining of registered office. The submission made by the company appears to be satisfactory. However, it appears that company was not capable of receiving the Letter dated 10.10.2017 issued by the Directorate (NWR), Ahmedabad in term of section 12(1) of the Companies Act, 2013. After

taking into consideration all the relevant facts of the cases, penalty is imposed Rs. 1,000/- on Company and on each Respondents for the said period.

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

Sr. No.	Name of the Respondents	Amount (In Rs.)
1.	M/s. Maxsun Pharmaceuticals Private Limited	1,000/-
2.	Shri Chetan Asodariya (Director)	1,000/-
3.	Shri Chirag Asodariya (Director)	1,000/-
4.	Shri Harsukh Kanabhai Asodaria	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 day of December, 2017.

Copy to:

- 370
- 31 DEC 2017
- 1) M/s Maxsun Pharmaceutical Private Limited,
Above Khodiyar Steel, Nr. Nitin Studio, Nr Radhe Auto Chandresh
Nagar main Road Mavdi Plot Rajkot Rajkot -360004.
 - 2) Shri Chetan Asodariya (Director)
AT- NAPANIYA KHIJADIYA, TAL- KALAVAD
DIST- JAMNAGAR JAMNAGAR 361160
 - 3) CHIRAG HARSUKHBHAI ASODARIYA (Director)
BL-12, RADHIKA PARK, MAVDI BYPASS OPP
PUNAM DUMPER RAJKOT 360004.
 4. Shri Harsukh Kanabhai Asodaria (Director)
Napaniya Khuadiya Tal: Kalavad.Dist- Jamnagar- 361 001.
 - 5) Shri Piyush Jethva (PCS)
603, Star Plaza, Phulchhab Chowk, Rajkot- 360 001.
 - 6) Regional Director (NWR)
Ministry of Corporate Affairs,
Ahmedabad, with reference to the Directorate's Letter No. RD (NWR)
Sec. 16//122/2017/3370 dated 20.10.2017.

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

8) Mater File

9) Office Copy



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