

**In the matter of Companies Act, 2013**

And

**In the matter of adjudication proceeding under Sub-section (1) of section 12 of the  
Companies Act, 2013.**

And

**In the matter of M/s. AQUA PLUS ENTERPRISES PRIVATE LTD.**

24 JAN 2019/2018

1. M/s. Aqua Plus Enterprises Private Limited  
A-9, Nilay Apartment, B/h. Navrang School,  
Naranpura, Ahmedabad- 380 013.
  
2. VISHVES SUBHASHCHANDRA PATEL (Director)  
ABHISHWET BUNGLOW, NR.  
GIRDHARNAGARB/H HOTEL SHAHIBAG,  
AHMEDABAD-380004
  
3. DHIRAJBHAI BHOGILAL PATEL (Director)  
A 342, GHANSHYAMNAGAR SOC,  
NATVARNAGAR, B/H. KOTARPUR NOBALNAGAR, NARODA,  
AHMEDABAD-382475
  
4. JIGAR SHAH NARESHKUMAR (Director)  
A-9, NILAY APPARTMENT, B/H NAVRANG SCHOOL,  
NARANPURA, AHMEDABAD-380013018.

.....Respondents

**Date of hearing- 17.01.2019**

**Present**

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| 1. Shri L. R. Meena, Registrar of Companies        | <b>Adjudicating Officer</b>  |
| 2. Shri Sudhir Phaye, Dy. Registrar of Companies,  | <b>Presenting Officer</b>  |
| 3. Shri Naresh Chandra, Senior Technical Assistant | <b>Present staff</b>   |
| 4. Shri Mehul R. Thakkar,                          | <b>Company Secretary (PCS) and<br/>authorised representative of<br/>the above respondents.</b> |

## ORDER

The above named company was incorporated on 28.10.2009 and as per record of this office presently the company is having its Registered office situated at A-9, NILAY Apartment, B/h, Navrang School, Naranpura, Ahmedabad- 380 013.

**WHEREAS** M/s. **AQUA PLUS ENTERPRISES PRIVATE LTD** (herein after referred to as “company”) is a company having its Registered office at A-9, NILAY Apartment, B/h, Navrang School, Naranpura, Ahmedabad- 380 013 registered under the provisions of the Companies Act, 2013 (hereinafter referred to as “Act”) in the state of Gujarat.

**And whereas** As per Section 12(1) of the Companies Act, 2013, a company shall, on and from the fifteenth day of its incorporation and at all times thereafter should have a registered office capable of receiving and acknowledging all communications and notices as may be addressed to it.

**And whereas**, the Regional Director (NWR), Ministry of Corporate Affairs had issued Letter No. 10.09.2018 to the Company at its registered office address at 704/C, Phase-IV, Gayatri Mandir Road, GIDC, Naroda, Ahmedabad in the matter of condonation of charge, but the said letter was returned from the Postal Authority with the remarks “LEFT”. Therefore, the Regional Director (NWR) vide letter No. RD/ (NWR) /Sec. 87/2018/3660 dated 25.10.2018 informed the undersigned that the subject company has not maintained its registered office in compliance of section 12(1) of the Companies Act, 2013 and initiate necessary action for violation of section 12(1) 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(1) 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(1) of the Companies Act, 2013 to the Company and Respondents Directors on 30.10.2018. In response of the said notice, the company has submitted reply dated Nil received in this office on 17.12.2018, which was not found satisfactory.
- 3) Thereafter, this office issued adjudication notice for violation of section 12(1) of the Companies Act, 2013 to the Company and Respondent Directors on 27.12.2018 by giving an opportunity of being heard in the matter of adjudication proceeding before the undersigned on 17.01.2019.
- 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 17.01.2019 for adjudicating penalty for violation of provision of section 12 (1) of the Companies Act, 2013.

- 5) In response to the adjudication notice dated 27.12.2018 issued by the undersigned, the Company and its officer in default have authorized Shri Mehul R. Thakkar, Practicing Company Secretary vide Board Resolution dated 16.01.2019 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 17.01.2019, Shri Mehul R. Thakkar, Practicing Company Secretary and Authorized representative of the Respondents reiterated submissions made in the adjudication notices. He further submitted that violation on the part of the Respondents was absolutely unintentional and was committed inadvertently without any malafied intension.
- 7) That keeping in mind all the relevant facts and after consideration of the oral submissions made by Shri Mehul R. Thakkar, Practicing Company Secretary and Authorized Representative of the Respondents, it is observed that the company and Respondents i.e. No. 2 to 4 had committed default under section 12 (1) of the Companies Act, 2013 for not maintaining of registered office. The submission dated 17.01.2019 made by Shri Mehul R. Thakkar on behalf of the Respondents appears to be satisfactory. However, as a matter of fact that the notice sent by Directorate was undelivered on a particular date, it is hereby ordered that sum of Rs. 3000/- each to company and its 3 officers has been imposed as penalty for 3 days 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. Aqua Plus Enterprises Private Limited	3,000/-
2.	Shri VISHVES SUBHASHCHANDRA PATEL (Director)	3,000/-
3.	Shri DHIRAJBHAI BHOGILAL PATEL (Director),	3,000/-
4.	Shri JIGAR SHAH NARESHKUMAR (Director)	3,000/-
	Total Rs.	12,000/-

The adjudication notice stands disposed of with this order.

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

Signed this 17<sup>th</sup> day of January, 2019.

Copy to:

1. M/s. Aqua Plus Enterprises Private Limited  
A-9, Nilay Apartment, B/h. Navrang School,  
Naranpura, Ahmedabad- 380 013.
2. VISHVES SUBHASHCHANDRA PATEL (Director)  
ABHISHWET BUNGLOW, NR.  
GIRDHARNAGARB/H HOTEL SHAHIBAG,  
AHMEDABAD-380004
3. DHIRAJBHAI BHOGILAL PATEL (Director)  
A 342, GHANSHYAMNAGAR SOC,  
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NARODA, AHMEDABAD-382475
4. JIGAR SHAH NARESHKUMAR (Director)  
A-9, NILAY APPARTMENT, B/H NAVRANG SCHOOL,  
NARANPURA, AHMEDABAD-380013018
5. Mater File
6. Office Copy