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भारत सरकार/GOVERNMENT OF INDIA

कार्य मंत्रालय/Ministry of Corporate Affairs

कार्यालय(प.बंगाल)/Office of the Registrar of Companies (West Bengal)

निजाम पैलेस,दुसरा एम एस ओ बिल्डिंग,द्वितीय तल/Nizam Palace, 2nd M. S. O. Building, 2nd Floor

आचार्य जगदीश चन्द्र बोस रोड/ 234/4, Acharya Jagadish Chandra Bose Road

कोलकाता/KOLKATA – 700 020

No. ROC/SEC-12/2019/086030/penalty order/

Dated: 26/06-2019

**Order for Penalty for violation of section 12(1) r/w Section 12(4) of the Companies Act,
2013**

M/S. WELCAST INDIA PRIVATE LIMITED

U27101WB1997PTC086030

Appointment of Adjudicating Officer:-

1. Ministry of Corporate Affairs vide its Gazette Notification No A-42011/112/2014-Ad.II dated 24.03.2015 appointed undersigned as Adjudicating Officer in exercise of the powers conferred by section 454 of the Companies Act, 2013 [herein after known as Act] read with Companies (Adjudication of Penalties) Rules, 2014 for adjudicating penalties under the provisions of this Act.

Company:-

2. Whereas, Company M/S. WELCAST INDIA PRIVATE LIMITED [herein after known as Company] is a registered company with this office under the provisions of Companies Act, 2013/1956 (or previous Acts in force, as applicable) having its registered address at 12A, NETAJI SUBHAS ROAD, 5TH FLOOR, KOLKATA - 700001, WEST BENGAL India as per MCA website.

Facts about the Case:-

3. AND WHEREAS, based upon the complaint received from Shri. Mahesh Kumar Kejriwal, this office issued letter/Notice to the registered office of the company vide letter dated 30.04.2019. However, the same was returned undelivered. This indicates that the company is not maintaining its registered office.
4. That, this Office issued show cause notice under section 12 of the Act vide No. ROC/Kol/SCN/085862/406 to 409 dated 08-05-2019 to the company and its officers. No reply was received by this office from the company and its officers/Directors of the Company for aforesaid Show Cause Notice.
5. Sections 12 (1), 12(4) and 12(8) are reproduced as under:-

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 notice as may be addressed to it.

Section 12(4) - 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.

Section 12(8) - If any default is made in complying with the requirements of this section, the company and every officer who is in default shall be liable to a penalty of one thousand rupees for every day during which the default continues but not exceeding one lakh rupees.
6. Whereas, this office had issued "Notice for Inquiry" vide No. ROC/Legal/S-12/2019/725 dated 28-05-2019 to the company and directors/Officers in default, to appear personally or through authorized representative under Rule 3 (3), Companies (Adjudication of Penalties) Rules, 2014 on 12-06-2019 [between 10.30 AM to 12.30 PM] and Notices were issued to submit their response, if any, two days prior to date of hearing i.e. 10-06-2019. However, the matter has been adjourned to 19-06-2019 for hearing due to pre-occupation of the adjudication officer.

7. In pursuance to this office notice of hearing, Shri. Rabindra Kumar Sarawgee, FCA appeared on behalf of the company and its directors. The cause of action starts based on the complaint preferred by Shri. Makesh Kumar Kejriwal to this office and based on the complaint, clarification has been sought by this office vide letter dated 30.04.2019 has been returned undelivered and hence the above adjudication. On examination of reply furnished by the Company it appears that the subject company maintain its registered office since incorporation and all the correspondence address to them been received by the Company even prior to the notice and subsequent to the notice of this office. Further, the non-receipt of the said letter issued by this office is bad and for which the Company and its directors/officers in default are liable for penalty as per Section 12(8) of the Act.

ORDER

8. Having considered the facts and circumstances of the case and after taking into account the factors above, I hereby impose a penalty of Rs. **10,000/-** (Rupees Ten Thousand) on the concerned Company and Rs. **7,500/-** (Rupees Seven Thousand Five Hundred) on each of the three Directors /officers in default under Section 12(8) of the Act for failure to make compliance of the Act u/s. 12(1) r/w 12(4) of the Act. I am further of the opinion that penalty is commensurate with the aforesaid failure committed by the Noticee.
9. The noticee shall pay the said amount of penalty individually for the company and its directors (out of own pocket) by way of e-payment [available on Ministry website www.mca.gov.in] under "Pay miscellaneous fees" category in MCA fee and payment Services within 90 days of receipt of this order. The Challan/SRN generated after payment of penalty through online mode shall be forwarded to this Office Address.
10. Appeal against this order may be filed in writing with the Regional Director (ER), Ministry of Corporate Affairs, Kolkata within a period of sixty days from the date of receipt of this order, in Form ADJ [available on Ministry website www.mca.gov.in]

setting forth the grounds of appeal and shall be accompanied by a certified copy of the this order. [Section 454(5) & 454(6) of the Act read with Companies (Adjudicating of Penalties) Rules, 2014].

11. Your attention is also invited to section 454(8) of the Act in the event of non-compliance of this order.


(K G JOSEPH JACKSON)
Registrar of Companies & Adjudicating Officer
West Bengal

To

1. M/S. WELCAST INDIA PRIVATE LIMITED
12A, NETAJI SUBHAS ROAD,
5TH FLOOR,
KOLKATA WB 700001
2. SAROJ KEJRIWAL
8/3B ALIPORE PARK ROAD, ALIPORE
KOLKATA 700027 WB IN
3. ANKIT KEJRIWAL
8/3 B, ALIPORE PARK ROAD, ALIPORE
KOLKATA 700027 WB IN
4. RAMESH KUMAR KEJRIWAL
8/3 B, ALIPORE PARK ROAD, ALIPORE
KOLKATA 700027 WB IN

Copy to:- The Regional Director (ER), Ministry of Corporate Affairs, 234/4, A.J.C Bose Road,
2nd M.S.O. Building, 2nd Floor, Kolkata-700020, for information please.