

भारत सरकार  
कारपोरेट कार्य मंत्रालय  
कंपनी रजिस्ट्रार का कार्यालय  
100, "एवरेस्ट", मरिन ड्राईव, मुंबई - 400002  
दुरभाष / TELE : 2281 2627, 2281 2645, 2281 3760  
फैक्स / FAX : 2281 1977



सीड बाक सेवा  
SPEED POST

GOVERNMENT OF INDIA  
MINISTRY OF CORPORATE AFFAIRS  
OFFICE OF THE REGISTRAR OF COMPANIES  
100, "EVEREST", MARINE DRIVE,  
MUMBAI - 400 002  
Website : [www.mca.gov.in](http://www.mca.gov.in)  
e-Mail ID : [roc.mumbai@mca.gov.in](mailto:roc.mumbai@mca.gov.in)

No.ROC(M)/CMC/RS/ADJ-ORDER/035703/

Date :

14 JAN 2020

Order for Penalty under Section 454 for violation of  
Section 12(1) r/w Section 12(4) of the Companies Act, 2013.

IN THE MATTER OF RASHMI HOSPITALITY SERVICES PRIVATE LIMITED  
(U55100MH2003PTC140632).

**Appointment of Adjudicating Officer:-**

Ministry of Corporate Affairs vide its Gazette Notification No A-42011/112/2014-Ad.II dated 24.03.2015 appointed the undersigned as Adjudicating Officer in exercise of the powers conferred by section 454 of the Companies Act, 2013 [ herein after known as Act] read with Companies (Adjudication of Penalties) Rules, 2014 for adjudging penalties under the provisions of this Act.

1. **Company:-**

Whereas, the Company RASHMI HOSPITALITY SERVICES PRIVATE LIMITED [herein after known as Company] is a registered company with this office under the provisions of Companies Act, 1956 having its registered address K-6 KAKA COMPLEX, NEAR DUKES FACTORY, W T PATIL MARG, CHEMBUR, MUMBAI, Maharashtra, 400088, India, as per the MCA portal.

2. **Facts about the Case:-**

Whereas, it has been observed from the bills issued by the Company to IICA, Manesar that, the above named Company has not mentioned address of its registered office, CIN, along with phone number, fax number on its billheads between May, 2018 to January, 2019 and the company has also been mentioning its CIN since December, 2018 as required

under the provisions of Section 12(3)(c) of the Companies Act, 2013. The company and every officers have violated the said provisions.

3. Following was mentioned in the aforesaid SCN dated 18.12.2019:-

It has been observed from the bills issued by the Company to IICA, Manesar, that, the above named Company has not mentioned address of its registered office, CIN, along with phone number, fax number on its billheads between May, 2018 to January, 2019 and the company has also been mentioning its CIN since December, 2018 as required under the provisions of Section 12(3)(c) of the Companies Act, 2013. The company and every officers have violated the said provisions. Therefore, the company and every officers are liable for penalty proceedings, for aforesaid violation. The show cause notice was issued to the Company and its directors on its available registered office address as per the MCA portal K-6 KAKA COMPLEX, NEAR DUKES FACTORY, W T PATIL MARG, CHEMBUR, MUMBAI, Maharashtra, 400088, India. The notice issued to the Company and one of the Director SUDHAKAR HIRIYANNA SHETTY was returned back undelivered by the Postal Authorities with remark "Insufficient address". The notice addressed to other director, SURENDRA SUNDER SHETTY was served. The Company authorized to appear Mrs. Neena Deshpande, Practicing Company Secretary on hearing dated 6<sup>th</sup> January, 2020 and submitted written representation against the notice issued to the Company.

4. Section 12(3)(c) is reproduced as under:-

**Section 12(3)(c)** - Every company shall get its name, address of its registered office and the Corporate Identity Number along with telephone number, fax number, if any, e-mail and website addresses, if any, printed in all its business letters, billheads, letter papers and in all its notices and other official publications; and

**Section 12(8)** - If any default is made in complying with the requirements of this section, the company and every officer who is in default shall be liable to a penalty of one thousand rupees for every day during which the default continues but not exceeding one lakh rupees.

5. **Factors to be taken into account by the Adjudicating Officer:-**

While adjudging quantum of penalty under section 12(8) of the Act, the Adjudicating Officer shall have due regard to the following factors, namely:

- a. The amount of disproportionate gain or unfair advantage, wherever quantifiable, made as a result of default.
- b. The amount of loss caused to an investor or group of investors as a result of the default.
- c. The repetitive nature of default

With regard to the above factors to be considered while determining the quantum of penalty, it is noted that the disproportionate gain or unfair advantage made by the noticee or loss caused to the investor as a result of the delay on the part of the noticee to redress the investor grievance are not available on record. Further, it may also be added that it is difficult to quantify the unfair advantage made by the noticee or the loss caused to the investors in a default of this nature.

6. **ORDER:-**

Having considered the facts and circumstances of the case and after taking into account the factors above and during hearing and in written representation of the authorized representative of the Company Mrs. Neena Deshpande, Practicing Company Secretary, has accepted that, the Company was non-compliant with Section 12 of the Companies Act, 2013 as the Company had not mentioned address of its registered office, CIN, along with phone number, fax number on its billheads between May, 2018 to December, 2018. Accordingly, I hereby impose a penalty of Rs.1,00,000/- (**Rupees One Lakh only**) on each of the addressees of this order, as the default started from May, 2018 to December, 2018. I am of this opinion that, the penalty is commensurate with the aforesaid failure committed by the Noticee.

The Noticee shall pay the said amount of penalty by way of Demand Draft in favour of "Pay & Accounts Officer", Ministry of Corporate Affairs, Mumbai, payable at Mumbai, within 90 days of receipt of this order. The Demand Draft shall be forwarded to this Office Address.

Appeal against this order may be filed in writing with the Regional Director (WR), Ministry of Corporate Affairs, Everest, 5<sup>th</sup> Floor, Marine Drive, Mumbai - 2, within a period of sixty days from the date of receipt of this order, in Form ADJ [available on Ministry website [www.mca.gov.in](http://www.mca.gov.in)] setting forth the grounds of appeal and shall be accompanied by a certified copy of the this order. [Section 454(5) & 454(6) of the Act read with Companies (Adjudicating of Penalties) Rules, 2014].

Your attention is also invited to section 454(8) of the Act in the event of non-compliance of this order.

*mda*  
*14/01/2020*  
(MANO RANJAN DAS)

Registrar of Companies and Adjudicating Officer,  
Maharashtra, Mumbai.

To,

RASHMI HOSPITALITY SERVICES PRIVATE LIMITED  
K-6 KAKA COMPLEX, NEAR DUKES FACTORY, W T PATIL MARG,  
CHEMBUR, MUMBAI, Maharashtra, 400088, India.

SUDHAKAR HIRIYANNA SHETTY  
Chirayu Plot No 24, Green Garden,  
W. T. Patil Marg, Acharya Nagar, Chembur,  
Mumbai, 400088, Maharashtra, India.

SURENDRA SUNDER SHETTY  
FLAT NO 601, 6TH FLOOR, MADHURI APARTMENTS,  
NEAR R.B.I.QUARTERS, P. J. PATIL MARG, CHEMBUR,  
MUMBAI, 400071, Maharashtra, India.

Copy for information to :

The Regional Director, (WR)  
Everest, Mumbai.

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*dc*  
*13-01-2020*