

**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

**- 6 DEC 2019**

**In the matter of M/s. SONNEBERG PLASTIC SYSTEMS INDIA PRIVATE LIMITED, /4261**

1. M/S. SONNEBERG PLASTIC SYSTEMS INDIA PRIVATE LIMITED  
PLOT NO. PE-44, GIDC BOL,  
SANAND PH-II,  
INDUSTRIAL ESTATE  
AHMEDABAD GJ 382170 IN.
2. RAI AJAI KUMAR (Director)  
D 65/462, AMLALAYALAHARATARA,  
VARANASI, 221002, UTTARPRADESH, INDIA.
3. SUBHAS CHANDRA SENNIK (Director)  
C/O. PLOT NO. PE-44, GIDC BOL,  
SANAND PH-II,  
INDUSTRIAL ESTATE  
AHMEDABAD GJ 382170 IN.
4. ERWAN JEAN KRISTOF SAVARANIN (Director)  
C/O. PLOT NO. PE-44, GIDC BOL,  
SANAND PH-II,  
INDUSTRIAL ESTATE  
AHMEDABAD GJ 382170 IN.
5. JEAN HUGUES CHRISTIAN SAVARANIN (Director)  
C/O. PLOT NO. PE-44, GIDC BOL,  
SANAND PH-II,  
INDUSTRIAL ESTATE  
AHMEDABAD GJ 382170 IN.

.....Respondents

**Date of hearing- 06.12.2019**

**Present**

- |   |   |
|---|---|
| 1. Shri M. K. Sahu (ICLS), Registrar of Companies.          | <b>Adjudicating Officer</b>   |
| 2. Ms. Trupti Sharma (ICLS), Asstt. Registrar of Companies. | <b>Presenting Officer</b>   |
| 3. Ms. Kavitha Varadaraju, Junior Technical Assistant.      | <b>Present office member</b>  |
| 4. Shri Vickey K. Patel.                                    | <b>Company Secretary (CS) &amp;<br/>authorised representative<br/>of the above respondents.</b> |

## ORDER

The above named company was incorporated on 31.12.2010 and as per record of this office presently the company is having its registered office situated at Plot No. PE-44, GIDC BOL, Sanand PH-II, Industrial Estate Ahmedabad GJ 382170 IN.

**WHEREAS M/s. SONNEBERG PLASTIC SYSTEMS INDIA PRIVATE LIMITED** (herein after referred to as "company") is a company having its registered office at Plot No. PE-44, GIDC BOL, Sanand PH-II, Industrial Estate Ahmedabad GJ 382170 IN 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.

**And whereas,** Regional Director [NWR], Ahmedabad was served application u/s 66 of the companies Act, 2013 on 18.07.2018. The Regional Director (NWR) had issued letter No. RD (NWR) / 230-232 / (142) 2018-19 / 1751 dated 19.07.2018 to the petitioner company namely "M/s Sonneberg Plastic Systems India Private at its Registered Office situated at Plot No. PE-44, GIDC BOL, Sanand PH-II, Industrial Estate Ahmedabad GJ 382170 IN" but the same was returned undelivered by the postal authority with the remark of "Insufficient Address". It was further observed by the Regional Director (NWR) from the returned envelope that the remark has been mentioned in the vernacular language (Gujarati) as "Since no owner available therefore returned". Thus, the Regional Director (NWR) vide their representation dated 01.08.2018 informed to Hon'ble NCLT that M/s. Sonneberg Plastic Systems India Private Limited has violated the provision of Section 12 of the Companies Act, 2013 by not maintaining its Registered Office on the aforesaid address, & thereby may be directed to adjudicate the offence from the concerned adjudicating authority being Registrar of Companies. Further, the Hon'ble NCLT, Ahmedabad vide their order dated 15.01.2019 has directed M/s. Sonneberg Plastic Systems India Private Limited to comply the statutory provision for violation of Section 12 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 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) The office of the Registrar of Companies, Gujarat, Dadra and Nagar Haveli issued adjudication notice for violation of section 12 (1) & 12 (4) of the Companies Act, 2013 to the Company and Respondent Directors on 22.11.2019 by giving an opportunity of being heard in the matter of adjudication proceeding before the undersigned on 06.12.2019.
- 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 06.12.2019 for adjudicating penalty for violation of provision of section 12 (1) of the Companies Act, 2013.
- 4) In response to the adjudication notice dated 22.11.2019 issued by the undersigned, the Company and its officer in default have authorized Shri Vickey R. Patel, Whole Time Practising Company Secretary vide Board Resolution dated **16.09.2019** 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 06.12.2019, Shri Vickey R. Patel, Whole Time Practising Company Secretary reiterated submissions made in the adjudication notices and however admitted to the default. He further submitted that violation on the part of the Respondents was absolutely unintentional and was committed inadvertently without any malafide intention.
- 6) That keeping in mind all the relevant facts and after consideration of the oral submissions made by Shri Vickey R. Patel, Whole Time Practising Company Secretary and Authorized Representative of the Respondents, it is observed that the company and Respondents i.e. No. 2 to 5 had inadvertently committed default under section 12 (1) of the Companies Act, 2013 for not maintaining of registered office. The submission dated 06.12.2019 made by Shri Vickey R. Patel on behalf of the Respondents appears to be satisfactory to the extent that Company received the subject notice of ROC & Company has filed INC-22 A for the same registered office address. However, as a matter of fact that the notice sent by Directorate was undelivered on a particular date, it is hereby ordered that sum of Rs.

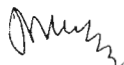
1000/- each to company and its 4 officers has been imposed as penalty for 1 day and the matter stands disposed off.

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. Sonneberg Plastic Systems India Private Limited	1,000/-
2.	Shri Rai Ajai Kumar (Director)	1,000/-
3.	Shri Subhas Chandra Sennik (Director)	1,000/-
4.	Shri Erwan Jean Kristof Savaranin (Director)	1,000/-
5.	Jean Hugues Christian Savaranin (Director)	1,000/-
	<b>Total</b>	<b>5,000/-</b>

Therefore, the Company is directed to file the copy of this order within 30 days from the date of issuing of this order.

The adjudication notice stands disposed of with this order.

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

Signed this \_\_\_<sup>th</sup> day of December, 2019.

**Copy to:**

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✓ 6. MASTER FILE

7. OFFICE COPY