

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. Krupa Autos Private Ltd.

- 1) M/s Krupa Autos Private Limited,
- 2) Shri Nilesh K. Shingala (Director)
- 3) Smt. Sonal Nilesh Shingala (Director)Respondents

Date of hearing- 08.03.2018

Present

1. Shri V. K. Khubchandani, Registrar of Companies
2. Shri Sudhir Phaye, Dy. Registrar of Companies,
3. Shri Naresh Chandra, Senior Technical Assistant

Adjudicating Officer

Presenting Officer

Present staff

**Shri Hiten Parikh,
Chartered Accountant (PCA)
and authorised representative of
the above respondents.**

ORDER

The above named company was incorporated on 23.10.2012 and as per record of this office presently the company is having its Registered office situated at 29-B Jankalyan Society, St. No. 2, Parth, 3rd Floor, Nr. Astron Chowk, Rajkot, Gujarat- 360 001. The Regional Director (NWR), Ahmedabad vide letter No. RD (NWR)/230-232/ (80) 2017-18/5366 dated 15.02.2018 has stated that the Directorate has forwarded a representation dated 19.01.2018 of the applicant company to the Hon'ble NCLT in the matter, stating at para 2 (h) that the subject company has violated the provisions of section 12 of the Companies Act, 2013 as under:

"That, the Directorate had issued letter No. RD (NWR)/230-232 / (80) 2017/ 3883 dated 01.12.2017 to the petitioner transferee company namely M/s. Krupa Auto Private Limited seeking information/ documents/ clarifications in the matter giving 07 days time to enable this Directorate to file representation before the Hon'ble NCLT bench at Ahmedabad. In this regard it is informed that the said letter had been returned back from the postal authorities with the remark of "Not Fount" and thereby Petitioner Company has failed to submit its reply in the matter since the petitioner transferee company has not maintained its registered office of the company in compliance of Section 12 of the Companies Act, 2013.

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.

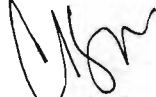
- 1) In view of the above facts the undersigned has reasonable cause to believe that the provision of Section 12(1) of the Companies Act, 2013 not been complied with by the Company and its officers in default. Thus, the Company and its officers in default have rendered themselves liable to be panel action 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) That, the petitioner company and respondents No. 2 & 3 vide letter Dated 09.01.2018 has forwarded a suo moto application for adjudication of violation of section 12 of the Companies Act, 2013 to the undersigned on 11.01.2018.
- 3) The office of the Registrar of Companies, Gujarat, Dadra and Nagar Haveli issued adjudication notices for violation of section 12 of the Companies Act, 2013 to the Company and its Respondents on 27.02.2018 by giving an opportunity of being heard in the matter of adjudication proceeding before the undersigned on 08.03.2018.
- 4) In response to the adjudication notice dated 27.02.2018 issued by the undersigned, the Company and its officer in default have authorized Shri Hiten Parikh, Chartered Accountant (PCA), Practicing Chartered Accountant vide Resolution dated 04.01.2018 as well as Memorandum of Appearance dated 09.01.2018, 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 08.03.2018, Shri Hiten Parikh, Practicing Chartered Accountant and Authorized representative of the Respondents reiterated submissions made in the adjudication notices. He further submitted that violation for the period 05.12.2017 TO 09.12.2017 (5 Days) on the part of the Respondents was absolutely unintentional and was committed inadvertently without any malafied intension. However, company has changed the address of registered office from Block No. 2, Jankalyan Society, Rajkot to St. No. 2, Parth, 3rd Floor, Near Astron Chowk, Rajkot w.e.f. 04.01.2018 to facilitate in a better manner and remove the inconveniency.

That keeping in mind all the relevant facts and after consideration of the oral submissions made by Shri Hiten Parikh, Practicing Chartered Accountant and Authorized Representative of the Respondents, it is observed that the company and Respondent No. 2 & 3 had committed default under section 12 (1) of the Companies Act, 2013 for not maintaining of registered office at Block No. 2, Jankalyan Society, Rajkot. It is a matter of fact that the letter dated 01.02.2017 sent by Directorate was undelivered between the period from 05.12.2017 to 09.12.2017 due to addressee absent. It is hereby ordered that sum of Rs. 5000/- to the company and Rs. 5,000/- to the each directors / officer in default (each Rs. 1,000/- per day for 5 days) has been imposed as 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 Krupa Autos Private Limited,	5,000/-
2.	Shri Nilesh K. Shingala (Director)	5,000/-
3.	Smt. Sonal Nilesh Shingala (Director)	5,000/-
	Total Rs.	15,000/-

The adjudication notice stands disposed of with this order.

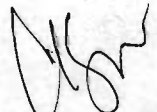

(V.K. Khubchandani)
Adjudicating officer,
Registrar of Companies,
Gujarat, Dadra and Nagar Haveli.

Signed this day of March, 2018.

Copy to:

12 MAR 2018

- 1) M/s. Krupa Autos Pvt. Limited,
29-B Jankalyan Society, St. No. 2, Parth, 3rd Floor, Nr.
Astron Chowk, Rajkot, Gujarat- 360 001.
- 2). Shri Nilesh K. Shingala (Director)
29-B Jankalyan Society, St. No. 2, Parth, 3rd Floor, Nr.
Astron Chowk, Rajkot, Gujarat- 360 001.
- 3) Smt. Sonal Nilesh Shingala (Director)
29-B Jankalyan Society, St. No. 2, Parth, 3rd Floor, Nr.
Astron Chowk, Rajkot, Gujarat- 360 001.
- 4) Regional Director (NWR)
Ministry of Corporate Affairs,
Ahmedabad, with reference to the Directorate's Letter No. RD (NWR)
Sec. 230-232/ (80) 2017-18/5366 dated 15.02.2018.
- 5) The Director (R & S Division)
Ministry of Corporate Affairs,
5th 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.