



Email: roc.bangalore@mca.gov.in

Telephone No.: 080-25537449

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-RD(Ref)/Beliv/Co. No.104529/2020

Date: 26.10.2020

ORDER OF ADJUDICATION OF PENALTY UNDER SECTION 454 OF COMPANIES ACT 2013 READ WITH RULE 3 OF THE COMPANIES (ADJUDICATION OF PENALITES) RULES 2014 FOR VIOLATION OF PROVISIONS OF SECTION 12 OF THE COMPANIES ACT 2013 BY M/S BELIV STUDIOS PRIVATE LIMITED (THE COMPANY):

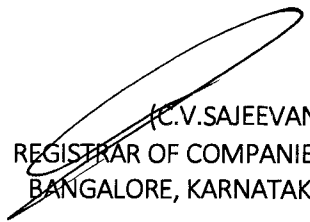
- 1 In the matter of M/s BELIV STUDIOS PRIVATE LIMITED incorporated on 11th July 2017 under the jurisdiction of Registrar of Companies, Bangalore with the correspondence address situated at No.C-1, Sai Sannidhi Layout Kadug, Opp. Suraksha Apartments, Belathur Villa, Bangalore, Karnataka – 560067, by filing Form SPICE-32 and opted radio button as “NO” and thereby confirmed that correspondence address given was not the registered office of the company.
- 2 *Whereas as per section 12 (1) of the Companies Act, 2013, mandates that a company shall, furnish to the Registrar, verification of its registered office in Form no. 22 within a period of 30 days of its incorporation in such manner as may be prescribed.*
- 3 The company has informed in the application that the company was incorporated on **11.07.2017** with temporary registered office and INC-22 was not filed with ROC within the stipulated time. The same was filed on **18.10.2018** after a delay of about 434 days.
- 4 *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.*
- 5 Due to COVID-19 pandemic, the hearing was held through Video Conference on 24.07.2020. During this hearing, Mr. Jobin NJ, CA, the authorized representative was informed that the application is not complete and a short adjournment was given on request to submit the documents which were not available in the application. The company and its directors submitted the required documents subsequently as directed. Hence hearing was held finally on 05.09.2020 through VC.
- 6 In view of the above, the undersigned in exercise of the powers vested to him vide Section 454(1) & (3) of Companies Act 2013, hereby impose a penalty of **Rs.1,00,000/-** each on the Company, to **Mr. Andrews Thytattathil Jomon, Director** and to **Mr.Jineesh Karimtholil Joy, former Director** who was the director during the default period and resigned subsequently on **03.02.2019** (totaling to **Rs.3,00,000/-**) and hereby direct that they shall pay the penalty each

through their own sources through MCA 21 portal and submit proof of payment to this office for verification within 60 days from the date of receipt of order. The company need to file INC-28 as per the provisions of the Act. No penalty has been imposed on the present directors who were appointed from 29.5.2019, namely, Ms. Sosamma and Ms.Soniya Mathew.

- 7 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 further sub-section (6) provides that 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 is received by the aggrieved person and shall be in such form, manner and be accompanied by such fees as may be prescribed.
- 8 Please note that as per Section 454(8)(i) of the Companies Act 2013, whereas 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 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 U/s 454(8)(i) and (ii) of the Companies Act 2013 at your own costs without any further notice.


(C.V.SAJEEVAN)
REGISTRAR OF COMPANIES
BANGALORE, KARNATAKA

No. ROCB/ Adj. Order /Sec.454-RD(Ref)/Beliv/Co. No.104529/2020

- 1) M/s Beliv Studios Private Limited
C-1, Sri Saisannidhi Layout
Kadugodi, Opp Suraksha Apartments
Belathur Villa, Bengaluru 560067

No. ROCB/ Adj. Order /Sec.454-RD(Ref)/Beliv/Co. No.104529/2020

- 2) Mr. Andrews Thythottathil Jomon, Director
C-1, Sri Saisannidhi Layout
Kadugodi, Opp Suraksha Apartments
Belathur Villa, Bengaluru 560067

No. ROCB/ Adj. Order /Sec.454-RD(Ref)/Beliv/Co. No.104529/2020

- 3) Mr.Jineesh Karimtholil Joy, Former Director
Karimtholil, Kottiyoor, Kozhikode
PIN 670651, Kerala, India.