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भारत सरकार/Government of India
कारपोरेट कार्य मंत्रालय/Ministry of Corporate Affairs
कार्यालय कम्पनी रजिस्ट्रार, बिहार-सह-शासकीय समापक उच्च न्यायालय, पटना
Office of the Registrar of Companies, Bihar-cum-Official Liquidator, High Court, Patna
चौथा तल, 'क' खण्ड, मौर्यालोक काम्पलेक्स/4th Floor, 'A' Wing, Maurya Lok Complex
डाक बंगला रोड, पटना /Dakbunglow Road, Patna-800001

No.: ROC/S-92/137/BR/6868/ 24-24

Date: 03.03.2020

Order for penalty for violation of section 92 and 137 of the Companies Act, 2013

M/S. AMBIENT COMPUTRONICS PRIVATE LIMITED,

CIN: U31200BR1995PTC006868

Appointment of Adjudication 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. AMBIENT COMPUTRONICS PRIVATE LIMITED, CIN: U31200BR1995PTC006868 (herein after known as Company) is a registered company with this office under the provisions of the companies Act, 2013/1956 (or previous Acts in force, as applicable) having its registered office situated at 38, A.N. Path, North S.K. Puri Boring Road, Patna, Bihar-800013, India as per MCA website.

Facts about the case:-

3. WHEARAS, the company was in default for filing its Annual Return and Balance Sheet for the financial year 31.03.2018 with the office of the Registrar of Companies, Patna. Hence, this office has issued show cause notice for default under section 92 and 137 of the Companies Act, 2013 vide No. ROC/PAT/SCN/6868/BR/2422-2423 dated 02.01.2020.

4. WHEREAS, this office has not received any reply from the company and its directors. Hence, it appears that the provisions of Section 92 and 137 of the Companies Act, 2013 has been contravened by the company and its directors/officers and therefore they are liable for penalty u/s 92(5) and 137(3) of the Companies Act, 2013.

Section 92(5):- If any company fails to file its annual return under sub-section (4), before the expiry of the period specified therein, such company and its every officer who is in default shall be liable to a penalty of fifty thousand rupees and in case of continuing failure, with further penalty of one hundred rupees for each day during which such failure continues, subject to a maximum of five lakh rupees.

Section 137(3):- If a company fails to file the copy of the financial statements under sub-section (1) or sub-section (2), as the case may be, before the expiry of the period specified therein, the company shall be liable to a penalty of one thousand rupees for every day during which the failure continues but which shall not be more than ten lakh rupees, and the managing director and the Chief Financial Officer of the company, if any, and, in the absence of the managing director and the Chief Financial Officer, any other director who is charged by the Board with the responsibility of complying with the provisions of this section, and, in the absence of any such director, all the directors of the company, shall be liable to a penalty of one lakh rupees and in case of continuing failure, with further penalty of one hundred rupees for each day after the first during which such failure continues, subject to a maximum of five lakh rupees.

5. WHEREAS, this office had issued "Notice for Hearing" vide No. ROC/PAT/SCN/BR/16868/2711-2712 dated 31.01.2020 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 19.02.2020 at 1:00 p.m and also to submit their response, if any, one day prior to date of hearing i.e. 18.02.2020.
6. That, on the date of hearing, Managing Director of the company was present for hearing. As per MCA record, Annual Return and Balance Sheet for the financial year 31.03.2018 has not been filed till date. Hence the Company and its directors/Officers in default are liable for penalty as per section 92(5) and 137(3) of the Companies Act, 2013.

ORDER

7. Having considered the facts and circumstances of the case and after taking into account the factors above, I hereby impose a penalty of Rs. 50000 (fifty thousand) on the company and Rs. 50000 (fifty thousand) on the managing director of the company under section 92(5) and penalty of Rs.100000 (one lakh) on the company and Rs. 100000 (one lakh) on the managing director of the company under section 137(3) of the Act for failure in compliance of section 92(4) and 137(3) of the Companies Act, 2013.

8. The noticee shall pay the 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 (ninety) days of this order. The Challan/SRN generated after payment of penalty through online mode shall be forwarded to this office.
9. Appeal against this order may be filled in writing with the Regional Director (ER), Ministry of Corporate Affairs, Kolkata, within a period of 60 (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 this order {Section 454(6) of the Act read with Companies (Adjudication of Penalties) Rules, 2014}.
10. Your attention is also invited to section 454(8) of the Act in the event of non-compliance of this order.



(HIMANSHU SHEKHAR)

Registrar of Companies & Adjudicating Officer,
Patna.

To:-

1. Ambient Computronics Private Limited
38, A.N. Path, North S.K. Puri Boring Road,
Patna, Bihar-800013, India.
2. Shri Sujeet Kumar ,
(Managing Director),
House No 38, A.N. Path,
North SK Puri Boring Road,
Patna, 800013, Bihar, India.

Copy to:-

The Regional Director (ER)
Ministry of Corporate Affairs
234/4 A.J.C. Bose Road, 2nd MSO Building
2nd Floor, Kolkata 700020, for information please.

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03/03/20