

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. CHICCEM MEDICAL PRIVATE LIMITED. / 6874

28 FEB 2019

1. M/s. CHICCEM MEDICAL PRIVATE LIMITED
29, Ground Floor, Shital Shopping Centre,
Turning Point, Bhatar,
Surat, Gujarat- 395 001

2. JITEN AMRUTLAL DESAI (Director)
477, MAHADEV STREET NEAR LAKE GARDEN,
KATARGAM,
SURAT-395004.

3. SUHAG JAGDISHBHAI NAKRANI (Director)
K-201, RIVER VIEW HEIGHTS
OPP. VALKESHWAR ROW HOUSE,
PEDAR ROAD, CHORASI,
SURAT-394101.

.....Respondents

Date of hearing- 21.02.2019

Present

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| 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 Pradipkumar K. Dave, | Company Secretary (PCS) and
authorised representative of
the above respondents. |

ORDER

The above named company was incorporated on 13.01.2003 and as per record of this office presently the company is having its Registered office situated at SHOP NO 29, GROUND FLOOR, SHITAL SHOPPING CENTRE, TURNING POINT, BHATAR, SURAT -395001.

WHEREAS M/s. CHICCEM MEDICAL PRIVATE LIMITED (herein after referred to as "company") is a company having its Registered office at SHOP NO 29, GROUND FLOOR, SHITAL SHOPPING CENTRE, TURNING POINT, BHATAR, SURAT -395001 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, within thirty days 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 dated 14.11.2018 to respondents and Company at its registered office address at SHOP NO 29, GROUND FLOOR, SHITAL SHOPPING CENTRE, TURNING POINT, BHATAR, SURAT - 395001 regarding application under section 16(1)(a)(b) of the Companies Act, 2013, but the said letter was returned undelivered by the Postal Authority with the remarks "Not Known". Therefore, the Regional Director (NWR) vide letter No. RD/ (NWR)/Sec. 16(1)(A)(B)/126/2018/4388 dated 11.12.2018 directed the undersigned that the subject company has not maintaining its registered office on the aforesaid address 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 24.01.2019. In response of the said notice, the company vide Letter dated 04.02.2019 has submitted reply, 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 two Respondent directors on 06.02.2019 by giving an opportunity of being heard in the matter of adjudication proceeding before the undersigned on 21.02.2019.
- 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 21.02.2019 for adjudging penalty for violation of provision of section 12 (1) of the Companies Act, 2013.
- 5) In response to the SCN/ adjudication notice issued by the undersigned, the Company and its officers in default have authorized Shri Pradipkumar K. Dave, Practicing Company Secretary vide Board Resolution and MOA dated 19.02.2019 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 21.02.2019, Shri Pradipkumar K. Dave, Practicing Company Secretary and Authorized representative of the Respondents reiterated submissions submitted reply that since incorporation, the registered office of the company has not been changed. He further stated that due to Diwali festival holiday the company was closed for 2 or 3 days during the notice period issued by the Directorate. Therefore, the notice was not received in the company. He further submitted that violation on the part of the Respondents was absolutely unintentional and was committed inadvertently without any mala fide intention.
- 7) That keeping in mind all the relevant facts and after consideration of the written and oral submissions made by Shri Pradipkumar K. Dave, Practicing Company Secretary and Authorized Representative of the Respondents, it is observed that the company and Respondents had committed default under section 12 (1) of the Companies Act, 2013 during close of the company for five days. The written and oral submissions during the hearing made by Shri Pradipkumar K. Dave on behalf of the Respondents appear to be satisfactory. However, as a matter of fact that the notices sent by Directorate were returned undelivered on a particular mid period of November, 2018, it is hereby ordered that sum of Rs. 5000/- each on company and its two directors have been imposed as penalty for the reason as stated above 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. CHICCEM MEDICAL PRIVATE LIMITED	5,000/-
2.	Shri JITEN AMRUTLAL DESAI (Director)	5,000/-
3.	Shri SUHAG JAGDISHBHAI NAKRANI (Director)	5,000/-
	Total Rs.	15,000/-

The adjudication notice stands disposed of with this order.


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

Signed this 21st day of February, 2019.