

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

5 JUN 2017

9/10

- 1) M/s STONE SAPPHIRE INDIA PRIVATE LIMITED,,
PLOT NO. 627, GIDC, SAVLI, MANJUSAR,
SAVLI ROAD, SAVLI, VADODARA- 391 775.
2. BINA JITENDRA SINGH RANA (DIRECTOR),
11, FIRST FLOOR, ANUPAM SOCIETY,
JETALPUR ROAD, VADODARA, GUJARAT – 390005.
3. NINA SHOBHIT KUMAR SINGH (Director),
1 FIRST FLOOR ANUPAM SOCIETY
JETALPUR ROAD, VADODARA, Gujarat – 390005
4. VIKRAM JITENDRA RANA (Director)
LOTUSLITY HOUSE 2 ORCHID BUNGLOW
OLD PADRA ROAD, VADODARA, Gujarat – 390020.

.....Respondents

Date of hearing- 30/05/2017

Present

- | | |
|--|---|
| 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 Depak Rachcha, Advocate, | Advocate and
authorised representative of
the above respondents. |

ORDER

The above named company was incorporated on 17.01.2007 and as per record of this office presently having its Registered office situated at Plot No. 627, GIDC, Savli, Manjusar, Savli Road, Savli, Vadodara- 391 775.

The Regional Director (NWR), Ahmedabad had sent letter to M/s. Stone Sapphire India Private Limited in the matter of Scheme of Arrangement vide letter No. RD (NWR),391-394/5683/2016/3371 dated 27.10.2016. But the same was returned with the postal remark "Company has been closed". Thus it was observed by the Regional Director (NWR) that M/s. Stone Sapphire India Private Limited is not maintaining its Registered Office on the aforesaid address, thereby violated the provisions of Section 12(1) of the Companies Act, 2013. Further, the Regional Directorate

(NWR) vide their letter No. RD (NWR)/391-394/(568)/2016/4661 dated 03.02.2017 has directed this office to initiate action under section 12(8) for violation of Section 12(1) of the Companies Act, 2013.

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 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 Directors on 28.04.2017 by giving an opportunity of being heard in the matter of adjudication proceeding before the undersigned on 3rd May, 2017. No one was present on 3rd May, 2017 in the office of the undersigned. However, the company vide letter dated 04.05.2017 stated that the Registered office of the company is situated Plot No. 627, GIDC Savli, Manjusar, Savli Road, Savli, Vadodara- 391 775, and the company has not change its registered address till date. Due to some technical problems and for reconstruction of Shed purpose, its corporate office was shifted to 31, Orchid Bungalow, B/H. AMIS House, O.P. Road, Vadodara- 390 020 on temporarily basis.
- 3) The reply of the company dated 04.05.2017 was not found satisfactory, hence, this office vide letter No. ROC/Guj/STA(N)/Sec-454(12)/2017 dated 15.05.2017, once given last opportunity of being heard on 18.05.2017 at 11.00 AM in the office of the undersigned. The company vide letter dated 18.05.2017 informed that our consultant for company law matters is out of town and hence, we are not in a position to attend in the office of the undersigned on 18th May, 2017 and requested to grant an adjournment atleast 10 days. Accordingly, this office vide letter dated 19.05.2017 given a last opportunity for hearing in the matter of adjudication proceeding before the undersigned on 30th May, 2017
- 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 30.05.2017 for adjudicate penalty for violation of provision of section 12 (1) of the Companies Act, 2013.
- 5) In response to the adjudication notice dated 19.05.2017 issued by the undersigned, the Company and its officer in default in the matter have authorized Shri Dipak Rachcha, Advocate vide authorization letter dated 29.05.2017 to appear and represent before the adjudicating 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.
- 6) That Shri Dipak Rachcha, advocate presented before the undersigned on 30.05.2017. During the hearing on 30.05.2017, Shri Dipak Rachcha, advocate and authorized representative of the

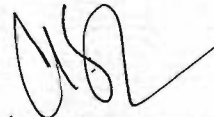
Respondents reiterated submissions made in the adjudication notices. He further submitted that violation on the part of the Respondents was absolutely unintentional and was committed inadvertently without any malafied intension.


- 7) That keeping in mind all the relevant facts and after consideration of the oral submissions made by Shri Dipak Rachcha, Advocate and Authorized Representative of the Respondents, it is observed that the company and Respondent No. 2 to 4 had committed default under section 12 (1) of the Companies Act, 2013 for not maintaining of registered office capable on receiving and acknowledging notice issued by the Directorate vide Letter dated 27.10.2016. After taking into consideration all the relevant facts of the cases, penalty of Rs. 2,000/- on Company and Rs. 950/- on each Respondents has been 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.	M/s. Stone Sapphire India Private Limited	2,000/-
2.	BINA JITENDRA SINGH RANA (Director)	950/-
3.	NINA SHOBHIT KUMAR SINGH (Director),	950/-
4.	VIKRAM JITENDRA RANA (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 2 day of ^{June} July, 2017.


Copy to:

1. M/s STONE SAPPHIRE (INDIA) PRIVATE LIMITED,
PLOT NO. 627, GIDC, SAVLI, MANJUSAR,
SAVLI ROAD, SAVLI, VADODARA- 391 775.
2. BINA JITENDRA SINGH RANA (Director),
11, FIRST FLOOR, ANUPAM SOCIETY,
JETALPUR ROAD, VADODARA, Gujarat – 390005
3. NINA SHOBHIT KUMAR SINGH (Director),
11, FIRST FLOOR, ANUPAM SOCIETY,
JETALPUR ROAD, VADODARA, Gujarat – 390005
4. VIKRAM JITENDRA RANA (Director)
LOTUSLITY HOUSE 2 ORCHID BUNGLOW,

OLD PADRA ROAD, VADODARA, Gujarat – 390020

5. Regional Director (NWR)
Ministry of Corporate Affairs,
Ahmedabad (with reference to the Directorate's Letter No. RD (NWR)
/391-394/(568)/2016/4661 dated 03.02.2017.)
6. The Director (R & S Division)
Ministry of Corporate Affairs,
5th Floor, Paryavaran Bhavan, CGO Complex,
Lodhi Road, New Delhi

✓ Mater File

8. Office Copy



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