

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. SUMISHA EXIM PRIVATE LIMITED/313

1. M/s. SUMISHA EXIM PRIVATE LIMITED
101, ANANG MANGAL- III, OPP. DOCTOR HOUSE,
B.S. AMBA-WADI MUNI. SCHOOL, NR. PARIMAL GARDEN,
ELLISBRIDGE, AHMEDABAD- 380006.

 2. SUMAN SUJITBHAI GUGLE (Director)
22, Prarthana Vihar, Opp. Ambawadi,
Vistaar Post Office, B/s. Shreyas Foundation,
Nr. Manekbaug Hall,
Ahmedabad-380015, Gujarat,

 3. SUJIT GUGALE MITHULAL (Director)
22, Prarthana Vihar, Opp. Ambawadi,
Vistaar Post Office, B/s. Shreyas Foundation,
Nr. Manekbaug Hall,
Ahmedabad-380015, Gujarat
-Respondents

Date of hearing- 11.04.2019.

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. Ms. Chintan Patel Company Secretary
(PCS) and authorised
representative of the
above respondents.

ORDER

The above named company was incorporated on 19.05.2010 and as per record of this office presently the company is having its registered office situated at 101, ANANG MANGAL- III, OPP. DOCTOR HOUSE, B.S. AMBA-WADI MUNI. SCHOOL, NR. PARIMAL GARDEN, ELLISBRIDGE, AHMEDABAD- 380006.

WHEREAS M/s. SUMISHA EXIM PRIVATE LIMITED (herein after referred to as "company") is a company having its Registered office at 101, ANANG MANGAL- III, OPP. DOCTOR HOUSE, B.S. AMBA-WADI MUNI. SCHOOL, NR. PARIMAL GARDEN, ELLISBRIDGE, AHMEDABAD- 380006 registered under the provisions of the Companies Act, 1956 (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 101, ANANG MANGAL- III, OPP. DOCTOR HOUSE, B.S. AMBA-WADI MUNI. SCHOOL, NR. PARIMAL GARDEN, ELLISBRIDGE, AHMEDABAD- 380006, but the said letter was returned from the Postal Authority with the remarks of "Addressee Moved".

Whereas, The Regional Director vide letter No. RD (NWR/140/48/2018/4312 dated 06.12.2018 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.

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. 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 Respondents on 22.03.2019. In response of the said notice, no reply filed by the Company and its officers in default.
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.
4. 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 11.04.2019 for adjudicating penalty for violation of provision of section 12 (1) of the Companies Act, 2013.
5. In response to the adjudication notice dated 02.04.2019 issued by the undersigned, the Company and its officer in default have authorized Shri Chintan Patel, Practicing Company Secretary vide Authority Letter dated 09.04.2019 to company and its officers in default 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.
6. During the hearing on 09.04.2019, Shri Chintan Patel, Practicing Company Secretary and Authorized representative of the Respondents reiterated submissions made in the adjudication notices. He tendered written submission dated 01.04.2019 before the members stating that the company has recently leased out a part of its registered office to third party and due to this very reason the notice sent by the Directorate/ROC was not received by the company and has been returned with the remarks "Addressee Moved" as it was delivered to the third party to whom a part of the registered office is leased out. He informed the members that violation on the part of the Respondents was absolutely unintentional and was committed inadvertently without any malafied intension.

7. That keeping in mind all the relevant facts and after consideration of the oral submissions made by Shri Chintan Patel, Practicing Company Secretary and Authorized Representative of the Respondents, it is observed that the company and Respondent No. 2 & 3 have committed default under section 12 (1) of the Companies Act, 2013 for not maintaining of registered office. The submission dated 01.04.2019 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 2 officers has been imposed penalty and the matter stand disposed off.
8. 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. SUMISHA EXIM PRIVATE LIMITED	2,000/-
2.	SUMAN SUJITBHAI GUGLE (Director)	2,000/-
3.	SUJIT GUGALE MITHULAL (Director)	2,000/-
	Total Rs.	6,000/-

The adjudication notice stands disposed of with this order.


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

Signed this 11 day of April, 2019.

Copy to:

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4. Mater File

5. Office Copy