

In the matter of Companies Act, 2013

And

In the matter of adjudication proceeding for violation of section 12(3)(c) of the
Companies Act, 2013.

And

In the matter of M/s. ANUP INDUSTRIES LIMITED.

31 MAY 2019 / 1157

1. M/s. ANUP INDUSTRIES LIMITED.
10, 4th Floor, "Archan Co-Op HSG. Society Ltd.
9, Alkapuri Society, Nr. Vidhyapith Usmanpura,
Ahmedabad.
2. GAURAV NAUTAM NANA VATY (Managing Director)
Nanavaty Bungalows, Nr. Shahibaug Post office,
Airport road, Ahmedabad-380004.
3. MITALI NANA VATY GAURAV (Whole Time Director)
FLAT NO-104, BLDG NO, H -13, PRESS ENCLAVE,
NR. PRATIKSHA NAGAR BUS DEPOT,
MUMBAI-400022.

.....Respondents

Date of hearing- 08.05.2019

Present

1. Shri L. R. Meena, Registrar of Companies **Adjudicating Officer**
2. Shri Sudhir Phaye, Dy. Registrar of Companies, **Presenting Officer**
3. Shri Naresh Chandra, Senior Technical Assistant **Present staff**
4. D. A. Rupawala, **Chartered Accountant (PCA) and
authorised representative of
the above respondents.**

ORDER

The above named company was incorporated on 21.08.1961 and as per record of this office presently the company is having its registered office situated at 10 & 11, "ARCHAN", 4th Floor, 9, Alkapuri Society, Usmanpura, Ahmedabad- 380 014.

Whereas M/s. ANUP INDUSTRIES LIMITED (herein after referred to as "company") is a company having its Registered office at registered office situated at 10 & 11, "ARCHAN", 4th Floor, 9, Alkapuri Society, Usmanpura, Ahmedabad- 380 014 registered under the provisions of the Companies Act, 1956 (hereinafter referred to as "Act") in the state of Gujarat.

And whereas as per Section 12 (3)(c) of the Companies Act, 2013, every company shall, get its name, address of its registered office and the Corporate Identity Number along with telephone number, fax number, if any, e-mail and website addresses, if any, printed in all its business letters, billheads, letter papers and in all its notices and other official publications.

And Whereas, it is noticed from the Company's Letter dated 12.03.2019 in the matter of Application under section 14(2) of the Companies Act, 2013 for conversion from Public Limited Company to Private Limited that the CIN of the Company is not printed on the Letter head submitted to this office vide Letters dated 26.01.2019 and 12.03.2019 as required under the provisions of section 12(3)(c) of the Companies Act, 2013, thereby violated the provisions of Section 12(3)(c) of the Companies Act, 2013.

- 1) In view of the above facts the undersigned has reasonable cause to believe that the provision of Section 12(3)(c) of the Companies Act, 2013 has not been complied with by the Company and its officers in default. Thus, the Company and its officers in default have rendered themselves liable to be panel action as provided in sub-section (8) of section 12 of the Companies Act, 2013. As per provision of section 12 (8), there is provision for penalty for which the ROC is empowered to adjudicate the penalty under section 454 (3) of the Companies Act, 2013.
- 2) The office of the Registrar of Companies, Gujarat, Dadra and Nagar Haveli issued show cause notice for violation of section 12(3)(c) of the Companies Act, 2013 to the Company and Respondents Directors on 22.03.2019. In response of the said notice, the company vide Letter dated 27.03.2019 submitted reply, which was not found satisfactory.
- 3) Thereafter, this office issued adjudication notice for violation of section 12(3)(c) of the Companies Act, 2013 to the Company and Respondent Directors on 08.04.2019 by giving an opportunity of being heard in the matter of adjudication proceeding before the undersigned on 29.04.2019. On request of the company vide Letter dated 22.04.2019, the matter was adjourned and the next date of hearing was fixed on 08.05.2019 in the matter.
- 4) The undersigned in exercise of power conferred under sub section 3 of section 454 of the Companies Act, 2013 fixed the date of hearing on 08.05.2019 for adjudicating penalty for violation of provision of section 12(3)(c) of the Companies Act, 2013.
- 5) In response to the adjudication notice dated 08.04.2019 issued by the undersigned, the Company and its officer in default have authorized Shri D.A. Rupawala, Practicing Chartered Accountant vide Board Resolution and Memorandum of appearance dated 22.04.2019 to appear and represent before the adjudicating authority- Registrar of Companies, Gujarat on the


above given date and time for oral and written submission and to all acts and things as may be necessary and incidentally in the matter.

- 6) During the hearing on 08.05.2019, Shri D.A. Rupawala, Practicing Chartered Accountant and Authorized representative of the Respondents reiterated submissions made in the adjudication notices. He submitted the company's Letter dated 27.03.2019 before the members informing that the company had decided to convert the company to a Private Limited company. Therefore, the company was in waiting for the process to be completed so that new stationery of Anup Industries Private Limited can be printed covering all statutory requirements. Hence, the violation on the part of the Respondents was absolutely unintentional and was committed inadvertently without any malafied intension in the Letter dated 26.01.2019 and 12.03.2019 for conversion from Public Ltd. to Private Ltd.
- 7) That keeping in mind all the relevant facts and after consideration of the oral submissions made by Shri D.A. Rupawala, Practicing Chartered Accountant and Authorized Representative of the Respondents, it is observed that the company and Respondents i.e. No. 2 and 3 had committed default under section 12(3)(c) of the Companies Act, 2013 for not mentioning the CIN on the Company's Letters dated 26.01.2019 and 12.03.2019. The submission made by Shri D.A. Rupawala, Practicing Chartered Accountant on behalf of the Respondents appears to be satisfactory. However, as a matter of fact as above stated, it is hereby ordered that sum of Rs. 2000/- each to company and its 2 officers has been imposed as penalty and the matter stand disposed off.

The penalties imposed as under should be paid by the Respondents as per Law and submit the copies of Challan to this office. The company should file the INC 28 with attachment of this order and copy of aforesaid Challan.

Sr. No.	Name of the Respondents	Amount (In Rs.)
1.	M/s. ANUP INDUSTRIES LIMITED	2,000/-
2.	Shri GAURAV NAUTAM NANAVATY (M. D.)	2,000/-
3.	Shri MITALI NANAVATY GAURAV (W.T.D.)	2,000/-
	Total Rs.	6,000/-

The adjudication notice stands disposed of with this order.


(L. R. Meena)
Adjudicating officer,
Registrar of Companies,
Gujarat, Dadra and Nagar Haveli.

Signed this 8th day of May, 2019.

Copy to:

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NR. PRATIKSHA NAGAR BUS DEPOT,
MUMBAI-400022.
4. Mater File
5. Office Copy