



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, 1st & 2nd Floor,

Near Akurdi Railway Station, Akurdi,

Pune - 411044.

No. ROCP/INQ/Adj/2019/ 1952 to 1956

Date: _____

2 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 LITTLE MASTER AUTO CAST PRIVATE LIMITED

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 Little Master Auto Cast Private Limited has been registered under the provisions of the Companies Act, 1956 on 20.12.2007, and is having its registered office situated at C-1/5, RAJASHREE VILLA, BHOSALE PARADISE, RANGE HILLS ROAD, NEXT TO VRINDAVAN SOCIETY, PUNE, Maharashtra, 411020.

Facts of the case:-

3. Whereas company has filed compounding application for composition of offence under Section 441 of the Companies Act, 2013 for violation of Section 96 of the Companies Act, 2013. The Directorate has returned the compounding application raising queries. This office has conveyed the said queries to the company vide this office letter dated 19.09.2019. This said letter was returned back by postal authorities with remark "Left". Thus it is evidence that company and its directors have failed to comply with the

provisions of Section 12(1) & 12(4) of the Companies Act, 2013, in maintaining registered office of the Company, thereby attracting the penal provisions mentioned under Section 12(8) of the Companies Act, 2013. The Company and its directors are in default, as per Section 2(60) of the Companies Act, 2013 and are thus liable for penal provisions.

4. Whereas, this office had issued notice vide No. ROCP/STA/Adjudication/2019/1418 to 1421 dated 04.11.2019 to the company and directors/officers in default by post and by e-mail, 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 address to the company and directors were returned undelivered with Postal remark "Left". But in response to e-mail sent by this office Vrinda Valunj, Director appeared before the Adjudicating Officer and furnished letter stating that company has been stuck in cash flow problems because of which the company is finding it difficult to have anyone placed in the registered office of the company.

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 address 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

6. 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 manangement.

7. 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, Little Master Auto Cast Private Limited and Rs.1,00,000/- (Rupees One Lakh) each on every director of the company pursuant of 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.
8. The company and directors are hereby directed to rectify the default immediately from the date of receipt of copy of this order.
9. The penalty imposed shall be paid through the Ministry of Corporate Affairs portal only.
10. The Noticee shall pay the penalty amount in the Misc. Head available on Ministry Website 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.
11. Appeal against this order may be filed in writing with the Regional Director, Western Region, Ministry of Corporate Affairs, 100, Everest, Marine Drive, Mumabi – 400002. within a period of sixty days from the date of receipt of this order, in Form ADJ setting for the 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).
12. 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

o/c

To,

1. LITTLE MASTER AUTO CAST PRIVATE LIMITED
C-1/5, RAJASHREE VILLA, BHOSALE PARADISE,
RANGE HILLS ROAD, NEXT TO VRINDAVAN SOCIETY,
PUNE, Maharashtra, 411020, India.
2. VILAS VITTHAL VALUNJ
C-1 FLAT NO 5, RAJASHREE VILLA, RANGE HILL ROAD
OPP. SYMPHONY HOTEL, PUNE, 411020, Maharashtra, India
3. VAISHALI VILAS VALUNJ
C-1/5, RAJASHREE VILLA, BHOSALEPARADISE,
RANGE HILLS ROAD, SHIVAJINAGAR,
PUNE, 411020, Maharashtra, India
4. VRINDA VALUNJ VILAS
C1 Flat no 5 Rajashri Villa Bhosale Paradise
Range Hills Road, Pune City Range Pune, 411020,
Maharashtra, India

Copy for information:

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