

In the matter of Companies Act, 2013.

And

**In the matter of adjudication proceeding under Sub-section (3) of section
12 of the Companies Act, 2013.**

And

In the matter of M/s. Peass Industrial Engineers Private Ltd.

- 1) M/s Peass Industrial Engineers Private Limited,
- 2) Shri Anand Patel (Director)
- 3) Shri Bhargav Anilkumar Patel (Director)

29 JUN 2018 / 3370

.....Respondents

Date of hearing- 27.06.2018

Present

- | | |
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| 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 Premnarayan R. Tripathi | Company secretary (PCS)
(authorized representative of
the above respondents. |

ORDER

The above named company was incorporated on 11.12.1962 and as per record of this office presently the company is having its Registered office situated at Survey No. 303/1/ & 302/1, Maneklal Road, Opp. Railway Goods Yard, Navsari- 396 445. The Directorate (NWR), Ahmedabad vide para No. 2 (g) of the its report dated 31.01.2018 in the matter of amalgamation has stated as under

"The Regional Director submits that pursuant to this Directorate's letter dated 28.12.2017, the petitioner transferee company has furnished and submitted reply to this Directorate vide letter dated 17.01.2018 alongwith documents/ clarification/ information related to this meter. It is observed from the reply and document submitted by the company, that the petitioner transferee company has not mentioned the address of registered office on its letterhead as required under section 12(3)(c) of the Companies Act, 2013. Hence there is violation of the section 12 of the Companies Act, 2013

The Hon'ble NCLT may therefore be pleased to direct the petitioner transferee company to place on record all the relevant facts of the matter and get adjudicated the offence before the competent authority. It is also submitted that the present scheme of amalgamation be not proceeded further till the offence is adjudicated by the competent authority."

As per section 12(3)(c) of the Companies Act, 2013, a company shall get its name, address of its registered office and the Corporate Identity Number along with telephone number, fax number, if any, e-mail and website addresses, if any, printed in all its business letters, billheads, letter papers and in all its notices and other official publications as may be prescribed in the Act.

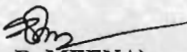
- 1) In view of the above facts the undersigned has reasonable cause to believe that the provision of Section 12(3) (c) of the Companies Act, 2013 has not been complied with by the Company and its officers in default. Thus, the Company and its officers in default have rendered themselves liable to be panel action as provided in sub-section (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 07.06.2018 has submitted a suo moto application for adjudication of violation of section 12 of the Companies Act, 2013 to the undersigned.
- 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 20.06.2018 by giving an opportunity of being heard in the matter of adjudication proceeding before the undersigned on 27.06.2018.
- 4) In response to the adjudication notice dated 20.06.2018 issued by the undersigned, the Company and its officer in default have authorized Shri Premnarayan R. Tripathi, Company Secretary (PCS), vide Resolution dated 27.04.2018 to appear and represent before the adjudicating authority-Registrar of Companies, Gujarat 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 27.06.2018, Shri Premnarayan R. Tripathi, Company Secretary (PCS) and authorized representative of the Respondents reiterated submissions made in the adjudication notices. He further submitted that violation for one day on 17.01.2018 on the part of the Respondents was absolutely unintentional and was committed inadvertently without any malafied intension. However, company has printed its leatherhead showing the registered office of the company at Survey No. 303/1/ & 302/1, Maneklal Road, Opp. Railway Goods Yard, Navsari- 396 445 to facilitate in a better manner and remove the inconveniency.

That keeping in mind all the relevant facts and after consideration of the oral submission made by Shri Premnarayan R. Tripathi, Company Secretary (PCS) and Authorized Representative of the Respondents, it is observed that the company and Respondent No. 2 & 3 had committed default under section 12 (3)(c) of the Companies Act, 2013 for non mentioning the address of registered office of the company on its Letterhead as required under section 12(3) of the Companies Act, 2013. It is a matter of the facts that the letter dated 17.01.2018 sent to the Directorate was not containing the address of the registered office of the company. It is hereby ordered that sum of Rs. 1000/- to the company and Rs. 1,000/- to the each directors / officer in default 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 Peass Industrial Engineers Private Limited,	1,000/-
2.	Shri Anand Patel (Director)	1,000/-
3.	Shri Bhargav Anilkumar Patel (Director)	1,000/-
	Total Rs.	3,000/-

The adjudication notice stands disposed of with this order.


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

Signed this day of June, 2018.

Copy to:

- 1) M/s. Peass Industrial Engineers Private Limited,
Survey No. 303/1/ & 302/1 Maneklal Road, Opp.
Railway Yard, Navsari- 396 445.
- 2). Shri Anand Patel (Director)
Sita Kunj, 3rd Floor, 164, Maharshi Karve Road,
Opp. Cooperage Band Stand, Mumbai- 400 021.
- 3) Shri Bhargav Anilkumar Patel (director)
Nariman Building, first floor, 136,
Maharshi karve Road, opp. Cooperage,
Mumbai, 400020.
4. Regional Director (NWR)
Ministry of Corporate Affairs,
Ahmedabad.
5. The Director (R & S Division)
Ministry of Corporate Affairs,
5th Floor, Paryavaran Bhavan, CGO Complex, Lodhi Road, New Delhi
6. Master File