

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. Dwarkesh Finance Ltd /KSFH  
22 NOV 2018

1. M/s. Dwarkesh Finance Limited  
415-416, 4th Floor, Pushpam Mall, Opp.  
Seema Hall, Anand Nagar Road,  
Satellite, Ahmedabad -380051

2. BHOGILAL ATMARAM PATEL (Director)  
A-301, RADHAKUNJ SOCIETY, NEVTA ROAD, MALAD  
(E), MUMBAI, 400097, Maharashtra.

3. RAJESH KUMAR GUPTA (Director)  
92, SNEH NAGAR, BEHIND SUBHASH NAGAR,  
UJJAIN, 456010, Madhya Pradesh

4. RAMMOHAN JHANWAR (Director)  
129, Shilva]] Park Colony, Dewas Road,  
Ujjain, 456010, Madhya Pradesh.

..... Respondents

Date of hearing- 20.11.2018

Present

1. Shri L. R. Meena, Registrar of Companies
2. Shri Sudhir Phaye, Dy. Registrar of Companies,
3. Shri Naresh Chandra, Senior Technical Assistant
4. Shri Anand Lavingra

Adjudicating Officer

Presenting Officer

Present staff

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

## ORDER

The above named company was incorporated on 29.06.1992 and as per record of this office presently the company is having its Registered office situated at 415-416, 4th Floor, Pushpam Mall, Opp. Seema Hall, Anand Nagar Road, Satellite, Ahmedabad -380051.

**WHEREAS M/s. DWARKESH FINANCE LIMITED** (herein after referred to as company) is a company having its Registered office at 415-416, 4th Floor, Pushpam Mall, Opp. Seema Hall, Anand Nagar Road, Satellite, Ahmedabad - 380051 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.

And Whereas the Regional Director (NWR) had Issued Letter No. RD (NWR)/230-232/2018-19/ 2270 dated 14.08.2018 to M/s. Dwarkesh Finance Limited on its aforesaid registered office of the Company in the matter of scheme of amalgamation, but the said letter was returned from the Postal Authority with the remarks "Addressee Moved" / "Not Known". Therefore, the Regional Director (NWR) vide Letter No. RD/ (NWR)/ 230-232 /2018-19/2518 dated 28.08.2018 directed the undersigned that the subject company is not maintaining its registered office on the aforesaid address, thereby violated the provision of section 12 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 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 its Respondents on 05.09.2018. In response of the said notice, the Company has filed their reply vide letter dated 13.09.2018, which was not found satisfactory.
- 3) This office issued adjudication notice for violation of section 12(1) of the Companies Act, 2013 to the Company and its Respondents on 30.10.2018 by giving an opportunity of being heard in the matter of adjudication proceeding before the undersigned on 10.10.2018. No one were present on the date of aforesaid hearing in the matter. Hence, this office once again issued adjudication notice for violation of section 12(1) of the Companies Act, 2013 to the Company and its Respondents on 30.10.2018 by giving an opportunity of being heard in the matter of adjudication proceeding before the undersigned on 15.11.2018. On request of the authorized


representative Shri Anand Lavingia, PCS of the Respondents, the matter was adjourned to 20.12.2018.

- 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 20.12.2018 for adjudicating penalty for violation of provision of section 12 (1) of the Companies Act, 2013.
- 5) In response to the adjudication notice dated 30.10.2018 issued by the undersigned, the Company and its officer in default have authorized Shri Anand Lavingia, Practicing Company Secretary vide authorization letters dated 13.11.2018 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.
- 6) During the hearing on 20.11.2018, Shri Anand Lavingia, 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 Anand Lavingia, Practicing Company Secretary and Authorized Representative of the Respondents, it is observed that the company and Respondent No. 1 to 4 had committed default under section 12 (1) of the Companies Act, 2013 for not maintaining of registered office. The submission dated 20.11.2018 made by the company 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. 1000/- 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 Dwarkesh Finance Limited,	3,000/-
2.	BHOGILAL ATMARAM PATEL (Director)	3,000/-
3.	RAJESH KUMAR GUPTA (Director)	3,000/-
4.	RAMMOHAN JHANWAR (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 22th day of November, 2018.

Copy to:

1. M/s. Dwarkesh Finance Limited  
415-416, 4th Floor, Pushpam Mall, Opp.  
Seema Hall, Anand Nagar Road,  
Satellite, Ahmedabad -380051
2. BHOGILAL ATMARAM PATEL (Director)  
A-301, RADHAKUNJ SOCIETY, NEVTIA ROAD, MALAD  
(E), MUMBAI, 400097, Maharashtra.
3. RAJESH KUMAR GUPTA (Director)  
92, SNEH NAGAR, BEHIND SUBHASH NAGAR,  
UJJAIN, 456010, Madhya Pradesh
4. RAMMOHAN JHANWAR (Director)  
129, Shlyaji Park Colony. Dewas Road,  
Ujjain, 456010, Madhya Pradesh.
5. Mater File
6. Office Copy

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