

भारत सरकार  
कारपोरेट कार्य मंत्रालय  
कार्यालय कम्पनी रजिस्ट्रार,  
उत्तर प्रदेश,  
37/17, वेस्टकाट बिल्डिंग, दि माल,  
कानपुर - 208001 (उ.प्र.)  
ई-मेल/ E-mail : [roc.kanpur@mca.gov.in](mailto:roc.kanpur@mca.gov.in)



GOVERNMENT OF INDIA  
MINISTRY OF CORPORATE AFFAIRS  
OFFICE OF REGISTRAR OF COMPANIES,  
UTTAR PRADESH,  
37/17, Westcott Building, The Mall,  
Kanpur - 208001 (U.P.)  
फोन/ Phone : 0512 - 2310323/2310443

BY SPEED POST

No.LC/ACN/ROC/UP/JTA(SM)/2018/42035/856 to 859

Dated 04.6.2019

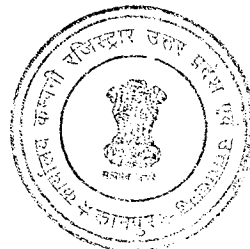
**ORDER FOR VIOLATION OF SECTION 12 OF THE COMPANIES ACT, 2013 READ WITH COMPANIES (ADJUDICATION OF PENALTIES) RULES, 2014.**

**IN THE MATTER RADHEY INFRACITY PRIVATE LIMITED**

1. The Ministry of Corporate Affairs vide its gazette notification no A-42011/112/2014-Ad.II dated 24.3.2015, has appointed the undersigned as Adjudicating Officer in exercise of the powers conferred by section 454 of the Companies Act, 2013 (hereinafter known as Act) read with Companies (Adjudication of Penalties) Rules, 2014 for adjudging penalties under the provisions of this Act.
2. The Company Radhey Infracity Private Limited has been registered under the provisions of the Companies Act, 2013 on 20.09.2010, and is having its registered office situated at 127/S/507, Vinoba Nagar, Kanpur-208014. The authorized capital of the Company is Rs. 20,00,000/-.
3. A letter No. ROC/UP/KAN/SKD/DPT-3 REMINDER/42035/5287 dated 12.11.2018 was sent on the address of the company but the same has been received undelivered with the postal remark "No Such Person", which implied that the company and its Directors are either not maintaining registered office of the company or has not informed about the changes so made in its registered office. Thus, violating provisions of section 12(8) of the Companies Act, 2013.
4. Section 12(1) of the provides that a company shall, on and from the thirty day of its incorporation and at all times thereafter, have a registered office capable of receiving and acknowledging all communications and notices as may be prescribed.

Section 12(4) of the Act provides that a 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 thirty days of the change, who shall record the same.

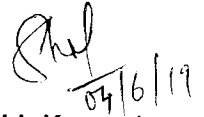
.....P/2



Section 12(8) of the Act further provides that if any default is made in complying with the requirement 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.

5. Accordingly, a Show Cause Notice No. LC/ACN/ROC/UP/JTA(SM)/2018/42035/6128 to 6130 dated 03.12.2018 was issued to the company and its officers in default under section 12(8) of the Companies Act, 2013, for not maintaining registered office of the company. which has also been received back undelivered.
6. The company and its officers in default have failed to furnish any reply to the said Show Cause Notice.
7. Thereafter, a "Notice for Inquiry" vide No. LC/ACN/ROC/UP/JTA(SM)/2018/42035/459 to 461 dated 13.05.2019 was issued to the company and its officers in default [as per [Rule 3(3), Companies(Adjudication of Penalties)Rules 2014] and a hearing was fixed for 30.05.2019.
8. The authorized representative of the company and its directors appeared on 30.05.2019 and submitted their written submissions stating that the company has been maintaining its registered office at 127/S/507, Vinoba Nagar, Kanpur-208014, whereat all communications from various authorities are being duly received and acknowledged including the instant notice of enquiry and also submit certificate dated 30.05.2019 from M/s. Shubham Khanna & Associates, Company Secretaries for verification of Registered office. The company has also furnished the documentary evidence in its support.
9. Having considered the facts and circumstances of the case and after taking into consideration the written and oral submissions of the company and its Directors, I am of the opinion that the Company is maintaining its registered office at the aforesaid address at 127/S/507, Vinoba Nagar, Kanpur-208014. Thus remains outside the purview of section 12(8) of the Companies Act, 2013, therefore, not liable for any penalty. However, the Company and its Directors are advised to avoid such lapses in future.

of c  
S 4/6/19

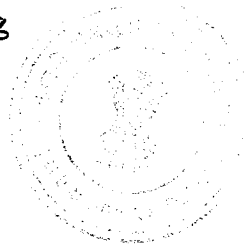
  
04/6/19

(Sudhir Kapoor)  
Registrar of Companies & Adjudicating Officer  
Uttar Pradesh, Kanpur - 208001

No.LC/ACN/ROC/UP/JTA(SM)/2018/42035/056

Dated 04.6.2018

1. M/s Radhey Infracity Private Limited  
127/S/507, Vinoba Nagar,  
Kanpur-208014.



.....p/3

// 3 //

No.LC/ACN/ROC/UP/JTA(SM)/2018/42035/857

Dated 04.6. .2018

2. Shri Pankaj Kumar Gupta, Director  
128/577, K Block, Kidwai Nagar,  
Kanpur-208011.

No.LC/ACN/ROC/UP/JTA(SM)/2018/42035/858

Dated 04.6. .2018

3. Shri Sanjay Kumar Gupta, Director  
128/577, K Block, Kidwai Nagar,  
Kanpur-208011

No.LC/ACN/ROC/UP/JTA(SM)/2018/42035/859

Dated 04.6. .2018

Copy for information to:

4. The Regional Director(Northern Region), Ministry of Corporate Affairs, CGO Complex,  
Lodhi Road, New Delhi.



*(Signature)*

(Sudhir Kapoor)

Registrar of Companies & Adjudicating Officer  
Uttar Pradesh, Kanpur - 208001

*o/c*  
*5/6/18*