

BEFORE THE ADJUDICATING OFFICER
ROC -cum- OL, ODISHA, CUTTACK
(ADJUDICATION ORDER NO. ROC/CTC/AO/12/2019)

ORDER

**UNDER SECTION 454 OF THE COMPANIES ACT, 2013 READ WITH THE COMPANIES
(ADJUDICATION OF PENALTIES) RULES, 2014**

**GAH MULTITRADE PRIVATE LIMITED
CIN : U7499OR2018PTC028197**

Appointment of Adjudicating Officer :-

1. The Ministry of Corporate Affairs vide its Gazette Notification No. A-42011/112/2014-Ad. II dated 24.03.2015 appointed the undersigned as Adjudicating Officer (hereinafter referred to as "the A.O") in exercise of the powers conferred under Section 454 of the Companies Act, 2013 (herein after known as **The Act**) read with Companies (Adjudication of Penalties) Rules, 2014 (Notification No. GSR 254(E) dated 31.03.2014) for adjudging penalties under the provisions of the Act. The undersigned vide the Companies (Amendment) Ordinance, 2019 is entrusted to adjudicate penalties under Section 92 and 137 of the Act with effect from 02.11.2018.

Company :-

2. Gah Multitrade Private Limited (herein after known as the Company) CIN U74999OR2018PTC028197 is a registered company with the office of the ROC -cum- OL, Odisha and having its registered office address at IInd Floor, Plot No. 201/490, Tikargumura, Sadar Tahasil, Keonjhar, Keonjhar, Orissa : 758 001, India as per the records maintained by this office in online registry.

Show Cause Notice, Reply and Personal Hearing :

3. The Show Cause Notices (SCN) under Section 206(1) and 206(3) of the Companies Act, 2013 were issued vide No. ROC/Compt/2019/2790(3) dated 26.02.2019 and ROC/Compt/2019/2894(3) dated 06.03.2019 respectively to the Company and its directors viz. Shri Antaryami Behera (DIN 08025333) and Shri Himanshu Bhusan Behera (DIN 08025986)

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seeking clarification. Both the aforesaid notices were returned undelivered with the postal remark "Not Known"

3. As both the aforesaid notices/letters were returned undelivered, it is presumed that the company has not maintained its registered office at the recorded address furnished by it and available in MCA21 records. Hence, the Adjudicating Officer issued Show Cause Notice under Sub-Rule (2) of Rule 3 of the Companies (Adjudication of Penalties) Rules, 2014 for contravention of Section 12(1) of the Companies Act, 2013 to the Company and its directors/officer-in-default viz. Shri Antaryami Behera (DIN 08025333) and Shri Himanshu Bhusan Behera (DIN 08025986), but the Show Cause Notices addressed to the company and Shri Himanshu Bhusan Behera were also returned undelivered with postal remark "Address is not available". No communication was received from the directors.
4. Thereafter, Notice of Inquiry was also issued vide this office Show Cause Notice No. ROC/Sec. 454/28197/2019 dated 09.07.2019 pursuant to Rule (3) of Companies (Adjudication of Penalties) Rules, 2014 to the Company and Officers/Directors (Noticee) calling upon them to appear personally or through authorized representative under Rule 3(3) of the Companies (Adjudication of Penalties) Rules, 2014 on 22.07.2019 at 4.00 PM. But neither the Directors nor any representative for the company and/or directors appeared for personal hearing. Further, the matter was adjourned to 25.09.2019 and 30.10.2019, but no one appeared on the fixed dates.

Provisions of the Companies Act, 2013 :

5. Sub-Section (1) of Section 12 of the Act provides, "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 communication and notices as may be addressed to it."

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06. The letters issued by this office to the company at its registered office have been returned undelivered which proves that the company has not been maintaining its registered office, hence contravention of the Provisions of Sub-Section (1) of the Companies Act, 2013 is proved against the company and its directors/officers inviting penal action under sub-section (8) of Section 12 of the Companies Act, 2013. The offence is of serious nature since non-maintenance

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of registered office by the Company put itself out of reach of stakeholders/regulatory authorities and other concerned.

The object of maintaining the registered office of company is in the public interest, to enable the investors, public and whosoever interested in the company can access the fundamental information about the company and its management. Non-filing of this statutory return will result in denial of information to public about the company.

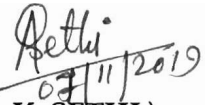
07. Having considered the facts and circumstances of the case, and after taking into account the factors above, the A.O do hereby imposes penalty on Company, Directors maximum to Rs. 1,00,000/- to the Company viz. GAH MULTITRADE PRIVATE LIMITED and Rs. 1,00,000/- each to every officer-in-default viz. Shri Antaryami Behera (DIN 08025333) and Shri Himanshu Bhusan Behera (DIN 08025986) for violation of Section 12 of the Companies Act, 2013 for default period of 245 days i.e. 02.03.2019 (date of returned of first letter) to 07.11.2019 (date of hearing). The A.O is of the opinion that penalty is commensurate with the aforesaid default committed by the Noticee's.
08. The company and its directors are hereby directed to rectify the default immediately from the date of receipt of copy of this order.
09. The Penalty imposed shall be paid through the Ministry of Corporate Affairs portal only.
10. Appeal if any against this order may be filed in writing with the Regional Director, Eastern Region, Ministry of Corporate Affairs, Nizam Palace, 3rd Floor, 234/4, A.J.C. Bose Road, Kolkata : 700 020 within a period of sixty days from the date of receipt of this order, in Form ADJ setting forth the grounds of appeal and shall be accompanied by a certified copy of this order. [Section 454 of the Companies Act, 2013 read with the Companies (Adjudicating of Penalties) Rules, 2014].
11. Your attention is also invited to Section 454(8) of the Act regarding consequences of non-payment of penalty.
12. In terms of the provisions of sub-rule (9) of Rule 3 of the Companies (Adjudication of Penalties) Rules, 2014, a copy of this order is being sent to Gah Multitrade Private Limited, IInd Floor, Plot

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No. 201/490, Tikargumura, Sadar Tahasil, Keonjhar, Keonjhar : 758 001, Orissa Shri Antaryami Behera (DIN 08025333) at Vill : Gurum Town, Talapada, Ps. Telkoi, Keonjhar : 758 019, Odisha and Shri Himanshu Bhusan Behera (DIN 08025986) at Badanuagaon, Jhadapokhari, Keonjhar : 758 028 and also Secretary to the Govt. of India, Ministry of Corporate Affairs, Shastri Bhawan, A Wing, 5th Floor, Dr. R. P. Road, New Delhi : 110 001.

Place : Cuttack

Dated, the 7th November, 2019


(A. K. SETHI)
Adjudicating Officer, Odisha
ROC -cum- OL, Odisha