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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/020573

Dated: 24-04-2019

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. FERTILE AGROCHEM LIMITED (THE COMPANY):

IN THE MATTER OF M/S FERTILE AGROCHEM LIMITED

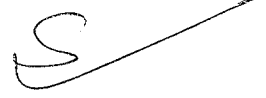
1. WHEREAS, M/s FERTILE AGROCHEM LIMITED was registered on 03/06/1996 in the state of Karnataka with its registered office situated at No.67, First Floor, West Of Cord road, Mahalakshmpuram 2nd stage, Bangalore.86, Karnataka under the jurisdiction of ROC, Bangalore, Karnataka.
2. Whereas as per section 12 (1), 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 sub-section (4) of the said section states that 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 fifteen days of the change who shall record the same and as per Rule 27 of the Companies (Incorporation) Rules 2014, the notice of change of the situation of the registered office and verification thereof shall be filed in form No.INC 22 along with the fee.
4. Whereas during the inquiry u/s 206 of the Companies Act, 2013, it was noticed that the letter dated 22-12-2017 issued by the Registrar of Companies, Bangalore to the company at its registered office address was neither returned nor served, and hence the undersigned has reasonable cause to believe that the company failed to maintain its registered office at the address notified to this office and also failed to notify the change of address to this office, and hence, the provisions of aforesaid section 12 of the Companies Act, 2013 and the rules made thereunder has been violated.

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5. Now, pursuant to the provisions of Section 454 (4) of the Companies Act 2013 read with Rule (3) of Companies (Adjudication of Penalties) Rules 2014 the Company i.e. M/s. FERTILE AGROCHEM LIMITED (THE COMPANY) and every officer in default viz. Shri. SEKHAR BABU ADAPALA (Managing Director), the officer of the Company were called upon to appear personally or through their authorized representative before the undersigned on 11-03-2019 at 3 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 (1) 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 444 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. Officer in default
 - Shri. Sekhar Babu Adapala = 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.
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.



C.V. SAJEEVAN
REGISTRAR OF COMPANIES
KARNATAKA, BENGALURU

To,



No. ROCB/Sec454(3)/ADJ/020573

- 1. M/S FERTILE AGROCHEM LIMITED**
NO. 67, FIRST FLOOR, WEST OFCHORD ROAD
MAHALAKSHMIPURAM 2ND STAGE,
BANGALORE – 560 086

No. ROCB/Sec454(3)/ADJ/020573

- 2. SHRI. SEKHAR BABU ADAPALA**
NO.22, LAKSHMI NILAYA,
YAMUNA BAI ROAD, MADHAVANAGAR
BANGALORE – 560 001