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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.101956/2020

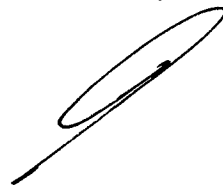
Date: 23/10/2020

**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
KUNDER CHITS PRIVATE LIMITED**

1. In the matter of M/s KUNDER CHITS PRIVATE LIMITED incorporated on 05.04.2017 under the jurisdiction of Registrar of Companies, Bangalore with the correspondence address as No.68/150/4, 2nd Floor, 9th Main, 3rd Block, Jayanagar, Bangalore-560011 in form SPICe -INC-32 (Proforma for reservation of name) 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. Whereas the Company has not filed the Form Inc-22 within stipulated time i.e by 05.05.2017 and the same was filed with a delay of 615 days vide SRN H41635798 on 10.01.2019.
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. Whereas, this office had issued a notices for hearing on various dates, viz., 5.3.2020, and 24.07.2020 for adjudication in view of the commitment made by the company on 19.1.2019 before taking eform INC-22 on record. However, neither there has been any representation from the company's side nor any intimation/ response from them.

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- 6 Due to COVID-19 pandemic, hearing was fixed on 24.07.2020 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 **614** 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. Umesh Kunder and Ms Janaki, Directors (totaling to Rs.3,00,000/-) and hereby direct that they shall pay the penalty of Rs.1,00,000/- each** and shall pay from their own sources in the MCA 21 portal and submit proof of payment to this office for verification within 60 days from the date of receipt of order. Copy of this order to be filed in INC-28.
- 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.
- 9 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.
- 10 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.
- 11 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.



12 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 at your own costs without any further notice.

(C V SAJEEVAN)
REGISTRAR OF COMPANIES,
KARNATAKA

✓ No. ROCB/ Adj. Order /Sec.454-12/Co. No. 101956 /2020 11601

1. M/s KUNDER CHITS PRIVATE LIMITED
NO. 68/150/4, 2ND FLOOR, 9TH MAIN,
3RD BLOCK, JAYANAGAR BANGALORE
Bangalore 560011

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2. Mr. UMESH KUNDER, Director
NO.3, 2ND FLOOR, CIRCULAR STREET,
NEAR GANESH TEMPEL AT HALLI, SHANTHI NAGAR
BANGALORE 560027 KA IN

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- 3 Ms. JANAKI, Director
NO.3, 2ND FLOOR, CIRCULAR STREET,
NEAR GANESH TEMPLE AT HALLI, SHANTINAGAR
BANGALORE 560027