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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/Sec454(3)/ADJ/001854

Dated: 23-04-2019

**ORDER OF ADJUDICATION OF PENALTY UNDER SECTION 454 (3) OF COMPANIES ACT, 2013 READ WITH RULE 3 OF THE COMPANIES (ADJUDICATION OF PENALITES) RULES, 2014 FOR VIOLATION OF THE PROVISIONS OF SECTION 12(1) OF THE COMPANIES ACT, 2013 BY M/S. DIAMOND COLD STORAGE PRIVATE LIMITED (THE COMPANY):**

**IN THE MATTER OF M/S DIAMOND COLD STORAGE PRIVATE LIMITED**

1. WHEREAS, M/s Diamond Cold Storage Private Limited was registered on 19/01/1970 in the state of Karnataka with its registered office situated at No.40, Lakshmi Complex, 2nd Floor, K.R.Road, Bangalore- 560002, Karnataka under the jurisdiction of ROC, Bangalore, Karnataka.
2. Whereas pursuant to provisions of sub-section (1) of Section 12 of the Companies Act, 2013, a company shall, on and from the fifteenth 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 addressed to it.
3. Whereas pursuant to section 12 (4) of the Companies Act, 2013, 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 15 days of the change, who shall record the same.
4. Whereas, during the inquiry proceedings under Section 206 of the Companies Act, 2013, notice dated 14/11/2017 issued to the company and its directors were returned undelivered with postal remark "Addressee Left". Thus, it is noticed that the company has failed to maintain the registered office of the company in the given address and also has failed to intimate the change of address, if any, to the Registrar of Companies and hence the said provisions of the Act has been violated.

5. This office had issued adjudication notice u/s 454 of the Companies Act, 2013 to the Company and its officers in default on 31/01/2019 through speed post for violation of Section 12 of the Companies Act, 2013, which was returned with the remark 'Left'. The Company and its officers in default i.e. Shri. Rajesh Tadarwal and Shri. Dinesh Tadarwal were called upon to appear personally or through their authorized representative before the undersigned on 18/02/2019 at 3:00 p.m. in the chamber of Registrar of Companies, II Floor, E Wing, Kendriya Sadan, Koramangala, Bangalore-560034 for hearing. However, no reply has been received and none of them attended for hearing.
6. As per sub-section (8) of Section 12 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.
7. Therefore, in view of the above said violation of Sec 12 of the Companies Act, 2013, the Company and its officers in default are liable for penalty w.e.f 14/11/2017 as per Section 12(8) of the Companies Act, 2013.
8. Considering the delay of 476 days, accordingly, the undersigned being the Adjudicating Officer in exercise of the power vested in him vide Section 454(3) of the Companies Act, 2013 hereby imposes the following maximum penalty on the company and its officers in default.
  1. Company = Rs.1,00,000/-
  2. Officers in default
    - Shri. Rajesh Tadarwal = Rs. 1,00,000/-
    - Shri. Dinesh Tadarwal = Rs. 1,00,000/-
9. And, hereby direct the company and officers in default to pay the penalty immediately through Ministry of Corporate Affairs 21 portal and submit proof of payment to this office within 90 days from the date of receipt of this order and also file eform Inc-28 along with copy of this order within 30 days hereof.
10. You may note that as per Section 454(8) of the Companies Act, 2013, if the company does not pay the penalty imposed by the Adjudicating Officer within a period of 90 days from the date of 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 lakhs rupees and where the officers in default fails to pay the penalty within a period of 90 days from the date of receipt of the copy of the order, such officer shall be punishable with imprisonment which may extend to 6 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.

11. Therefore, in case of default in payment of penalty, prosecution will be filed u/s 454(8) (i) & (ii) of the Companies Act, 2013 at your own cost without any further notice.

*S*  
*23/11/19*

**C.V. SAJEEVAN**  
REGISTRAR OF COMPANIES  
KARNATAKA, BENGALURU

*Sc*  
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To,

**1. M/S DIAMOND COLD STORAGE PRIVATE LIMITED**

No.40, Lakshmi Complex, 2nd Floor,  
K.R.Road, Bangalore- 560002, Karnataka

**2. SHRI. RAJESH TODARWAL, DIRECTOR**

201, Rajni Gandha Garden Apartments,

21 Vittal Mallya Road, Bangalore-560001

-> E1K3626659671W

**3. SHRI. DINESH TODARWAL, DIRECTOR**

The Summit, A22, 2<sup>nd</sup> Floor, 273,

Sankey Road, Bangalore-560052

-> E1K3626658481W