

o/c

In the matter of Companies Act 2013

And

In the matter of adjudication proceeding under Sub-section (1) of section 118 of the Companies Act, 2013 and read with section 454 (3) of the Companies Act, 2013.

And

In the matter of

26 APR 2017

2015 TO 2017

- 1) M/s Soma Tech Private Limited,
E-114/GIDC-Savli, P.O. Manjusar, Distt: Vadodara, Gujarat.
- 2) Shri Biharilal Parikh (Director)
502, Gyanhog Apartment, Suraia Town,
Ghod Dod Road, Surat- 395 007.
- 3) Shri Kaushal Biharibhai Parikh (Director)
502, Gyanhog Apartment, Suraia Town,
Ghod Dod Road, Surat- 395 007.

.....Respondents

Date of hearing- 20/04/2017

Present

1. Shri V. K. Khubchandani, (ROC)
2. Shri Sudhir Phaye – Dy. Registrar of Companies,
3. Shri Naresh Chandra, Senior Technical Assistant
4. Shri A.G. Shaikh,

Adjudicating Officer

Presenting Officer

Present staff

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

ORDER

The above named company was incorporated on 23.12.2006 and presently having its Registered office situated at E-114/GIDC-Savli, P.O. Manjusar, Distt: Vadodara, Gujarat.

As per the Ministry's order vide letter No. 04/112/2015/CL-II dated 10/12/2015, the inspection of books of account and other records of the Company was carried out Under section 206(5) of the Companies Act, 2013 was not by the Directorate (NWR), Ahmedabad. During the course of inspection of the Books of accounts and other records of the company by an officer appointed by the Central Government, under Section 206(5) of the Companies Act, 2013, it was observed and inter-alia pointed out by the Inspecting officer that provisions of **Section 118(1)** of the Companies Act, 2013 (Corresponding section 193 of the Companies Act, 1956) has been contravened as under:-

o/c

“During the inspection of books of accounts and directors report dated 18.05.2015 under the heading Meeting of the Board of Director, the Inspection officer observed that during the financial year 2014-15, the company held 6 meetings of the board of directors as per section 173 of the Companies Act, 2013 on 26.07.2014, 02.09.2014, 22.09.2014, 08.11.2014, 12.02.2015 and 26.03.2015, whereas as per the minute book (page no. 57) the meeting held on 02.09.2014 was 37th Board meeting and the every next board meeting was held on 22.09.2014 which was termed as 39th board meeting (page No. 60). Company has not minuted the proceeding of 38th board meeting as the same was not recorded in the minutes book. Hence violated the provision of Section 118 r.w. Rule 25 of the Companies (Management and Administration) Rules, 2014 (Corresponding section 193 of the Companies Act, 1956)”

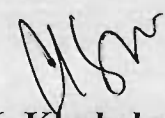
- 1) In view of the above facts the undersigned has reasonable cause to believe that the provision of Section 118 of the Companies Act, 2013 has not been complied with by the Company and its officers in default. The office of the Registrar of Companies, Gujarat, Dadra and Nagar Haveli issued adjudication notice for violation of section 118(1) of the Companies Act, 2013 to the Company and its two Respondents on 11.04.2017.
- 2) The Company and its officers in default have rendered themselves liable for panel action as provided in sub-section 11 of section 118 of the Companies Act, 2013. As per provision of section 118 (11), there is provision for penalty for which the ROC is empowered to adjudicate the penalty under section 453 (3) of the Companies Act, 2013.
- 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 20.04.2017 for adjudicate penalty for violation of provision of section 118 (1) read with rule 25 of the Companies (Management and Administration) Rules, 2014.
- 4) In response to the adjudication notice issued by Registrar of Companies, Gujarat, Ahmedabad vide dated 11.04.2017 the company and its officers in default in the matter have authorized to Shri A.G. Shaikh, Company Secretary in practice vide authorization dated 19.04.2017 to appear and represent before the adjudicating authority- Registrar of Companies, Gujarat, Ahmedabad on above given date and time for oral and written submission and to all acts and things as may be necessary and incidental in the matter. .
- 5) That Shri A.G. Shaikh (PCS) presented before the undersigned on 20.04.2017. During the hearing on 20.04.2017, Shri A. G. Shaikh, 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.

That keeping in mind all the relevant facts and after consideration of the oral submissions made by the Mr. A.G. Shaikh, Practicing Company Secretary and Authorized Representative of the Respondents, it is observed that the company and Respondent No. 2 to 3 had committed default under section 118 (1) of the Companies Act, 2013 for the Financial Year 2014-15. After taking into consideration all the relevant facts of the cases, penalty of Rs. 5,000/- on Company and Rs.950/- on each Respondents are hereby imposed.


The penalties imposed as under should be paid by the Respondents within 10 days and submit the copies of Challan to this office:-

Sr. No.	Name of the Respondents	Amount (In Rs.)
1.	M/s Soma Tech Private,	5,000/-
2.	Biharilal Parikh (Director)	950/-
3.	Shri Kaushal Biharibhai Parikh (Director)	950/-

The adjudication notice stands disposed of with this order.

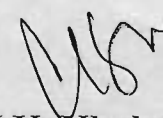

(V.K. Khubchandani)
Adjudicating Officer
Registrar of Companies,
Gujarat, Dadra and Nagar Haveli.


Signed this day of April, 2017.


Narela

Copy to:

1. M/s Soma Tech Private Ltd.,
E-114/GIDC-Savli, P.O. Manjusar, Distt: Vadodara, Gujarat.
2. Shri Biharilal Parikh (Director (Director)
502, Gyanhog Apartment, Suraia Town,
Ghod Dod Road, Surat- 395 007.
- 3) Shri Kaushal Biharibhai Parikh
502, Gyanhog Apartment, Suraia Town,
Ghod Dod Road, Surat- 395 007
- 4) Regional Director (NWR)
Ministry of Corporate Affairs,
Ahmedabad, with reference to his Letter No. RD (NWR)/206(5)
Insp./27/2016-17/4855 dated 15.02.2017.
- 5) The Director (R & S Division)
Ministry of Corporate Affairs,
5th Floor, Paryavaran Bhavan, CGO Complex,
Lodhi Road, New Delhi
- 6) Mater File
- 7) Office Copy


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


Narela