

**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. MINOS ADVISORY SERVICES (OPC) PRIVATE / 326  
LIMITED.**

21 MAY 2019

1. M/S. MINOS ADVISORY SERVICES (OPC) PRIVATE LIMITED  
406, 4<sup>th</sup> Floor, Block A/2, Rajhans Complex,  
Chharwada Road, GIDC,  
Vapi, Valsad-396191
  2. JAGDISH BAJAJ PRASAD (Director)  
A/2-406, Rajhans Complex, Chharwada Road,  
Vapi-396191, Gujarat
- .....Respondents

**Date of hearing- 09.05.2019.**

**Present**

1. Shri L. R. Meena, Registrar of Companies                      Adjudicating Officer
2. Shri Naresh Chandra, Senior Technical Assistant   Present staff
3. Mrs. Palak Shastri    Company Secretary  
(CS) and authorised  
representative of the  
above respondents.

**ORDER**

The above named company was incorporated on 03.08.2016 and as per record of this office presently the company is having its registered office situated at 406, 4<sup>th</sup> Floor, Block A/2, Rajhans Complex, Chharwada Road, GIDC, Vapi, Valsad-396191.

**WHEREAS M/s. MINOS ADVISORY SERVICES (OPC) PRIVATE LIMITED** (herein after referred to as "company") is a company having its Registered office at 406, 4<sup>th</sup> Floor, Block A/2, Rajhans Complex, Chharwada Road, GIDC, Vapi, Valsad-396191 registered under the provisions of the Companies Act, 2013 (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.

**Whereas,** the Directorate (NWR), Ahmedabad had issued letter dated 22.11.2018 to the Company regarding application under section 140(1) of the Companies Act, 2013 with regard to removal of Statutory auditors at 406, 4<sup>th</sup> Floor, Block A/2, Rajhans Complex, Chharwada Road, GIDC, Vapi, Valsad-396191, but the said letter was returned from the Postal Authority with the remarks of "Unclaimed".

**Whereas,** The Regional Director vide letter No. RD (NWR/140/49/2018/4614 dated 24.12.2018 directed the undersigned that the subject company is not maintaining its registered office on the aforesaid address, thereby violated the provisions of Section 12 of the Companies Act, 2013 and take necessary action against the company for violation of section 12 of the Companies Act, 2013.

**And whereas,** in view of the above facts & observation, it appears that the company is not maintaining its registered office and the provision of section 12(1) of the Companies Act, 2013 has been contravened and the company and every officer of the company, who is in default shall be liable for action under section 12(8) 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 penal 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 Respondent on 22.03.2019. But no reply was received in this office.
3. This office issued adjudication notice for violation of section 12(1) of the Companies Act, 2013 to the Company and its Respondents on 02.04.2019 by giving an opportunity of being heard in the matter of adjudication proceeding before the undersigned on 11.04.2019. The company vide Letter dated 10.04.2019 submitted reply, which was not found satisfactory.
4. This office further issued adjudication notice for violation of section 12(1) of the Companies Act, 2013 to the Company and its Respondent on 22.04.2019 by giving last opportunity of being heard in the matter of adjudication proceeding before the undersigned on 03.05.2019. That, due to urgent administration task, this office vide e-mail dated 06.05.2019 adjourned the matter for hearing to 09.05.2019.
5. 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 09.05.2019 for adjudicating penalty for violation of provision of section 12 (1) of the Companies Act, 2013.
6. In response to the adjudication notice dated 22.04.2019 issued by the undersigned, the Company and its officer in default vide Authority Letter and Board Resolution dated 21.04.2019 and 15.04.2019 respectively have authorized Mrs. Palak Shastri (CS) 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.
7. During the hearing on 09.05.2019, Mrs. Palak Shastri (CS) and Authorized representative of the Respondents reiterated submissions made in the adjudication notices. Shee tendered written submission dated 09.05.2019 stating that the renovation and civil work was going progress on the day of delivery of letter calling for information by the office of the Regional Director, this very reason the notice sent by the Regional Directorate was not received by the company and has been returned with the remarks "unclaimed". He informed that violation on the part of the Respondents

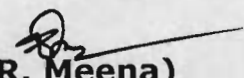


was absolutely unintentional and was committed inadvertently without any malafied intension.

8. That keeping in mind all the relevant facts and after consideration of the oral submissions made by Mrs. Palak Shastri (CS) and Authorized Representative of the Respondents, it is observed that the company and Respondent No. 1 have 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. However, as a matter of the fact that the notice sent by Directorate was undelivered as above stated, it is hereby ordered that sum of Rs. 2,000/- each to company and its 1 officer have been imposed as penalty and the matter stand disposed off.
9. 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. MINOS ADVISORY SERVICES (OPC) PRIVATE LIMITED	2,000/-
2.	JAGDISH BAJAJ PRASAD (Director)	2,000/-
	<b>Total Rs.</b>	<b>4,000/-</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 9<sup>th</sup> day of May, 2019.**

Copy to:

1. M/S. MINOS ADVISORY SERVICES (OPC) PRIVATE LIMITED  
406, 4<sup>th</sup> Floor, Block A/2, Rajhans Complex,  
Chharwada Road, GIDC,  
Vapi, Valsad-396191
2. JAGDISH BAJAJ PRASAD (Director)  
A/2-406, Rajhans Complex, Chharwada Road,  
Vapi-396191, Gujarat
3. Master File
4. Office Copy.