



ई-मेल/e-mail : [roc.bangalore@mca.gov.in](mailto:roc.bangalore@mca.gov.in)

Ph. : 080-25537449

भारत सरकार/ GOVERNMENT OF INDIA  
कारपोरेट कार्य मंत्रालय / MINISTRY OF CORPORATE AFFAIRS  
कम्पनी पंजीयक का कार्यालय, बेंगलूर, कर्नाटका  
OFFICE OF THE REGISTRAR OF COMPANIES, BANGALORE, KARNATAKA  
“केंद्रीय सदन”, II मंजिल, “ई” विंग, कोरमंगला, बेंगलूर – 560 034  
“KENDRIYA SADAN”, II FLOOR, E- WING, KORAMANGALA, BANGALORE – 560034

F.No.ROCB/ Adj.454/Co.No.104064/Section 12/2019-2020

Date: 25.08.2020

**ORDER OF ADJUDICATION OF PENALTY UNDER SECTION 454 OF COMPANIES ACT 2013 READ WITH RULE 3 OF THE COMPANIES (ADJUDICATION OF PENALITIES) RULES 2014 FOR VIOLATION OF PROVISIONS OF SECTION 12 OF THE COMPANIES ACT 2013 BY M/S MBH REALTY PRIVATE LIMITED**


1. Whereas the company, viz., M/s MBH REALTY PRIVATE LIMITED was incorporated on 22.06.2017 under the jurisdiction of Registrar of Companies, Bangalore by filing the form SPICE-32, mentioning ~~the~~ “correspondence address” as 35/3/2, Adakamaranahalli, Tumkur Road, Next to Himalaya Drugs, Makali Post, Bangalore, Karnataka – 562123.
2. Whereas sub-section (2) of Section 12 further mandates that 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. However the Company has not filed the Form INC-22 within stipulated time i.e by 22.07.2017 and filed the same only on 27.04.2019 with a delay of 642 days vide SRN H57449936. The Company, through its authorised representative, viz., Mr.Shrikrishna Prasad, PCS has submitted a letter dated 21.01.2019 for adjudication of penalties for delay in filing INC-22. Hence this office vide notice dated 24.02.2020 directed the company and its directors to appear for hearing along with a proper application for adjudication . In response to the same, the hearing was held on 5.3.2020 but the Company's authorized representative, Mr. Shri Krishna Prasad sought for time to submit the proper application. Subsequently, on 19.06.2020, the company has submitted the application to adjudicate the matter.
4. In the meanwhile, the representative has sent an email on 19.06.2020, to allow him to withdraw the adjudication application in view of the General Circular No. 20/2020 . When he enquired, it was informed to him that the said circular cannot be applied in this case as the petitioner has not filed any petition against the notice issued by this office for adjudication before any authority or court.

5. *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.*
6. Due to COVID-19 pandemic, instructions were issued by the Ministry of Corporate Affairs to conduct hearings through Video Conference in the matters of Adjudication by ROCs.
7. In view of Ministry's guidelines, hearing was held through Video Conference on **24.07.2020**. Mr. Shri Krishna Prasad, Practising Company Secretary attended the hearing. He sought to withdraw the application under Companies Fresh Start Scheme 2020. However, the same was not allowed and explained that the scheme is applicable for defaulting companies to enable them to file belated documents in the MCA 21 registry and immunity from launching prosecution or proceedings for imposing penalty by ROCs will be granted to those companies only. It was also clarified that the CFFS 2020 is not applicable for those companies who have already violated the provisions of Companies Act 2013 and notice for adjudication has already been issued on the basis of application filed. It was also reiterated to him that the company has not filed any petition before any higher authority or court against the notice issued by the Adjudicating Officer.
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 and its two Directors, viz., Mr. Faizal Yunus Jaliwala and Mr. Munavar Yunus Jaliwala, (totaling Rs. 3,00,000/-)**. I hereby direct that they shall pay the penalty amount through their own sources immediately through MCA 21 portal and proof of payment be produced for verification and also file INC – 28 enclosing copies of Challan and this order within 60 days from the date of receipt of order.
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, where as 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**

F.No.ROCB/ Adj.454/Co.No.104064/Section 12/2019-2020

1. M/s MBH REALITY PRIVATE LIMITED  
575, 2nd Floor, 2nd 'D' Cross, 6th Main,  
3rd Stage 3rd Block, Basaveshwaranagar Bangalore  
Bangalore 560079

F.No.ROCB/ Adj.454/Co.No.104064/Section 12/2019-2020

2. Mr. FAIZAL YUNUS JALIWALA, Director  
Pebble Bay Apartment, Flat No.41, Tower5,  
RMV Extn 2nd Stage 5th Cross, Dollar Colony, Bangalore North, RMV Ext  
Bangalore 560094

F.No.ROCB/ Adj.454/Co.No.104064/Section 12/2019-2020

3. Mr. MUNAVAR YUNUS JALIWALA, Director  
T5/51, PEBBLE BAY, DOLLARS COLONY NAGASHETTYHALLI,  
BANGALORE NORTH, RMV EX TN II STAG  
BANGALORE 560094