

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. ASIA PACIFIC RESOURCES PRIVATE LIMITED.

6 MAR 2019 / 6952

1. M/S. ASIA PACIFIC RESOURCES PRIVATE LIMITED
403, 4TH FLOOR, SHAIL'S MALL, BEHIND GIRISH COLD DRINK,
CROSS ROAD, C.G. ROAD, NAVARANGPURA,
AHMEDABAD- 380 009.
2. PINKESH AMRUT NAHAR (Director)
D-1203, Anmol CHS Ltd, S.V. Road,
Opp. Patel Auto, Goregaon (W), Mumbai- 400 104.
3. Sachin Amrit Nahar (Director)
Amrut Banglow, Main Road, Opp. Dashashree Mall,
Hall Masoli, Dhanu Road (W),
Thane- 401602, Maharashtra.Respondents

Date of hearing- 21.02.2019

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. Mr. Kunal Trivedi Company Secretary
(PCS) and authorised
representative of the
above respondents.

ORDER

The above named company was incorporated on 07.01.2011 and as per record of this office presently the company is having its Registered office situated at 403, 4th Floor, Shail's Mall, Behind Girish Cold Drink, Cross Road, C.G. Road, Navarangpura Ahmedabad Gujarat 380 009.

WHEREAS M/s. ASIA PACIFIC RESOURCES PRIVATE LIMITED (herein after referred to as "company") is a company having its Registered office at 403, 4th Floor, Shail's Mall, Behind Girish Cold Drink, Cross Road, C.G. Road, Navarangpura Ahmedabad Gujarat 380 009 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(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.

Whereas the Directorate (NWR), Ministry of Corporate Affairs, Ahmedabad had issued letter dated 03.08.2018 to the Company at its registered office address situated at 403, 4th Floor, Shail's Mall, Behind Girish Cold Drink, Cross Road, C.G. Road, Navarangpura Ahmedabad Gujarat 380 009 regarding application under section 87 of the Companies Act, 2013 with regard to satisfaction of charge of the company. But the said letter was returned undelivered by the Postal Authority with the remarks of "LEFT".

1. **Whereas**, The Regional Director vide letter No. RD (NWR/Sec. 87/2018/3654 dated 25.10.2018 directed the undersigned that the subject company is not maintaining its registered office on the aforesaid address, thereby violated the provisions of Section 12(1) of the Companies Act, 2013 and initiate necessary action under section 12(1) of the Companies Act, 2013.
2. In view of the above facts & observation, it appears that the company is not maintaining its registered office and the provision of section 12(1) of the Companies Act, 2013 has been contravened and the company and every officer of the company, who is in default shall be liable for penal action under section 12(8) of the Companies Act, 2013.

3. 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 its Respondents on 15.11.2018. In response of the said notice, the company vide Letter dated 06.12.2018 has submitted reply, which was not found satisfactory. Due to typographic error in the notice dated 15.11.2018, this office had further issued show cause notice for violation of section 12(1) of the Companies Act, 2013 to the Company and its Respondents on 24.01.2019. The company vide Letter dated 13.02.2019 has submitted reply, which also was not found satisfactory
4. This office issued adjudication notice for violation of section 12(1) of the Companies Act, 2013 to the Company and its Respondents on 06.02.2019 by giving an opportunity of being heard in the matter of adjudication proceeding before the undersigned on 21.02.2019.
5. 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 21.02.2019 for adjudicating penalty for violation of provision of section 12 (1) of the Companies Act, 2013.
6. In response to the adjudication notice dated 06.02.2019 issued by the undersigned, the Company and its officer in default have authorized Shri Kunal Trivedi , Practicing Company Secretary vide Board Resolution and authorization Letter dated 14.02.2019 to company and its officers in default 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.
7. During the hearing on 21.02.2019, authorized Shri Kunal Trivedi, Practicing Company Secretary and authorized representative of the Respondents reiterated submissions made in the adjudication notices. He tendered written submission dated 16.02.2019 before the Authority stating that the registered office of the company is maintaining since incorporation of the company and the company is receiving all mails and letters in timely manner at the registered office address of the company. He further apologies for returned the letter dated 03.08.2018 issued by


the Directorate as the maintenance activity was in progress in the office premise due to heavy rain. Hence, the registered office of the company was closed for 2-3 days. He informed the authority that violation on the part of the Respondents was absolutely unintentional and was committed inadvertently without any malafied intension.

8. That keeping in mind all the relevant facts and after consideration of the oral submissions made by Shri Kunal Trivedi, Practicing Company Secretary and Authorized Representative of the Respondents, it is observed that the company and Respondent No. 2 & 3 have committed default under section 12 (1) of the Companies Act, 2013 for not maintaining of registered office. The submission dated 06.02.2019 made by the company appears to be satisfactory. However, as a matter of the fact that the notice sent by Directorate was undelivered due to maintenance activities was in progress and office was closed during default period, it is hereby ordered that sum of Rs. 3,000/- each to company and its 2 officers has been imposed 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. ASIA PACIFIC RESOURCES PRIVATE LIMITED	3,000/-
2.	PINKESH AMRUT NAHAR (Director)	3,000/-
3.	Sachin Amrit Nahar (Director)	3,000/-
	Total Rs.	9,000/-

The adjudication notice stands disposed of with this order.


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

Signed this 21 day of February, 2019.

Copy to:

1. M/S. ASIA PACIFIC RESOURCES PRIVATE LIMITED
403, 4TH FLOOR, SHAIL'S MALL, BEHIND GIRISH COLD DRINK,
CROSS ROAD, C.G. ROAD, NAVARANGPURA,
AHMEDABAD- 380 009.

2. PINKESH AMRUT NAHAR (Director)
D-1203, Anmol CHS Ltd, S.V. Road,
Opp. Patel Auto, Goregaon (W), Mumbai- 400 104.

3. Sachin Amrit Nahar (Director)
Amrut Banglow, Main Road, Opp. Dashashree Mall,
Hall Masoli, Dhanu Road (W),
Thane- 401602, Maharashtra.

4. Master File

5. Office Copy