

In the matter of Companies Act, 2013

And

In the matter of adjudication proceeding under section 105(2) of the Companies Act, 2013.

And

In the matter of adjudication proceeding under section 454 (3) of the Companies Act, 2013.

And

In the matter of M/s. LATTICE PHARMA PRIVATE LIMITED.

11 JUL 2019/  
834

1. MAHASUKHLAL GOVINDJI SHAH (Director)  
21, Janata Society, Street No. 6, Behind,  
Janata Society Community Hall,  
Rajkot-360001, Gujarat
2. VIREN MAHASUKHLAL SHAH (Director)  
A/3,. Ankur Apartment, 3rd Floor,  
2/5-Adarsh City, Behind Mayor Bunglow,  
Opp. Old Cancer Hospital, Rajkot, 360001-Gujarat
3. JAGRUT MAHASUKHLAL SHAH (Director)  
53/A, SAUJANYA APPARTMENT, BHARDAWADI,  
OPP. RAM DAS UDYAN,  
MUMBAI-400058, Maharashtra,
4. SUNIL MAHASUKHLAL SHAH (Director)  
21, Janta Society, Behind Community Hall,  
Rajkot-360001, Gujarat. .... Respondents

Date of hearing- 09.07.2019

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. Shri Uday Dave (PCS),                           | Authorised representative of<br>the above respondents. |

## ORDER

The above named company was incorporated on 09.05.1989 and as per record of this office presently the company is having its Registered office situated at 21, Janta Society, Behind Community Hall, Rajkot-360001.

And whereas As per Section 105(2) of the Companies Act, 2013, if default is made in complying with sub-section (2), every officer of the company who is in default shall be punishable with fine which may extend to five thousand rupees.

And whereas during the course of inspection, the inspecting office has pointed out the violation of section 105(2) of the companies Act, 2013 as under:

*“During the course of inspection and from the documents submitted by the company it is observed that in the notice of AGM that no proxy form and attendance slip were attached to notice. Hence, violation of section 105(2) of the Companies Act, 2013.”*

And whereas, in view of the above facts & observation, it appears that the company has not attached the proxy form and attendance slip with the notice of AGM and the provision of section 105(2) of the Companies Act, 2013 has been contravened and every officer of the company, who is in default shall be liable for action under section 105(3) of the Companies Act, 2013.

And whereas, the office of the undersigned had issued show cause notices to the directors of the company in default on 22.03.2019. The company vide Letter dated 29.03.2019 seek permission for adjudicate the matter.

- 1) In view of the above facts the undersigned has reasonable cause to believe that the provision of Section 105(2) 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 (3) of section 105 of the Companies Act, 2013. As per provision of section 105(3), 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) Thereafter, this office issued adjudication notice for violation of section 105(2) of the Companies Act, 2013 to the Company and Respondent Directors on 28.06.2019 by giving an opportunity of being heard in the matter of adjudication proceeding before the undersigned on 09.07.2019.
- 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 09.07.2019 for adjudicating penalty for violation of provision of section 105(2) of the Companies Act, 2013.
- 4) In response to the adjudication notice dated 28.06.2019 issued by the undersigned, the Company and its officer in default have authorized Shri Uday Dave (PCS), Company Secretary vide Authority Letter and Board Resolution dated 04.07.2019 to appear and represent before the adjudicating authority- Registrar of Companies, Gujarat on the above given date and time

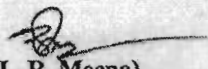
for oral and written submission and to all acts and things as may be necessary and incidentally in the matter.

- 5) During the hearing on 09.07.2019, Shri Uday Dave, 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.
- 6) That keeping in mind all the relevant facts and after consideration of the oral submissions made by Shri Uday Dave, Company Secretary and Authorized Representative of the Respondents, it is observed that the Respondents i.e. No. 1 to 4 had committed default under section 105(2) of the Companies Act, 2013 for none discussion the contents of as observed by the I.O. Therefore, it is hereby ordered that sum of Rs. 1250/- each on its 4 directors i.e. Rs. 5,000/- 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.	Shri MAHASUKHLAL GOVINDJI SHAH (Director)	1,250/-
2.	Shri VIREN MAHASUKHLAL SHAH (Director)	1,250/-
3.	Shri JAGRUT MAHASUKHLAL SHAH (Director)	1,250/-
4.	Shri SUNIL MAHASUKHLAL SHAH	1,250/-
	<b>Total Rs.</b>	<b>5,000/-</b>

The adjudication notice stands disposed of with this order.

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

Signed this 10<sup>th</sup> day of July, 2019.

Copy to:

✓ 1 MAHASUKHLAL GOVINDJI SHAH (Director)  
21, Janata Society, Street No. 6, Behind,  
Janata Society Community Hall,  
Rajkot-360001, Gujarat

2. VIREN MAHASUKHLAL SHAH (Director)  
A/3, Ankur Apartment, 3rd Floor,  
2/5-Adarsh City, Behind Mayor Bungalow,  
Opp. Old Cancer Hospital, Rajkot, 360001-Gujarat
  
3. JAGRUT MAHASUKHLAL SHAH (Director)  
53/A, SAUJANYA APPARTMENT, BHARDAWADI,  
OPP. RAM DAS UDYAN,  
MUMBAI-400058, Maharashtra,
  
4. SUNIL MAHASUKHLAL SHAH (Director)  
21, Janta Society, Behind Community Hall,  
Rajkot-360001, Gujarat,
  
5. Master File
  
6. Office Copy