



भारत सरकार

GOVERNMENT OF INDIA

कारपोरेट कार्य मंत्रालय

MINISTRY OF CORPORATE AFFAIRS

कंपनी रजिस्ट्रार का कार्यालय, पुणे

पी.सी.एन.टी.डी.ए. ग्रीन बिल्डिंग, ब्लॉक ए, 1ला & 2रा माला,

आकुर्डी रेल्वे स्टेशन के पास, आकुर्डी,

पुणे - 411 044

OFFICE OF REGISTRAR OF COMPANIES, PUNE

PCNTDA Green Building, BLOCK A, 1<sup>st</sup> & 2<sup>nd</sup> Floor,

Near Akurdi Railway Station, Akurdi,

Pune - 411044.

**SPEED POST**

No. ROCP/INQ/Adj/2019/ 1969 to 1977

Date: \_\_\_\_\_

3 JAN 2020

**ORDER FOR PENALTY FOR VIOLATION OF SECTION 12(1) READ WITH SECTION 12(4) OF THE COMPANIES ACT, 2013 IN THE MATTER OF PIMPRI CHINCHWAD IRON AND STEEL MERCHANTS ASSOCIATION**

**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, has appointed the undersigned as Adjudicating Officer in exercise of the powers conferred by section 454 of the Companies Act, 2013 (hereinafter known as Act) read with Companies (Adjudication of Penalties) Rules, 2014 for adjudicating penalties under the provisions of this Act.

**Company:-**

2. Whereas the company Pimpri Chinchwad Iron And Steel Merchants Association has been registered under the provisions of the Companies Act, 1956 on 10.03.2000, and is having its registered office situated at T-57, MIDC, BHOSARI, PUNE, Pune, Maharashtra, 411026, India.

**Facts of the case:-**

3. Whereas company has filed application under Section 8 of the Companies Act, 2013 for conversion of Pimpri Chinchwad Iron And Steel Merchants Association into the Private Limited Company. The Directorate issued letter on 11.07.2019 to the company seeking information, however the said letter was returned undelivered with postal remark "LEFT" raising presumption that the registered office of the subject company is not being duly maintained as mandated under Section 12 of the Companies Act, 2013. In view of the above, the Directorate vide letter dated 19.09.2019 directed this

office to initiate proceedings against the company and its directors under Section 12 r.w. 454(1) of the Companies Act, 2013.

4. Whereas, this office had issued notice vide No. ROCP/STA/Adjudication/2019/1463 to 1470 dated 05.11.2019 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 08.11.2019 at 2.30 PM before the Adjudicating Officer for hearing on the default of Section 12(1) of the Companies Act, 2013. The said letters addressed to the company and directors were returned undelivered with Postal remark "Left". Deepika Agarwal, Company Secretary in Practice has submitted letter dated 13.11.2019 in response to above said notice stating that company is not carrying on any business hence the directors of the company has decided to close the office of the company and hence the name and address board of the company was removed to get it repaired.

**Provisions of the Act:-**

5. **Section 12(1) of the Act reads as under: -**

A Company shall within thirty days 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.

**Section 12(8) of the Act reads as under:-**

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.

**ORDER**

5. The letter 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 Section 12(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 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 the 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.

6. Having considered the facts and circumstances of the case, and after taking into account the facts mentioned above, the Adjudicating Officer do hereby imposes penalty of Rs.1,00,000 (Rupees One Lakh) on Company, Pimpri Chinchwad Iron And Steel Merchants Association and Rs.1,00,000/- (Rupees One Lakh) each on every director of the company pursuant to Section 12(8) of the Companies Act, 2013. The A.O. is of the opinion that penalty is commensurate with the aforesaid default committed by the Noticee's.
7. The company and directors are hereby directed to rectify the default immediately from the date of receipt of copy of this order.
8. The penalty imposed shall be paid through the Ministry of Corporate Affairs portal only.
9. The Noticee shall pay the penalty amount in the Misc. Head available on Ministry Website [www.mca.gov.in](http://www.mca.gov.in) within 90 days of receipt of this order and copy of challan shall also be forwarded to this. It is also directed that the penalty so imposed upon the Officers in default shall be paid from their personal sources/income.
10. Appeal against this order may be filed in writing with the Regional Director, Western Region, Ministry of Corporate Affairs, 100, Everest, Marine Drive, Mumbai – 400002. With 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(5) & 454 (6) of the Act, read with Companies (Adjudication of Penalties) Rules, 2014).
11. Your attention is also invited to Section 454(8) of the Companies Act, 2013 for non-payment of penalty.



**(JAGANADH REDDY)**  
**REGISTRAR OF COMPANIES**  
**PUNE**

To,

1. PIMPRI CHINCHWAD IRON AND STEEL MERCHANTS ASSOCIATION  
5, LOKESH APTS TELCO CENTURYENKA ROAD,  
PIMPRI, PUNE, Maharashtra, 411018, India.
2. HASAN MAHAMED HUSEIN DILER  
1003/04, DSK FRANGIPANI, A- WING, 5, B J RD,  
SADHU VASWANI CHOWK,  
PUNE, 411001, Maharashtra, India
3. SHRIKANT VITTHALDAS BIYANI  
224, NANA PETHNEAR ASHOK CHOWK  
NANA PETH PUNE, 411002, Maharashtra, India
4. KETAN SHANTILAL PAREKH  
5 NIHIR TERRACES OPP ANANDBAI, AUNDH,  
MUMBAI, 400077, Maharashtra, India
5. ANIL SATYANARAYAN MITTAL  
PLOT NO 14, PRERANA BUNGLOW, VASANTBAG SOCIETY, BIBWEWADI,  
PUNE, 411037, Maharashtra, India
6. ANISH MATHIA  
PARSHAWA KUNJ B - 41, ASHWINI SOCIETY 5TH LANE,  
BEHIND HOTEL MANALI, SHIVAJINAGAR, PUNE, 411005,  
Maharashtra, India
7. SHYAM SADHURAM AGARWAL  
VIDYA VIHAR BUNGLOW, SECTOR 1, PLOT  
NO. 273 NEAR VAISHNA VMALA TEMPLE,  
INDRA YANINAGAR BHOSARIPUNE, 411026,  
Maharashtra, India
8. JUGALKISHORE MUGATLAL SHAH  
A-1104, WATERS EDGE, NEW DP ROADVISHAL  
NAGAR, PIMPLE NILAKH, PUNE, 411027,  
Maharashtra, India

**Copy for information:**

Regional Director,  
Western Region,  
Ministry of Corporate Affairs,  
5<sup>th</sup> Floor, 100, Everest,  
Marine Drive, Mumbai – 400002.