

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

मि.सं/F.No.ROCB/ Adj.454/Co.No.109500/Section 12/2020 दिनांक/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 NEOAXIS AERO PRIVATE LIMITED**

- 1 Whereas the company, M/S NEOAXIS AERO PRIVATE LIMITED was incorporated on 12.01.2018 under the jurisdiction of Registrar of Companies, Bangalore with the registered office situated at Plot No. 556, 3<sup>rd</sup> Main Road, 2<sup>nd</sup> Stage, Peenya Industrial Estate, Bangalore – 560058 in form SPICe-32 (Proforma for incorporating company) and opted radio button as “NO”, 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 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 12.02.2018 and filed the same only on 31.01.2019 with a delay of 354 days vide SRN H43643378. The company vide its application dated 25.2.2019 admitted that the company and its officers in default had violated the provisions of Section 12(2) of Companies Act, 2013 by not filing eform INC-22 within stipulated time.
- 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, hearing was held through Video Conference on 05.09.2020. Mr.Rakesh HM, PCS attended the hearing and pleaded for a lesser penalty and informed that the company's paid up capital is Rs. 9.50 lakhs. He has informed vide email dated 5.9.2020 that all the four directors' name may be included for adjudication.
- 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 four Directors, viz., i) Mr.Kuppuswamy Naidu Nagaraja Naidu, Director, ii) Mr. Nagarajau Naidu Vinod, Director, iii) Mr.Shanmugam Madhiyan, Director, and iv) Mr. Alex Rajavarman (totaling Rs. 5,00,000/-). However, the benefit of imposing lesser penalty as provided under section 446B of the Act, cannot be extended in the matter in view of the explicit provisions. I hereby direct that they shall pay the penalty amount 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.

6 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.

7 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.115477/Section 12/2020**

- 1) M/s Neoaxis Aero Private Limited  
Plot No. 556, 3<sup>rd</sup> Main Road, 2<sup>nd</sup> Stage  
Peenya Industrial Estate  
Bangalore – 560 058.

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- 2) Mr. Kuppuswamy Naidu Nagaraja Naidu  
33/A, 1<sup>st</sup> Cross, 8<sup>th</sup> Main, Ganesha Block  
Nandini Layout, Bangalore-560096

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- 3) Mr. Nagarajunaidu Vinod  
347, Ground Floor, 20<sup>th</sup> Main Road  
Nandhini Layout, Bangalore-560096

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- 4) Mr. Shanmugam Madhiyan  
No.05/284, Samiyarkottai Mittareddihalli  
Dharmapuri 636804 Tamil Nadu.

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- 5) Mr. Alex Rajavarman Pugazhenth  
99, Opposite Sitra Coimbatore South  
Coimbatore Aerodrome  
Coimbatore 641014