

In the matter of Companies Act, 2013

And

In the matter of adjudication proceeding under Sub-section (3)(c) of section 12 of  
the Companies Act, 2013.

And

In the matter of M/s. ARYA FIN-TRADE SERVICES (INDIA) PRIVATE LIMITED,  
624570 6249

1. M/s. ARYA FIN-TRADE SERVICES (INDIA) PRIVATE LIMITED  
Shop No. 19, Second Floor ADM 400 Sq. Ft.  
Shirdharth Complex Opp. Silvassa Police Station  
Silvassa DADRA & NAGAR HAVELI DN 396230
2. SHANI PRAHLADBHAI PATEL (Managing Director)  
A-202, SEPAL GARNETANANDNAGAR ROAD,  
PRAHARNAGAR,  
SATELLITE,  
AHMEDABAD, 380015,
3. KOTHARI MANALI RAJENDRABHAI (Company Secretary)  
SHAHIBAUGAHMEDABAD, 380004, Gujarat, ..... Respondents

Date of hearing- 25.01.2019

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. Shri Niraj Trivedi,                             | Company Secretary (PCS) and<br>authorised representative of<br>the above respondents. |

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## ORDER

The above named company was incorporated on 22.05.2010 and as per record of this office presently the company is having its Registered office situated at Shop No. 19, Second Floor ADM 400 Sq. Ft., Shirdharth Complex Opp. Silvassa Police Station Silvassa DADRA & NAGAR HAVELI DN 396230.

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, the Regional Director (NWR) vide Letter No. RD (NWR)/230-232/(193)/2018-19/4499 dated 17.12.2018 informed this office that the notice under section 230(5) of the Companies Act, 2013 in the matter of amalgamation submitted by the petitioner company has wrongly mentioned the address of the Registered Office at Diu on their letter heads of the Company, whereas the Registered Office of the company is situated at Dadra & Nagar Haveli only as per master data of the Company available on MCA Portal. Therefore, the petitioner company is not maintaining their registered office in compliance of section 12 of the Companies Act, 2013.

And whereas, the office of the undersigned had issued show cause notices to the company and its directors on 18.01.2019. In response of the said notices, the company vide Letter dated 21.01.2019 has replied, which was not found satisfactory reply.

- 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) 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 22.01.2019 by giving an opportunity of being heard in the matter of adjudication proceeding before the undersigned on 25.01.2019.
- 3) 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 25.01.2019 for adjudicating penalty for violation of provision of section 12 (3)(c) of the Companies Act, 2013.
- 4) In response to the adjudication notice dated 22.01.2019 issued by the undersigned, the Company and its officer in default have authorized Shri Niraj Trivedi, Practicing Company


Secretary vide Board Resolution dated 24.01.2019 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.

- 5) During the hearing on 25.01.2019, Shri Niraj Trivedi, 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.
- 6) That keeping in mind all the relevant facts and after consideration of the oral submissions made by Shri Niraj Trivedi, Practicing Company Secretary and Authorized Representative of the Respondents, it is observed that the company and Respondents i.e. No. 2 to 3 had committed default under section 12 (3)(c) of the Companies Act, 2013 for wrong mentioned the address of the Registered office at Diu on the letter head of the company whereas the Registered office of petitioner company is situated at Dadra & Nagar Haveli only as per master data of the company. Therefore, it is hereby ordered that sum of Rs. 1000/- each to company and its 2 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. ARYA FIN-TRADE SERVICES (INDIA) PRIVATE LIMITED | 1,000/-         |
| 2.      | Shri SHANI PRAHLADBHAI PATEL (Managing Director)     | 1,000/-         |
| 3.      | Shri KOTHARI MANALI RAJENDRABHAI (Company Secretary) | 1,000/-         |
|         | <b>Total Rs.</b>                                     | <b>3,000/-</b>  |

The adjudication notice stands disposed of with this order.

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

Signed this 25<sup>th</sup> day of January, 2019.

Copy to:

1. M/s. ARYA FIN-TRADE SERVICES (INDIA) PRIVATE LIMITED  
Shop No. 19, Second Floor ADM 400 Sq. Ft.  
Shirdharth Complex Opp. Silvassa Police Station  
Silvassa DADRA & NAGAR HAVELI DN 396230

2. SHANI PRAHLADBHAI PATEL (Managing Director)  
A-202, SEPAL GARNETANANDNAGAR ROAD.  
PRAHLADNAGAR,  
SATELLITE,  
AHMEDABAD,380015,
3. KOTHARI MANALI RAJENDRABHAI (Company Secretary)  
SHAHIBAUGAHMEDABAD, 380004, Gujarat,
4. Mater File
5. Office Copy