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एवं हरियाणा
चतुर्थ तल, आई.एफ.सी.आई. टॉवर, 61 नेहरू प्लेस,
नई दिल्ली - 110019



GOVERNMENT OF INDIA
MINISTRY OF CORPORATE AFFAIRS,
OFFICE OF REGISTRAR OF COMPANIES,
NCT OF DELHI & HARYANA
4TH FLOOR, IFCI TOWER, 61, NEHRU PLACE,
NEW DELHI - 110019

No.ROC/D/2018/Associated Label Industries/ 11209 - 11214, 11215 Dated 29.03.2019.

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

एसोसिएटेड लेबल इंडस्ट्रीज प्राइवेट लिमिटेड
ASSOCIATED LABEL INDUSTRIES PRIVATE LIMITED
U74899DL1994PTC060838

Appointment of Adjudicating Officer:-

Ministry of Corporate Affairs vide its Gazette Notification No A-42011/112/2014-Ad.II dated 24.03.2015 appointed 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.

Company:-

Whereas Company **Associated Label Industries 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 at F-33/8, Okhala Industrial Area, Phase-II, New Delhi-110020, India, as per the MCA website.

Facts about the Case:-

Whereas this office had received a letter dated 12.07.2018 from the office of the Regional Director (NR) stating that the letter no 101/05/T-1/2018/3332 dated 14.06.2018 was issued to the petitioner company at its registered office address asking for information which has been received back undelivered with marking "**No such**

Company", which is a violation of Section 12 (3) (a) and which attracted penal provisions of Section 12 (8) of the Companies Act, 2013.

Subsequently, this office had issued Show Cause Notice U/s. 454 for violation of Section 12 of the Act vide No. ROC/D/2018/Associated Label Industries/4472-4476 dated 30.07.2018 to the company and its officers, in default.

Following was mentioned in the aforesaid Show Cause Notice dated 30.07.2018

Whereas this office had received a letter dated 12.07.2018 from the office of the Regional Director (NR) stating that the letter no 101/05/T-1/2018/3332 dated 14.06.2018 was issued to the petitioner company at its registered office address asking for information which has been received back undelivered with marking "**No such Company"**, which is a violation of Section 12 (3) (a) and which attracted penal provisions of Section 12 (8) of the Companies Act, 2013.

That no reply has been received to the show cause notice dated 30.07.2018.

(a) Hence this office issued "Notice for Inquiry" vide No. ROC/D//2018/Associated Label Industries/5670-5675 dated 10.09.2018 to the company and directors/Officers in default, to appear personally or through authorized representative under Rule 3 (3), Companies (Adjudication of Penalties) Rules, 2014 on **12.09.2018** [at 10.30 A.M.] and Noticees were advised to submit their response, if any, three days prior to date of inquiry i.e. **12.09.2018**.

(b) On the date of hearing i.e. **12.09.2018**, Mr. Rajendra Sehrawat and Mr. Davinder Nath Sood, directors of the subject company appeared on behalf of the Company or its directors and submitted that the office of the subject company was under maintenance due to which boards and holdings were not displayed and Regional Director got the letter back undelivered stating that "NO SUCH COMPANY FOUND". Further other letters were duly received by the company. Further as they requested to

give some time to furnish the documents in support of the claim so made, next date of hearing was scheduled to 05.02.2019 at 11.30 A.M.

(c) Meanwhile this office conducted physical verification of the registered office of the subject company however no such company was found at the designated address.

(d) On the date of hearing i.e. on 05.02.2019 Shri Rajendra Sehrawat appeared along with the documentary evidences and submitted that the company was undergoing renovation for at least one month period. As regards to the visit of the official of this office, Shri Sehrawat has submitted that he has talked with the said official on mobile and informed him that the sign board is available in the upper side instead of gate of the premises.

(e) In view of the facts narrated above, the company and its directors/officers, in default are liable for penalty as per section 12(8) of the Act.

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

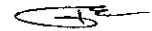
While adjudging quantum of penalty under section 12(8) of the Act, the Adjudicating Officer shall have due regard to the following factors, namely:

- 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

10. 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.

ORDER

11. Having considered the facts and circumstances of the case and after taking into account the factors above, I hereby impose a penalty of **Rs.30000/- (Rupees Thirty thousand Thousand Only)** on each of the addressees of this order, as the renovation work was done for approximately one month i.e. 30 days under Section 12(8) of the Act for failure to make compliance of the Act u/s. 12(1) r/w 12(4) of the Act. I am of this opinion that penalty is commensurate with the aforesaid failure committed by the Noticee.
12. The noticee shall pay the said amount of penalty by way of Demand Draft in favour of "Pay & Accounts Officer, Ministry of Corporate Affairs, New Delhi, payable at Delhi, within 90 days of receipt of this order. The Demand Draft shall be forwarded to this Office Address.
13. Appeal against this order may be filed in writing with The Regional Director (NR), Ministry of Corporate Affairs, B-2 Wing, 2nd Floor, Paryavaran Bhawan, CGO Complex, Lodhi Road, New Delhi-110003 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] 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].
14. Your attention is also invited to section 454(8) of the Act in the event of non-compliance of this order.



(Kamal Harjani)
Adjudicating Officer
NCT of Delhi & Haryana

To

1. Associated Label Industries Private limited,
F-33/8, Okhla Industrial Area, Phase-II,
New Delhi-110020, India.

o/c
27.03.2018

2. Ms. Vidya Chaudhry,
B-36, Pocket B, Mayur Vihar,
Phase-II, Delhi-110091, India.
3. Mr. Rajender Sehwat,
1697, Sector-B, Pocket-1, House No 1297 to 1864,
Vasant Kunj, Delhi-110070, India.
4. Mr. Davinder Nath Sood,
49, Regency Farms, Fatehpur Beri,
South Delhi-110074, India.
5. Mr. Kamal Miglani,
D-301, lagoon Apartments, Ambience Island, NH_8,
Gurgaon-122002, Haryana, India.
6. Mr. Abhinav Sood,
49, Regency Farms, Asola, Fatehpur Beri,
South Delhi-110074, India.

Copy to:-

The Regional Director (NR),
Ministry of Corporate Affairs,
B-2 Wing, 2nd Floor, Pt. Deendayal Upadhyaya Bhawan,
CGO Complex, Lodhi Road, New Delhi-110003, for information.