

**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. Krishna Cap Shares Pvt. Ltd.**

1. KRISHNA CAP SHARES PRIVATE LIMITED  
351, P. S. BHAVAN, SKSE BUILDING SADAR  
RAJKOT – 360001
2. HEMANSHU PRAVINCHANDRA MEHTA(DIRECTOR)  
BALBHADRA NAGAR CO-OP. HOUSING SOCIETY,  
BLOCK NO. 7 SHIVSENA GALI, STATION ROAD,  
THANE -401101
3. SMIT HARSHAD KAPADIA(DIRECTOR)  
501/502, JASHODA BHAWAN & SURROUNDING LOCALITY,  
KASTURBA ROAD NO. 9, BORIVALI EAST MUMBAI- 400066

.....Respondents

**Date of hearing- 08.12.2017**

**Present**

1. Shri V. K. Khubchandani, 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 Anish Shah      **Company Secretary (PCS) and  
authorised representative of  
the above respondents.**

**ORDER**

*OK*

The above named company was incorporated on 24.01.1995 and as per record of this office presently the company is having its Registered office situated at “Gandhi House” Shantiniketan Society, Kotecha Chowk Kalawad Rod Rajkot- 360 001. The RBI vide it e-mail dated 06.10.2017

stated that the RBI ha issued Lettr to the Company, which was returned undelivered. Thus the company found to be not operating its registered office address and forwarded the matter to this office for necessary action.

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 there after, have a registered office capable of receiving and acknowledging all communication and notices as may be addressed to it.

- 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 of the Companies Act, 2013 to the Company and its Respondents on 30.10.2017. The Respondents have furnished their replies vide letter dated 06.11.2017, which were not found satisfactory. The office of the Registrar of Companies, Gujarat, Dadra and Nagar Haveli, Ahmedabad issued adjudication notice for violation of section 12 of the Companies Act, 2013 to the Company and its Respondents on 01.12.2017 by giving an opportunity of being heard in the matter of adjudication proceeding before the undersigned on 7<sup>th</sup> December, 2017.
- 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 07.12.2017 for adjudicating penalty for violation of provision of section 12 (1) of the Companies Act, 2013.
- 4) In response to the adjudication notice dated 01.12.2017 issued by the undersigned, the Company and its officer in default have authorized Shri Anish Shah, Practicing Company Secretary vide authorization letter dated 06.12.2017 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.
- 5) During the hearing on 07.12.2017, Shri Ahish Shah, Practicing Company Secretary and Authorized representative of the Respondents reiterated submissions made in the adjudication notices. He further submitted that the company has shifted its Registered office from 351, P.As. Bhavan, SDSE Building, Sadar, Rajkot- 360 001 to viz "Gandhi House" Shantiniketan Society, Kotecha Chowk, Kalawad Road, Rajkot- 360 001 w.e.f. 24<sup>th</sup> October, 2017. It might be a part of Miscommunication regarding the registered office form the Part of RBI. During the discussion, authorized representative has placed the written submission dated 06.11.2017.


That keeping in mind all the relevant facts and after consideration of the oral and written submission made by Shri Anish Shah, Practicing Company Secretary and Authorized Representative of the Respondents, it is observed that the company and Respondent No. 2 to 4 had

committed default under section 12 (1) of the Companies Act, 2013 for not maintaining of registered office. The submission made by the company appears to be satisfactory. It is hereby ordered that sum of Rs. 1000/- each to company and its 2 officers has been imposed as 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 the said Challan.

Sr. No.	Name of the Respondents	Amount (In Rs.)
1.	M/s Krishna Cap Shares Pvt. Limited,	1,000/-
2.	SHRI HEMANSHU PRAVINCHANDRA MEHTA (DIRECTOR)	1,000/-
3.	SMIT HARSHAD KAPADIA (DIRECTOR)	1,000/-
	Total Rs.	3,000/-

The adjudication notice stands disposed of with this order.

  
(V.K. Khubchandani)  
Adjudicating officer,  
Registrar of Companies,  
Gujarat, Dadra and Nagar Haveli.

OIC  
Naresh  
12/12/17

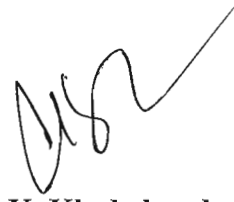
Signed this      day of December, 2017.

Copy to:

1. KRISHNA CAP SHARES PRIVATE LIMITED  
351, P. S. BHAVAN, SKSE BUILDING SADAR  
RAJKOT - 360001
2. SHRI HEMANSHU PRAVINCHANDRA MEHTA(DIRECTOR)  
BALBHADRA NAGAR CO-OP. HOUSING SOCIETY,  
BLOCK NO. 7 SHIVSENA GALI, STATION ROAD,  
THANE -401101
3. SMIT HARSHAD KAPADIA (DIRECTOR)  
501/502, JASHODA BHAWAN & SURROUNDING LOCALITY,  
KASTURBA ROAD NO. 9, BORIVALI EAST MUMBAI- 400066
4. Regional Director (NWR)  
Ministry of Corporate Affairs,  
Ahmedabad.

5. The Director (R & S Division)  
Ministry of Corporate Affairs,  
5<sup>th</sup> Floor, Paryavaran Bhavan, CGO Complex,  
Lodhi Road, New Delhi

6. Mater File  
7. Office Copy



**(V.K. Khubchandani)**  
Adjudicating officer,  
Registrar of Companies,  
Gujarat, Dadra and Nagar Haveli.

OIC

12/12/17