

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



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)/2019/06657/ 2648 & 2650

Dated 13/9/2019

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

IN THE MATTER OF TRIMURTEE FERTILISERS 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 Trimurtee Fertilizers Limited has been registered under the provisions of the Companies Act, 2013 on 01.06.1985, and is having its registered office situated at 25/2, Jopling Road, Lucknow-226001. The authorized capital of the Company is Rs. 100,000,000/-.
3. This office has issued letter No. TC/Comp/20-6657/8490 dated 28.03.2019, on the address of the company but the same has been received undelivered with the post remark "LEFT RTS", 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.

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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)/2019/06657/268 to 270 dated 01.05.2019 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)/2019/06657/2322 to 2328 dated 26.08.2019 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 11.09.2019, which has also been received back undelivered.
8. None of the representative of the company or directors except Shri Yasho Vardhan S/o Shri Harsh Vardhan have either furnished their reply or have appeared on the date so fixed. Hence as per Rule 3(8) of the Companies (Adjudication of Penalties) Rules 2014, the matter is being proceeded with in the absence of such persons. Shri Yasho Vardhan has vide letter dated 06.09.2019 provided a copy of death certificate of his father Shri Harsh Vardhan who died on 30.05.2019.
9. Further, neither ^{other} any representative of the company nor its directors have either furnished their reply or have appeared before the undersigned which has further strengthened the apprehension that the company is not maintaining its registered office. Thus, making the company and its directors are liable to penalty as per Section 12(8) of the Companies Act, 2013.
10. The date of default in the matter has been taken as 01.04.2019, i.e. the date on which this office letter No. TC/Comp/20-6657/8490 dated 28.03.2019 has not been received by the company and has been received back undelivered. The default has been continuing since then.
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.1,00,000/-(Rupees One lacs only) under section 12(8) of the Act on each of the Noticee of Show Cause Notice dated 01.05.2019 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 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 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 (Northern Region), Ministry of Corporate Affairs, CGO Complex, Lodi Road, New Delhi, 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(5) & 454(6) of the Act, read with Companies (Adjudication of Penalties) Rules, 2014].
14. Your attention is also invited to section 454(8) of the Companies Act, 2013, in the event of non-compliance of this order.

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Sudhir
13/9/19

(Sudhir Kapoor)

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

No.LC/ACN/ROC/UP/JTA(SM)/2019/06657/2648

Dated 13.9.2019

1. M/s Trimurtee Fertilizers Limited,
25/2, Jopling Road,
Lucknow-226001.

No.LC/ACN/ROC/UP/JTA(SM)/2019/06657/2649

Dated 13.9.2019

2. Shri Bimalendu Nath, Director,
25/2, Jopling Road,
Lucknow-226001

No.LC/ACN/ROC/UP/JTA(SM)/2019/06657/2650

Dated 13.9.2019

3. Shri Ashish Ram Dubey, Director
1279, Y-Block, Kidw2ai Nagar,
Kanpur-208011

No.LC/ACN/ROC/UP/JTA(SM)/2019/06657/2651

Dated 13.9.2019

Copy for information to:

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

Sudhir
13/9/19

(Sudhir Kapoor)

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

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