

भारत सरकार
कापोरट कार्य मंत्रालय
कार्यालय कंपनीज रजिस्ट्रार, दिल्ली
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/2017/PV/Aventra Tech Pro/ 4956-4958

Dated 20.9.19

Order for Penalty under Section 454 (8) (i) & (ii) for violation of section 12(1) r/w Section 12(4) of the Companies Act, 2013

AVENTRA TECHPRO (OPC) PRIVATE LIMITED

U51900DL2016OPC306229

Appointment of Adjudicating Officer:-

1. 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:-

1. Whereas Company **Aventra Techpro (OPC) 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-65, Gali No. 6, West Jyoti Nagar Extn, Delhi-110093, India, as per the MCA website.

Facts about the Case:-

Whereas this office has received a letter from the office of RD (NR) stating that a letter was issued to applicant company vide letter dated 17.11.2017 with direction to submit all the pending documents/ information within 10 days (latest by 27.11.2017) but the said letter was returned back undelivered with postal remarks "No Such Person/Company" which is a violation of Section 12 (1) 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/PV/Aventra Techpro (OPC)/5692-5693 dated 11.09.2018 to the company and its officers, in default.



1. Following was mentioned in the aforesaid SCN dated 11.09.2018:-

Whereas this office has received a letter from the office of RD (NR) stating that a letter was issued to applicant company vide letter dated 17.11.2017 with direction to submit all the pending documents/ information within 10 days (latest by 27.11.2017) but the said letter was returned back undelivered with postal remarks "No Such Person/Company" which is a violation of Section 12 (1) and which attracted penal provisions of Section 12 (8) of the Companies Act, 2013.

(b) Sections 12 (1), 12(4) and 12(8) are reproduced as under:-

Section 12(1) - 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 communications and notice as may be addressed to it.

Section 12(4) - Notice of every change of the situation of the registered office, verified in the manner prescribed, after the date of incorporation of the company, shall be given to the Registrar within fifteen days of the change, who shall record the same.

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.

2. That no reply has been received to the show cause notice dated 11.09.2018.
3. Subsequently Notice of Inquiry was issued vide letter dated 10.10.2018 to the company and officers in default scheduling the date of hearing in the matter on 22.10.2018 at 10.30 A.M. But neither the reply/correspondence has been received nor any one appeared for hearing.
4. Hence, another opportunity to present the case/clarification was given to the company and its officers vide this office letter dated 21.02.2019 and next date of hearing was scheduled to 01.03.2019 at 10.30 A.M.
5. Meanwhile, physical verification of the registered office of the subject company was carried out by this office on 26.02.2019 wherein it was reported that no such company with name and style "Aventra Techpro (OPC) Private Limited" is registered/available at that address.
6. Further no response to the letter issued on 21.02.2019 has been received and no one appeared on the scheduled date of hearing i.e. on 01.03.2019. Letter issued to the company on 21.02.2019 has also been returned back undelivered with postal authority remark "No Such Firm".



7. 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.1,000,00/- (Rupees One Lakh Only)** on each of the addressees of this order, as the default continues from **17.11.2017 [Date of undelivered letter]** to **26.02.2019 [Date of Physical Verification of the registered office of the company]** 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)
Registrar of Companies & Adjudicating Officer
NCT of Delhi & Haryana

To,

1. Aventura Techpro (OPC) Private Limited,
F-65, Gali No. 6, West Jyoti Nagar Extn, Delhi-110093, India.
2. Mr. Ramgopal Pulgurti,
29-1472/1/1, West Kakatiya Nagar,
Near Sriya Hospitals Neredmet, Hyderabad-500056, Telangana, India.

Copy to:-

Ministry of Corporate Affairs, (Through Proper Channel)
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 please.)



Handwritten signature and date: 11.09.18