

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

No.LC/ACN/ROC/UP/JTA(SM)/2019/ 1514 To 1516

BY SPEED POST
Dated 03.7.2019

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

IN THE MATTER CHARM ENGITECH 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 Charm Engitech Private Limited has been registered under the provisions of the Companies Act, 2013 on 31.03.2014, and is having its registered office situated at 301, Ecotech-III, UK-II, Greater Noida, Gautam Budh Nagar-201306. The authorized capital of the Company is Rs. 15,00,000/-.
3. This office has issued letter No. TC/Comp/Charm Engitech/1/4498/2019/7410 dated 24.01.2019 on the address of the company but the same has been received undelivered with the postal remark "No Such Addressee Found", 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 Act 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)/2019/063804/7836 to 7838 dated 15.02.2019 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.
6. The company vide its reply dated nil received by this office on 13.03.2019 has stated that the address mentioned in INC-22 form submitted to this office on 15.07.2015 vide SRN C58582115 is true and correct address such as 301, Ecotech-III, U.K.-II, Greater Noida-201306 The reply of the company was not found satisfactory as the letter dated 24.01.2019 issued by the office at the same address was received back undelivered. Moreover, the reply of the company was not substantiated by supporting documents evidence.
6. Thereafter, a "Notice for Inquiry" vide No. LC/ACN/ROC/UP/JTA(SM)/2019/063804/518 to 520 dated 14.05.2019 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 11.06.2019 which has also been received back undelivered.
7. None of the representative of the company or directors 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.
8. Further, neither 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.
9. The date of default in the matter has been taken as 31.01.2019, i.e. the date on which this office letter No. TC/Comp/Charm Engitech/1/4498/2019/7410 dated 24.01.2019 has not been received by the company and has been received back undelivered. The default has been continuing since then.
10. 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 15.02.2019 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.

11. 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.
12. 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].
13. Your attention is also invited to section 454(8) of the Companies Act, 2013, in the event of non-compliance of this order.

ok
17/6/19


(Sudhir Kapoor)

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

Uttar Pradesh, Kanpur
Dated 03.7.2019

No.LC/ACN/ROC/UP/JTA(SM)/2019/ 1514

1. M/s Charm Engitech Private Limited
301, Ecotech-III, UK-II, Greater Noida,
Gautam Budh Nagar-201306.

No.LC/ACN/ROC/UP/JTA(SM)/2019/ 1515

2. Shri Jahoorddin, Addl. Director
215, Gali No. 2, Mamura, Sector-66,
Noida-201301

Dated 03.7.2019

No.LC/ACN/ROC/UP/JTA(SM)/2019/ 1516

3. Shri Amir Khan, Director
215, Gali No. 2, Mamura, Sector-66,
Noida-201301

Dated 03.7.2019

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No.LC/ACN/ROC/UP/JTA(SM)/2019/1517

Dated 08.7.2019

Copy for information to:

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

(Handwritten signature)
17/5/19

(Sudhir Kapoor)

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

o/e
17/5/19