

BEFORE THE ADJUDICATING OFFICER

ROC -cum- OL, ODISHA, CUTTACK

(ADJUDICATION ORDER NO. ROC/CTC/AO/12/28949/2020)

ORDER

**UNDER SECTION 454 OF THE COMPANIES ACT, 2013 READ WITH THE
COMPANIES (ADJUDICATION OF PENALTIES) RULES, 2014**

**APRP FOODS & BEVERAGES PRIVATE LIMITED
CIN : U15127OR2017PTC027450**

Appointment of Adjudicating Officer :-

01. The 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 (hereinafter referred to as "the A.O") in exercise of the powers conferred under Section 454 of the Companies Act, 2013 (herein after known as **The Act**) read with Companies (Adjudication of Penalties) Rules, 2014.

Company :-

- 02 APRP Foods & Beverages Private Limited (herein after known as the Company) CIN U15127OR2017PTC027450 is a registered company with the office of the ROC -cum- OL, Odisha and having its registered office address at At : Plot No. 296, Po: Kalyani Nagar, P.S. Madhupatna, Cuttack : 753 013, Odisha, India as per the records maintained by this office in online registry.

Show Cause Notice, Reply and Personal Hearing :

03. On the basis of complaint received by this office letters were issued vide No. ROC/COMPT/27450/1651(2) dated 22.10.2019 and ROC/COMPT/27450/1838(2) dated 13.11.2019 to the Company and its Managing Director viz. Shri Parsuram Jena, Managing Director seeking clarification. The aforesaid notices addressed to the company were returned undelivered with the postal remark "ISA R/S"

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04. As both the aforesaid notices/letters addressed to the company were returned undelivered, it is presumed that the company has not maintained its registered office at the recorded address furnished by it and available in MCA21 records. Hence, the Adjudicating Officer issued Show Cause Notice under Sub-Rule (2) of Rule 3 of the Companies (Adjudication of Penalties) Rules, 2014 for contravention of Section 12(1) of the Companies Act, 2013 to the Company and its directors/officer-in-default viz. Shri Parsuram Jena (DIN 07892808), Shri Basudev Jane (DIN 07892834) and Shri Shashmit Jena (DIN 07892849) but the Show Cause Notices addressed to the company and one of the Director Shri Shashmit Jena were returned undelivered with postal remark "No Addressee found". The Managing Director viz. Shri Parsuram Jena furnished his clarification stating that the company has already made corrections to its registered office address on MCA website by filing e-form INC 22 with effect from 30.10.2019.

05. Thereafter, Notice of Inquiry was also issued vide this office Show Cause Notice No. ROC/Sec. 454/27450/2019/2183(4) dated 27.12.2019 pursuant to Rule (3) of Companies (Adjudication of Penalties) Rules, 2014 to the Company and Officers/Directors (Noticee) calling upon them to appear personally or through authorized representative under Rule 3(3) of the Companies (Adjudication of Penalties) Rules, 2014 on 13.01.2020 at 5.00 PM. On the said date CS Mohit Gupta, authorized representative appeared before the Adjudicating Officer and requested for adjournment. Further, due to COVID-10 pandemic the matter kept hold till the situation normalized and letter has been issued fixing the date of hearing on 20.01.2021 at 2.30 PM and again adjourned to 25.01.2021 at 11.30 PM.

Provisions of the Companies Act, 2013 :

06. Sub-Section (1) of Section 12 of the Act provides, "A company shall, on and from the fifteenth day of its incorporation and at all times thereafter, have a registered office capable of receiving and acknowledging all communication and notices as may be addressed to it."

ORDER

07. On the fixed date i.e. on 24.02.2020, CS Mohit Gupta, Authorized representative and Power of Attorney Holder and Shri Parsuram Jena, Managing Director appeared before the Adjudication Officer and stated that due to wrong Pin Code the earlier letter returned undelivered and they have already filed Form No. INC-22 vide SRN R25145087 on 19.12.2019 for rectification of the same.
08. Having considered the facts, circumstances and documentary evidence of the case, and after taking into account of the factors above, the A.O. is of the considered view that the company filed the Form No. INC-22 on 19.12.2019 for change of Pin Code with effect from 30.10.2019 which seems to be after thought as the letter dated 22.10.2019 issued by this office to the company was returned undelivered on 28.10.2019. Hence, the A.O do hereby impose penalty on the Company and its Directors/Officer-in-Default as per Table below for violating the provisions of Section 12 of the Companies Act, 2013.

Violation of the Companies Act, 2013	No. of days of Default*	Penalty imposed on Company/ Directors	Penalty Imposed (Rs.)	Total (in Rs.)
Provisions of Section 12 of the Companies Act, 2013 (Non-maintenance of Registered Office)	51 days*	On Company	Rs. 51,000/-	51,000/-
		Shri Parsuram Jena,	Rs. 51,000/-	51,000/-
		Shri Basudev Jena	Rs. 51,000/-	51,000/-
		Shri Shashmit Jena	Rs. 51,000/-	51,000/-

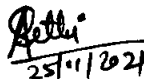
- No. of days have been calculated from 28.10.2019 (Date of returned of first letter issued by this office) to 19.12.2019 (Date of filing of Form No. INC-22) (Both days excluded)
09. The company and its directors are hereby directed to rectify the default immediately from the date of receipt of copy of this order.

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10. The Penalty imposed shall be paid through the Ministry of Corporate Affairs portal only.
11. Appeal if any against this order may be filed in writing with the Regional Director, Eastern Region, Ministry of Corporate Affairs, Nizam Palace, 3rd Floor, 234/4, A.J.C. Bose Road, Kolkata : 700 020 within a period of sixty days from the date of receipt of this order, in Form ADJ setting forth the grounds of appeal and shall be accompanied by a certified copy of this order. [Section 454 of the Companies Act, 2013 read with the Companies (Adjudicating of Penalties) Rules, 2014].
12. Your attention is also invited to Section 454(8) of the Act regarding consequences of non-payment of penalty.
13. In terms of the provisions of sub-rule (9) of Rule 3 of the Companies (Adjudication of Penalties) Rules, 2014, a copy of this order is being sent to (1) APRP Foods & Beverages Private Limited, Plot No. 296, Po: Kalyani Nagar, P.S. Madhupatna, Cuttack : 753 013, (2) Shri Parsuram Jena, Managing Director (DIN 07892808), S/o. Basudeb Jena, At: Mandari, Benjarapur, Mandari, Jajpur : 755 003 (3) Shri Basudev Jena, Director (DIN 07892834), S/o. Ganeswar Jena, C/o. Bairab Charan Sahoo, At: Gandharba Sahoo Lane, Kalyani Nagar, Cuttack : 753 013 and (4) Shri Shashmit Jena, Director (DIN 07892849), S/o. Baishnaba Mallick, At: Mandari, Benjarapur, Jajpur : 755 003 and also the Secretary to the Govt. of India, Ministry of Corporate Affairs, Shastri Bhawan, A Wing, 5th Floor, Dr. R. P. Road, New Delhi : 110 001.

Place : Cuttack

Dated, the 25th January, 2021


25/01/2021
(A. K. SETHI)
Adjudicating Officer, Odisha
ROC -cum- OL, Odisha