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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 /Co. No.103298

Date: 27-08-2019

**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 BURN
OUT FITNESS PRIVATE LIMITED (THE COMPANY):**

1. In the matter of M/s BURN OUT FITNESS PRIVATE LIMITED incorporated on 24.05.2017 under the jurisdiction of Registrar of Companies, Bangalore with the registered office situated at 2nd Floor, Parthu Plaza, Sai Baba Temple Road, Munnekolala Bengaluru, Bangalore - 560037
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. However the Company has not filed the Form Inc-22 within stipulated time i.e by 24.06.2017 and filed the same only on 16.10.2018 vide SRN: H21740667 with a delay of 417 days. The Company vide its adjudication application dated: 09.01.2019 admitted that the company and its officers in default had violated the provisions of the section 12(2) of Companies Act, 2013 and not filed form i.e Inc-22 within stipulated time.
3. Whereas, this office had issued a notice on 29-05-2019 to the addressees i.e M/s BURN OUT FITNESS PRIVATE LIMITED (THE COMPANY) and its officer in default viz. Mr. Sandeep Kumar Agrawal, Managing Director was called upon under Section 454(4) of the Companies Act, 2013, read with Rule 3(3) of the Companies (Adjudication of penalties) Rules 2014 to appear personally or through their authorized representative before the undersigned on **07.06.2019 at 4.00 p.m.** in the chamber of Registrar of companies, II Floor, E Wing, Kendriya Sadan, Koramangala, Bangalore-560034 for hearing.
4. In response to the notice, Shri Sandeep Kumar Agrawal (Managing Director) attended the hearing on 07.06.2019 for adjudicating the matter.
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. It is noticed that the Company and its officer are


liable for a penalty of Rs 1,00,000/- each as per Section 12(8) of the Companies Act 2013. Accordingly, the undersigned in exercise of the powers vested to him vide Section 454(1) & (3) of Companies Act 2013 considering the delay of 417 days, hereby impose a penalty of **Rs. 94,000/- each on the Company and its Managing Director (totalling to Rs.1,88,000/-) after considering fee and additional fee paid on form Inc-22 filed.** As per the commitment made by the Managing Director, the adjudicated penalty of Rs1,88,000/- was to be paid by him within 3 weeks. But failed to do^{so} as on date. Hence, it is directed that the payment shall be made within 15 days from the date of receipt of order.

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 company does not pay the penalty imposed by the adjudicating officer or the Regional Director 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.

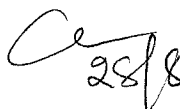
(ii) Where an officer of a company who is in default does not pay the penalty within a period of ninety days from the date of the receipt of the copy of the order, such officer shall be punishable with imprisonment which may extend to six months or with fine which shall not be less than twenty-five thousand 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.

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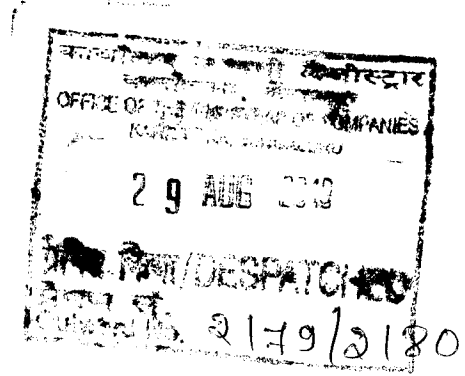
To,

No. ROCB/ BURN OUT FITNESS/Sec.454/103298 - 2179

1. M/s BURN OUT FITNESS PRIVATE LIMITED
2nd Floor, Parthu Plaza,
Sai Baba Temple Road, Munnekolala
Bangalore-560037

No. ROCB/ BURN OUT FITNESS/Sec.454/103298 - 2180

2. Mr. SANDEEP KUMAR AGRAWAL, Managing Director,
Flat No. 207, Synapse Nest Apartment BEML Layout,
Near BEML Layout Bus Stop,
Opposite to Bata Show Room
Bangalore-560037



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