

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)/2020/0052445/2676702680

Dated 14.12.2020

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

IN THE MATTER OF MANYA INFRABUILDWELL 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 Manya Infrabuildwell Private Limited has been registered under the provisions of the Companies Act, 2013 on 10.09.2012, and is having its registered office situated at Mau, Mohanlal Ganj, Lucknow-226301. The authorized capital of the Company is Rs.5,00,00,000/-.
3. This office has issued letter No. TC/COMP/20-052445/4222 dated 02.01.2020, on the address of the company but the same has been received undelivered with the postal remark "Apurna pata vapas", 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.

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)/2020/0052445/4685 to 4687 dated 07.02.2020 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 with the postal remark "**DERAYAFI KARNE PER PATA NAHI CHALA, VAPAS**".
6. Thereafter, a "Notice for Inquiry" vide e-mail and letter No. LC/ACN/ROC/UP/JTA(SM)/2020/0052445/1695 to 1697 dated 12.10.2020 was issued to the company and its officers in default [as per [Rule 3(3), Companies (Adjudication of Penalties) Rules 2014] alongwith a link for virtual hearing fixed for 09.11.2020 AT 3:00 pm. However, the said notice of inquiry letter has also been received back undelivered from the company and its one director, Shri Anupam Prakash Pandey with the postal remark "**APURNA PATA VAPAS**" and "**LEFT**", respectively. Hence, the hearing was adjourned for 11.12.2020 at 3:00 p.m. vide e-mail and letter no. LC/ACN/ROC/UP/JTA(SM)/2020/0052445/2344 to 2347 dated 24.11.2020.
7. It is not out of place to mention here that none of the representative of the company or directors have joined the virtual hearing on 11.12.2020 also. Further, neither any representative of the company nor its directors have either furnished their reply to 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.
8. The date of default in the matter has been taken as 06.01.2020, i.e. the date on which this office letter No. TC/COMP/20-052445/MANYA/4222 dated 02.01.2020 has not been received by the company and has been received back undelivered. The default has been continuing since then.
9. 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) each under section 12(8) of the Act on each of the Noticee of Show Cause Notice dated 07.02.2020 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.

.....p/3

10. 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.
11. 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].
12. Your attention is also invited to section 454(8) of the Companies Act, 2013, in the event of non-compliance of this order.

14/12/2020


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

No.LC/ACN/ROC/UP/JTA(SM)/2020/0052445/

Dated .2020

1. M/s Manya Infrabuildwell Private Limited
Mau, Mohanlal Ganj,
Lucknow-226301.

No.LC/ACN/ROC/UP/JTA(SM)/2020/0052445/

Dated .2020

2. Shri Nawanshu Goyal, Director
2/841-B, Vivek Khand, Gomti Nagar,
Lucknow-226010.

No.LC/ACN/ROC/UP/JTA(SM)/2020/052445/

Dated .2020

3. Shri Anupam Prakash Pandey, Director
K-61/46, Bulanala,
Varanasi-221001.

No.LC/ACN/ROC/UP/JTA(SM)/2020/052445/

Dated .2020

4. Shri Ashish Kumar Singh, Director
B22/166, Khojwa, Bhelupura, Chittupur
Mahmoorganj,
Varanasi-221001.

// 4 //

No.LC/ACN/ROC/UP/JTA(SM)/2020/052445/

Dated .2020


Copy for information to:

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


14/12/2020

(Sudhir Kapoor)

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

a/c

14/12/2020