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**GOVERNMENT OF INDIA
MINISTRY OF CORPORATE AFFAIRS
OFFICE OF THE REGISTRAR OF COMPANIES, KARNATAKA
II FLOOR, "E" WING, KENDRIYA SADAN, KORAMANGALA, BANGALORE - 560 034**

No. ROCB/ Adj. Order /Sec.454-12/Co. No.108291/2020

Date: 16.12.2020

**ORDER OF ADJUDICATION OF PENALTY UNDER SECTION 454 OF COMPANIES ACT 2013
READ WITH RULE OF THE COMPANIES (ADJUDICATION OF PENALITIES) RULES 2014 FOR
VIOLATION OF PROVISIONS OF SECTION 12 OF THE COMPANIES ACT 2013 BY M/s AGRI
GATE PRIVATE LIMITED**

1. In the matter of AGRI GATE PRIVATE LIMITED incorporated on 29.11.2017 under the jurisdiction of Registrar of Companies, Bangalore with the correspondence address as Na.308, 3rd Phase, KIADB Industrial Area, Malur, Kolar District, Karnataka - 563130 in form SPICe-32 and also opted radio button as "NO" and thereby confirmed that correspondence address given was not the registered office of the company vide Col. No. 4(b) of said SPICe form.
2. Whereas section 12(2) of the Companies Act 2013, a Company shall furnish to the Registrar verification of its registered office in Form Inc-22 within a period of 30 days of its incorporation in such manner as may be prescribed.
3. As per Section 12(8) of the Companies Act 2013, if any default is made in complying with the provisions of Section 12, the Company and every officer who is in default shall be liable to a penalty of one thousand rupees for every day during which default continues but not exceeding one lakh rupees.
4. Whereas the Company has not filed the Form Inc-22 within stipulated time i.e by 29.12.2017 and the same was filed with a delay of 430 days vide SRN H46497053 on 07.03.2019.
5. Whereas, the company has filed adjudication application in GNL-1 on 7.3.2019 and also physical application submitted on 19.3.2019 with this office.
6. Due to COVID-19 pandemic, hearing was fixed on 24.07.2020 and on 05.09.2020 through Video Conference. However, neither the directors nor the authorized representative of the company attended the hearing in spite of giving enough opportunities to the company and its officers in default. Hence ex-parte order needs to be passed as per provisions of Section 454(3) of the Companies Act, 2013 read with Rule 11 of Companies (Adjudication of Penalties) Rules, 2014, inter-alia stipulates that "If any person fails to reply or neglects or refuses to appear as required under sub-rule (5) or sub-rule (10) before the Adjudicating Officer, the adjudicating officer may pass an order imposing the penalty in the absence of such person after recording the reasons for doing so.

- 7 Since no one appeared before the adjudicating officer despite giving several opportunities, the undersigned in exercise of the powers vested to him vide Section 454(1) & (3) of Companies Act 2013 and as per Section 12(8) of Companies Act, 2013, considering the delay of 430 days, hereby impose a penalty of **Rs.1,00,000/- each on the Company and its Two directors who are officers in default, viz., Mr. Sai Prasad Devarajulu and Mr. Sarjapuram Lakshmikanth, Directors (totaling to Rs.3,00,000/-) and hereby direct that they shall pay the penalty of Rs.1,00,000/- each** from their own sources in the MCA 21 portal within 60 days from the date of receipt of order. The company needs to file INC-28 as per the provisions of the Act, attaching the copy of the Adjudication Order along with Payment challans.
- 8 Whereas sub-section (5) of section 454 of the Companies Act, 2013 provides that any person aggrieved by an order made by the adjudicating officer under sub-section (3) may prefer an appeal to the Regional Director having jurisdiction in the matter and as per sub-section (6), every appeal under Sub-section (5) shall be filed **within sixty days** from the date on which the copy of the order made by the adjudicating officer received by the aggrieved person and shall in such form, manner and be accompanied by such fees as may be prescribed.
- 9 Please note that as per Section 454(8)(i), where a company fails to comply with the order made under sub-section (3) or sub-section (7), as the case may be, within a period of ninety days from the date of the receipt of the copy of the order, the company shall be punishable with fine which shall not be less than twenty five thousand rupees but which may extend to five lakh rupees.
- (ii) Where an officer of a company or any other person who is in default fails to comply with the order made under sub-section (3) or sub-section (7), as the case may be, within a period of ninety days from the date of receipt of the copy of the order, such officer shall be punishable with imprisonment which may extend to six months or with fine which shall not be less than twenty five thousand rupees but which may extend to one lakh rupees, or with both.

In case of default in payment of penalty, prosecution will be filed under section 454(8)(i) and (ii) of the Companies Act 2013 without further notice.

(C V SAJEEVAN)
REGISTRAR OF COMPANIES,
KARNATAKA

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- 1 M/s AGRI GATE PRIVATE LIMITED
PLOT No. B 12,3 PHASE, KIADB INDUSTRIAL AREA,
INNOVA AGRI BIO PARK,
MALUR HOLES KA 563130

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2. Mr. SAI PRASAD DEVARAJULU, Director
HOUSE 8, HAZRATH SYED DARGA ROAD,
NAR PALM COUNTY, SHAIKPET,
GOLCONDA HYDERABAD 500088 TG

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- 3 Mr. SARJAPURAM LAKSHMIKANTH, Director
NO 254, 3RD MAIN MAHALAKSHMI LAYOUT
BANGALORE 560086 KA IN