

Telegram : COMPANYREG

Fax : (033)2290-3795

Website : www.mca.gov.in



(033)2287-3156

(033)2287-3404

(033)2287-7390

भारत सरकार/GOVERNMENT OF INDIA

कारपोरेट कार्य मंत्रालय/Ministry of Corporate Affairs

कम्पनी रजिस्ट्रार 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-165/2019/penalty order/

Dated: 20-11-2019

Order for Penalty for violation of section 165(1) of the Companies Act, 2013

Name of the Director - Shri. Dilip Kumar Dhandhanika

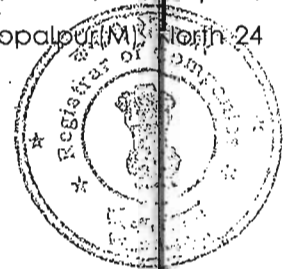
Director Identification Number (DIN) – 00037919

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.

Detail of the Director:-

2. Whereas, Shri. Dilip Kumar Dhandhanika hereinafter referred as the Director under the Companies Act, 2013 having Director Identification Number: DIN – 00037919 and having his address at Silver Oak Estate, 6th Floor, Tower-3, Flat-3L/B-2, Kalipark, Rajarhat Main Road, Opposite Zoro Restaurant, Rajarhat Gopalpur (M) North-24 Parganas, Kolkata - 700136, West Bengal.



Facts about the Case:-

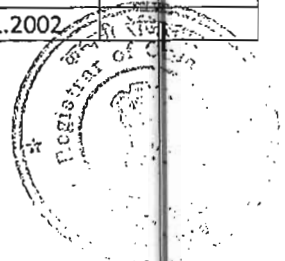
3. WHEREAS Section 165 of the Companies Act, 2013 provides that "No person, after the commencement of this Act, shall hold office as a director, including any alternate directorship, in more than twenty companies at the same time:

Provided that the maximum number of public companies in which a person can be appointed as a director shall not exceed ten.

Explanation :— For reckoning the limit of public companies in which a person can be appointed as director, directorship in private companies that are either holding or subsidiary company of a public company shall be included."

4. WHEREAS Shri. Dilip Kumar Dhandhanian was holding directorship in the following companies as tabular below:-

Sl. No.	Name of the Company	Date of Appointment	Date of cessation
1.	BAID FINEX SERVICES PVT. LTD. CIN: U65993WB1994PTC061332	15.03.2006	-
2.	BAID TRADE FINA PVT. LTD. CIN: U65910WB1994PTC061333	02.07.2001	-
3.	BELFAST HOLDINGS PVT. LTD. CIN: U70109WB1993PTC058176	27.07.1995	-
4.	BLUEST GOODS & SERVICES PVT. LTD. CIN: U51109WB1995PTC068335	27.03.2006	-
5.	CANTON PROPERTIES PVT. LTD. CIN: U70109WB1993PTC058175	27.07.1995	-
6.	DHURTA GRIHA NIRMAN PVT. LTD. CIN: U70102WB2012PTC186932	09.10.2012	29.08.2015
7.	DWELL BUILDCON PVT. LTD. CIN: U45200WB2007PTC110679	12.03.2007	-
8.	DESIRE TRADES PVT. LTD. CIN: U51109WB2006PTC110679	09.06.2007	29.08.2015
9.	FARISHTA REALCON PVT. LTD. CIN: U70102WB2012PTC186645	01.10.2012	29.08.2015
10.	HARAGOURI FINANCIAL SERVICES PVT. LTD. CIN: U65993WB1996PTC079858	28.05.1996	14.03.2016
11.	HARDSOFT HIRISE PVT. LTD. CIN: U45400WB2012PTC186051	16.10.2012	03.10.2015
12.	J.J. STOCK TRUST PVT. LTD. CIN: U67120WB1995PTC072638	18.04.2007	-
13.	JAIGANIA COMMERCIALS PVT. LTD.	20.11.2002	-



	CIN: U60210WB1986PTC040703		
14.	JATASHIV BUILDCON PVT. LTD. CIN: U45400WB2012PTC186056	16.10.2012	03.10.2015
15.	KALASHSIDHI PROPERTIES PVT. LTD. CIN: U45400WB2012PTC186065	16.10.2012	03.10.2015
16.	KALYANKARI COMPLEX PVT. LTD. CIN: U45400WB2012PTC186067	16.10.2012	29.08.2015
17.	KRISHNACHURA REALTORS PVT. LTD. CIN: U45400WB2007PTC114968	24.08.2007	-
18.	KOTIRATAN INFRA TECH PVT. LTD. CIN: U45400WB2012PTC186103	16.10.2012	03.10.2015
19.	KOLKATA TRADECOM PVT. LTD. CIN: U51109WB2007PTC113391	20.02.2007	-
20.	LABHESHWARI PROPERTIES PVT. LTD. CIN: U45400WB2012PTC186068	16.10.2012	29.08.2015
21.	LINKLIKE DEVELOPERS PVT. LTD. CIN: U45400WB2012PTC186069	16.10.2012	29.08.2015
22.	LINKPLAN CONSTRUCTION PVT. LTD. CIN: U45400WB2012PTC186104	16.10.2012	29.08.2015
23.	LOOKLIKE HOUSING PVT. LTD. CIN: U45400WB2012PTC186070	16.10.2012	29.08.2015
24.	MADHUDHAN PROJECTS PVT. LTD. CIN: U45400WB2012PTC186071	16.10.2012	29.08.2015
25.	MANOBAL MARKETING PVT. LTD. CIN: U51109WB2006PTC110796	09.06.2007	29.08.2015
26.	MURALIDHAR DEALTRADE PVT. LTD. CIN: U52390WB2009PTC137701	15.12.2009	01.10.2015
27.	MANGALDHAM BUILDERS PVT. LTD. CIN: U45400WB2012PTC186076	16.10.2012	29.08.2015
28.	MANGALDHAM VINCOM PVT. LTD. CIN: U51909WB2012PTC179632	01.06.2013	03.10.2015
29.	MANGALSHIV RESIDENCY PVT. LTD. CIN: U45400WB2012PTC186075	16.10.2012	29.08.2015
30.	MEANTIME HOUSING PVT. LTD. CIN: U45400WB2012PTC186074	16.10.2012	29.08.2015
31.	MOONLIFE PROPERTIES PVT. LTD. CIN: U45400WB2012PTC186105	16.10.2012	29.08.2015
32.	MOONLIKE CONSTRUCTION PVT. LTD. CIN: U45400WB2012PTC186106	16.10.2012	29.08.2015
33.	MOONSTAR COMPLEX PVT. LTD. CIN: U 45400WB2012PTC186108	16.10.2012	03.10.2015
34.	MOONTREE PROPERTIES PVT. LTD. CIN: U45400WB2012PTC186109	16.10.2012	03.10.2015
35.	MOONVIEW HOUSING PVT. LTD. CIN: U45400WB2012PTC186110	16.10.2012	03.10.2015
36.	MUKTA COMMERCIALS PVT. LTD.	20.11.2002	-

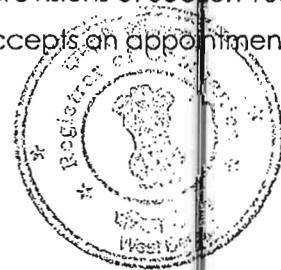


	CIN: U51909WB1986PTC040187		
37.	NEETNEEL (INDIA) PVT. LTD. CIN: U51909WB1985PTC038720	20.11.2002	-
38.	ORTHODOX REALTORS PVT. LTD. CIN: U45400WB2007PTC116121	24.08.2007	-
39.	PADMAHASTA COMPLEX PVT. LTD. CIN: U70102WB2012PTC186646	01.10.2012	29.08.2015
40.	PARROT VINIMAY PVT. LTD. CIN: U51109WB2007PTC113677	05.03.2007	28.09.2015
41.	PAWANSATHI MERCANTILE PVT. LTD. CIN: U51909WB2012PTC182173	01.06.2013	03.10.2015
42.	PORTABLE DEALING PVT. LTD. CIN: U51109WB2006PTC110678	09.06.2007	29.08.2015
43.	RAKSHAKALI REALTORS PVT. LTD. CIN: U45400WB2008PTC121485	07.01.2008	-
44.	RAKTTAP REALCON PVT. LTD. CIN: U70102WB2012PTC186353	25.09.2012	29.08.2015
45.	RAMIR COMMERCIAL PVT. LTD. CIN: U51909WB1995PTC068133	27.03.2006	-
46.	RIGHTAID ASSOCIATES (P) LTD. CIN: U51109WB1985PTC038542	20.11.2002	-
47.	RISHTA REALTORS PVT. LTD. CIN: U70102WB2012PTC186579	27.09.2012	29.08.2015
48.	RITUDHAR CONSTRUCTION PVT. LTD. CIN: U45400WB2012PTC179550	16.10.2013	28.09.2015
49.	RECTANGLE VANIJYA PVT. LTD. CIN: U51109WB2007PTC113389	20.02.2007	-
50.	SHETRAD CONSTRUCTION PVT. LTD. CIN: U70102WB2012PTC186712	03.10.2012	29.08.2015
51.	SHIVGAURI JEWELLERS PVT. LTD. CIN: U67120WB1995PTC074438	28.09.2015	-
52.	SRINITI COMPLEX PVT. LTD. CIN: U70102WB2012PTC186733	03.10.2012	29.08.2015
53.	SATARUPA VINIMAY PVT. LTD. CIN: U51109WB2006PTC108795	03.06.2008	01.10.2015
54.	SUNDARAM VANIJYA PVT. LTD. CIN: U51109WB2006PTC110795	09.06.2007	29.08.2015
55.	SUNVIEW COMMOTRADE PVT. LTD. CIN: U51109WB2007PTC114187	15.03.2007	29.08.2015
56.	SURLOK VANIJYA PVT. LTD. CIN: U51109WB2008PTC122619	07.07.2008	28.09.2015
57.	TAILOKYASUNDAR REALOTORS PVT. LTD. CIN: U45400WB2008PTC121486	07.01.2008	-
58.	TRELOKAP COMPLEX PVT. LTD. CIN: U70102WB2012PTC186411	25.09.2012	29.08.2015
59.	TANUSHKA CONSULTANCY PVT. LTD.	15.03.2007	29.08.2015



	CIN: U74120WB2007PTC114188		
60.	USHAKIRAN COMMOTRADE PVT. LTD. CIN: U51109WB2007PTC113598	05.03.2007	01.10.2015
61.	WRINKLE SUPPLIERS PVT. LTD. CIN: U51109WB2007PTC113669	05.03.2007	29.08.2015
62.	WINZER COMMODITIES PVT. LTD. CIN: U51109WB2007PTC114204	15.03.2007	29.08.2015

5. WHEREAS it is found that Shri. Dilip Kumar Dhandhanian has reduced the directorship to the prescribed limit as mentioned under Section 165(1) of the Companies Act, 2013 on 03.10.2015 i.e. after 31.03.2015, so there is a contravention of the provision of Section 165 of the Companies Act, 2013 for a period of 06 months and 02 days. This resulted in violation of the provision of Section 165 of the Companies Act, 2013.
6. AND WHEREAS, this office has issued show cause notice to the director for the aforesaid violation vide No. ROC/SCN(R)/165(1)/997 dated 21-08-2017. However, no reply has been received by this office, from the said director, though it is duly served upon him.
7. AND WHEREAS, this office has launched prosecution under Section 165 of the Companies Act, 2013 read with Rules thereof against the Director for the aforesaid violation vide case no. C/4161/2017 and pending before the CJM, Alipore Court.
8. AND WHEREAS, during the year 2019, the penal provisions of Section 165 of the Companies Act, 2013 has been amended and substituted with penalty provision as per Companies (Amendment) Act, 2019. Thereby, the violation of section 165 shall be adjudicated by adjudicating officer under the Companies (Adjudication of Penalties) Rules, 2014.
9. AND WHEREAS, this office received compounding application dated 28-03-2019 through Jnana Ranjan Dhal, Advocate for compounding the aforesaid violation. As per Companies (Amendment) Act, 2019, the penal provisions of Section 165(6) of the Companies Act, 2013, provides that if a person accepts an appointment as



a director in contravention of sub-section (1), he shall be liable to a penalty of five thousand rupees for every day after the first during which such contravention continues. Hence, this office proceeded with adjudicating the matter.

10. AND WHEREAS, this office issued notice of inquiry under section 165(6) of the companies act, 2013 read with companies (adjudication of penalties) rules, 2014 vide No. ROC/Legal/S-165/2019/1509 dated 01-07-2019 to the director, to appear personally or through authorized representative under Rule 3 (3), Companies (Adjudication of Penalties) Rules, 2014 on 17-07-2019 [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. 15-07-2019. On 15-07-2019, the matter has been adjourned to 02-08-2019 for hearing at the request of the authorized representative.

11. AND WHEREAS on the date fixed for hearing, Shri. Jnana Ranjan Dhal, Advocate appeared on behalf of the directors and submitted the detailed reply on the above subject matter. On examination of the reply furnished on behalf of the director, it was observed that the director has vacated the directorship/reduced the directorship to below 20 numbers of private companies on 03-10-2015 after exhausting the permissible period as provided in the Act read with Rules after the commencement of the Companies Act, 2013 read with Rules. Hence, the action on the part of the Director effected with a delay period of 185 days. Hence, the director is liable for penalty as per Section 165(6) of the Act.

12. Calculation of penalty:-

Due date for reduction of directorship to below 20 private companies	Date on which the director reduced his directorship to below 20 private companies	Total no. of days default	Amount of penalty



31.03.2015	03.10.2015	185 days	Rs. 5000 per day X 185 days = Rs. 9,25,000
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ORDER

13. Having considered the facts and circumstances of the case and after taking into account the factors above, I hereby impose a penalty of Rs. **9,25,000/-** (Rupees Nine Lakh Twenty Five Thousand) on the Director under Section 165(6) of the Act for failure to make compliance of the Act u/s. 165(1) of the Act of 2013 read with Rules. I am further of the opinion that penalty is commensurate with the aforesaid failure committed by the Noticee.
14. The noticee shall pay the said amount of penalty individually for the directorship (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.
15. Appeal against this order may be filed 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].
16. Your attention is also invited to section 454(8) of the Act in the event of non-compliance of this order.



Sd/-

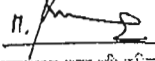
(K G JOSEPH JACKSON)
Registrar of Companies & Adjudicating Officer
West Bengal

To

Dilip Kumar Dhandhania
Silver Oak Estate, 6th Floor, Tower-3,
Flat-3L/B-2, Kalipark, Rajarhat Main Road,
Opposite Zora Restaurant, Rajarhat Gopalpur(M),
North 24 Parganas,
Kolkata - 700136

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.

प्रमाणित सत्य प्रतिलिपि
Certified to be true Copy

 29/11/19

उपरोक्त प्रतिलिपि सत्य है
Deputy Regional Director of Companies
West Bengal
Kolkata

