

BEFORE THE ADJUDICATING OFFICER
ROC -cum- OL, ODISHA, CUTTACK
(ADJUDICATION ORDER NO. ROC/CTC/AO/12/2019)

ORDER

**UNDER SECTION 454 OF THE COMPANIES ACT, 2013 READ WITH THE COMPANIES
(ADJUDICATION OF PENALTIES) RULES, 2014**

**KKDIL SECURITIES LIMITED
CIN : U67120OR2011PLC013233**

Appointment of Adjudicating Officer :-

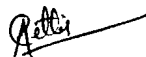
1. The Ministry of Corporate Affairs vide its Gazette Notification No. A-42011/112/2014-Ad. II dated 24.03.2015 appointed the undersigned as Adjudicating Officer (hereinafter referred to as "the A.O") in exercise of the powers conferred under Section 454 of the Companies Act, 2013 (herein after known as **The Act**) read with Companies (Adjudication of Penalties) Rules, 2014 (Notification No. GSR 254(E) dated 31.03.2014) for adjudging penalties under the provisions of the Act.

Company :-

2. KKDIL Securities Limited (herein after known as the Company) CIN U67120OR2011PLC013233 is a registered company with the office of the ROC -cum- OL, Odisha and having its registered office address at Gandhi Nagar, 2nd Lane Extention, Mahamayee Women's College, Berhampur, Ganjam, Orissa : 760 001, India as per the records maintained by this office in online registry.

Show Cause Notice, Reply and Personal Hearing :

3. On the basis of Inspection Report under Section 206(5) of the Companies Act, 2013 the Directorate vide its DO No. JD(Inspn)Cal/12/17/2140 dated 29.05.2019 directed this office to take action under Section 12 (8) of the Act for violation of Section 12(3) of the Act. Accordingly, this office initiated Adjudication Proceeding against the company and its Directors/Officer-in-Default. Hence Show Cause Notices (SCN) under Section 454 of the Act for violation of Section 12 (3) of the Act have been issued to the company and its Directors/Officer-in-Default viz (i) Shri Bipin Chandra Das (DIN 01859168), (ii) Ms. Sujata Das (DIN 01903032) and (iii) Shri Baman



- Charan Das (DIN 02116492) vide this office Show Cause Notice No. ROC/Sec.454/13233/2019/889(4) dated 11.07.2019. But the letters addressed to the company and its Directors/Officer-in-Default were returned undelivered with postal remark "Left"
3. As the aforesaid notices/letters were returned undelivered, it is presumed that the company has not maintained its registered office at the recorded address furnished by it and available in MCA21 records. Hence, the Adjudicating Officer issued Show Cause Notice under Sub-Rule (2) of Rule 3 of the Companies (Adjudication of Penalties) Rules, 2014 for contravention of Section 12(1) of the Companies Act, 2013 to the Company and its directors/officer-in-default viz. viz (i) Shri Bipin Chandra Das (DIN 01859168), (ii) Ms. Sujata Das (DIN 01903032) and (iii) Shri Baman Charan Das (DIN 02116492), but the letter addressed to the company was returned undelivered with Postal remark "Left".
4. Thereafter, Notice of Inquiry was also issued vide this office Show Cause Notice No. ROC/Sec. 454/13233/2019/1296 (4) dated 10.09.2019 pursuant to Rule (3) of Companies (Adjudication of Penalties) Rules, 2014 to the Company and Officers/Directors (Noticee) calling upon them to appear personally or through authorized representative under Rule 3(3) of the Companies (Adjudication of Penalties) Rules, 2014 on 24.09.2019 at 4.00 PM. But, neither the Directors nor any representative for the company and/or directors appeared for personal hearing. Hence, the matter again adjourned to 30.10.2019, but no one was appeared and the letters addressed to the company and its directors are returned undelivered with postal remark "Left".

Provisions of the Companies Act, 2013 :

5. Sub-Section (1) of Section 12 of the Act provides, "A company shall, on and from the fifteenth day of its incorporation and at all times thereafter, have a registered office capable of receiving and acknowledging all communication and notices as may be addressed to it."

Sub-Section (3) of Section 12 of the Act provides, Every company shall:

- (a) paint or affix its name, and the address of its registered office, and keep the same painted or affixed, on the outside of every office or place in which its business is carried on, in a conspicuous position, in legible letters, and if the characters

employed therefore are not those of the language or of one of the languages in general use in that locality, also in the characters of that language or of one of those languages”

ORDER

06. The letters 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 Sub-Section (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 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.

07. Having considered the facts and circumstances of the case, and after taking into account the factors above, the A.O hereby imposes penalty on Company, Directors maximum to Rs. 1,00,000/- to the Company viz. KKDIL SECURITIES LIMITED and Rs. 1,00,000/- each to every officer-in-default viz. viz (i) Shri Bipin Chandra Das (DIN 01859168), (ii) Ms. Sujata Das (DIN 01903032) and (iii) Shri Baman Charan Das (DIN 02116492 for violation of Section 12 of the Companies Act, 2013 for default period of 559 days i.e. 23.04.2018 (date of Inspection by the Inspecting Officer) to 07.11.2019 (date of hearing). The A.O. is of the opinion that penalty is commensurate with the aforesaid default committed by the Noticees.

08. The company and its directors are hereby directed to rectify the default immediately from the date of receipt of copy of this order.

09. The Penalty imposed shall be paid through the Ministry of Corporate Affairs portal only.

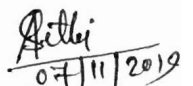
10. Appeal, if any, against this order may be filed in writing with the Regional Director, Eastern Region, Ministry of Corporate Affairs, Nizam Palace, 3rd Floor, 234/4, A.J.C. Bose Road, Kolkata

^ : 700 020 within 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 of the Companies Act, 2013 read with the Companies (Adjudicating of Penalties) Rules, 2014].

11. Your attention is also invited to Section 454(8) of the Act regarding consequences of non-payment of penalty.
12. In terms of the provisions of sub-rule (9) of Rule 3 of the Companies (Adjudication of Penalties) Rules, 2014, a copy of this order is sent to (i) KKDIL Securities Limited, Gandhi Nagar, 2nd Lane Extention, Mahamayee Women's College, Berhampur, Ganjam, Orissa : 760 001, (ii) Shri Bipin Chandra Das (DIN 01859168), Tulasi Nagar, 6th Lane, Berhampur : 760 001, Odisha (iii) Ms. Sujata Das (DIN 01903032), Bank Colony, 8th Lane, Near AIR, Lochapada Road, Berhampur : 760 001 and (iv) Shri Baman Charan Das (DIN 02116492), Laxmi Nagar, Berhampur Municipality, Berhampur, Ganjam : 760 001, and also Secretary to the Govt. of India, Ministry of Corporate Affairs, Shastri Bhawan, A Wing, 5th Floor, Dr. R. P. Road, New Delhi : 110 001.

Place : Cuttack

Dated, the 7th November, 2019


07/11/2019
(A. K. SETHI)
Adjudicating Officer, Odisha
ROC -cum- OL, Odisha