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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 काम्प्लेक्स/4<sup>th</sup> Floor, 'A' Wing, Maurya Lok Complex  
डाक बंगला रोड, पटना /Dakbunglow Road, Patna-800001

No.: ROC/S-203/BR/18492

67-71

Date: 05.03.2020

Order for penalty for violation of section 203 of the Companies Act, 2013 read with rule 8A of the Companies (Appointment and Remuneration of Managerial Personnel) Rules, 2014

**M/S. MAA KALI CIVCON CORPORATION PRIVATE LIMITED**  
**CIN: U45200BR2012PTC018492**

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. Maa Kali Civcon Corporation Private Limited (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 B-103, Jagmano Shree Garden Apartment, Vedh nagar, Rukanpura, P.s.- Rupspur, Patna, Bihar, 800023, India as per MCA website.

Facts about the case:-

3. WHEREAS, the company M/s. Maa Kali Civcon Corporation Private Limited is a private company having paid up capital of Rs. 60800000.
4. WHEREAS, section 203 of the Companies Act, 2013 which provides that:- "Every Company belonging to such class or classes of companies as may be prescribed shall have the following whole-time Key Managerial Personnel,-

- (i) Managing director, or Chief Executive Officer or manager and in their absence, a whole-time director;
  - (ii) Company secretary; and
  - (iii) Chief Financial Officer”.
5. WHEREAS, rule 8A of the Companies (Appointment and Remuneration of Managerial Personnel) Rules, 2014 provides that “A company other than a company covered under rule 8 which has a paid up share capital of five crore rupees or more shall have a whole-time company secretary.
6. WHEREAS, as per MCA record there is no whole-time company secretary in the company, this office has issued a show cause notice under section 203 of the Companies Act, 2013 read with Rule 8A of the Companies (Appointment and Remuneration of Managerial Personnel) Rules, 2014 and the Companies (Amendment) Ordinance, 2019 dated 30.04.2019 to the company and its directors and reply has been received from the company stating that “allow some time of about one to two months, so that company can initiate the process for appointment of the whole time secretary” and no whole time company secretary has been appointed in the company.
7. WHEREAS, this office has issued a notice for hearing under Section 203 of the Companies Act, 2013 Read with Rule 8A of the Companies (Appointment and Remuneration of Managerial Personnel) Rules, 2014 dated 10.02.2020 to the company and its directors officers in default to appear personally or through authorized representative under Rule 3(3) of the Companies (Adjudication of Penalties) Rules, 2014 on 05.03.2020 at 12:30 p.m and also to submit their response, if any, one day prior to date of hearing i.e. 04.03.2020.
8. That, on the date of hearing neither the authorized representative of the company nor the directors were present for hearing and also reply has not been received. Hence the Company and its directors/Officers in default are liable for penalty as per section 203(5) of the Companies Act, 2013.

#### ORDER

9. Having considered the facts and circumstances of the case and after taking into account the factors above, I hereby impose a penalty of Rs. 500000 (five lakh) on the company and Rs. 50000 (fifty thousand) each on the 4 (four) directors of the company under section 203(5) of the Act for failure in compliance of section 203(1) of the Companies Act, 2013 read with Rule 8A of the Companies (Appointment and Remuneration of Managerial Personnel) Rules, 2014.
10. 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](http://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.

11. 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](http://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}.
12. 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. Maa Kali Civcon Corporation Private Limited  
B-103, Jagmano Shree Garden Apartment,  
Vedh nagar, Rukanpura, P.s. - Rupspur,  
Patna, Bihar, 800023, India.
2. Shri Dhananjay Kumar Yadav,  
B-103, Jagmano Shree Garden,  
Vedh Nagar, Rukanpura,  
Patna - 800014, Bihar, India.
3. Shri Ajay Kumar,  
B-103, Jagmano Shree Garden,  
Vedh Nagar, Rukanpura,  
Patna, 800014, Bihar, India.
4. Ms. Rani kumari,  
B 103, Jagmano Shree Garden, Vedh Nagar,  
Rukanpura, Patna - 800014, Bihar, India.
5. Shri. Ranjit Kumar,  
S/o. Sharma Nand Mahto, Bishanpur,  
Kajha, Purnia 854304, Bihar, India.

**Copy to:-**

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

*ok*  
*any*  
*05/03/2020*