

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. Swatch Nidhi Limited

1. M/s. Swatch Nidhi Limited
2. Shri TULSIBEN SURATBHAI RAWAL (Director),
3. SURATBHAI AMARBHAI RAWA
4. L (Director)
5. DILIPKUMAR KORI SHANTRAMBHAI (Director) Respondents

Date of hearing- 06.12.2017

Present

- | | |
|--|---|
| 1. Shri V. K. Khubchandani, 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 Pratik S. Ardesona | Company Secretary (PCS) and
authorised representative of
the above respondents. |

ORDER

The above named company was incorporated on 17.10.2016 and as per record of this office presently the company is having its Registered office situated at 406, Silver Line Complex, Opp. BBC Sayajigunj, Vadodara, Gujarat- 390 005.

The Regional Director (NWR), Ahmedabad vide letter No. RD (NWR)/Nidhi Company/01/2017/3146 dated 10.10.2017 has stated that an envelope regarding notice in the matter of hearing of application under Rule (5) of Nidhi Rule 2014 prescribed under the Companies Act, 2013 was returned with postal remarks "Left" by the Postal authority due to undelivered at the registered office of the Company. Thus it was observed by the Regional Director (NWR) that M/s. Swatch Nidhi Ltd. is not maintaining its Registered Office at its address and directed this office to take necessary action against the subject company and its officers in default for non-maintaining of its registered office.

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, have a registered office capable of receiving and acknowledging all communication and notices as may be addressed to it.


- 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 of the Companies Act, 2013 to the Company and its Respondents on 27.10.2017, but no reply is received form the respondents. The office of the Registrar of Companies, Gujarat, Dadra and Nagar Haveli, Ahmedabad issued adjudication notice for violation of section 12 of the Companies Act, 2013 to the Company and its Respondents on 17.11.2017 by giving an opportunity of being heard in the matter of adjudication proceeding before the undersigned on 23rd November, 2017. On the request of the authorized representative Shri Pratik S. Ardesna, PCS of the respondents, the matter was adjourned to 06.12.2017.
- 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 06.12.2017 for adjudicating penalty for violation of provision of section 12 (1) of the Companies Act, 2013.
- 4) In response to the adjudication notice dated 17.11.2017 issued by the undersigned, the Company and its officer in default have authorized Shri Pratik S. Ardesna, Practicing Company Secretary vide Memorandum Of Appearance dated 22.11.2017 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.
- 5) During the hearing on 06.12.2017, Shri Pratik S. Ardesna, Practicing 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. During the discussion, authorized representative has placed the written submission dated 06.12.2017.

That keeping in mind all the relevant facts and after consideration of the oral and written submission made by Shri Pratik S. Ardesna, PCS on 06.12.2017, it was observed that there was some typographical error in its address. The submission made was satisfactory. However, in view of non-capable to receive the Letter issued by RBI, the penalty for Rs. 1000/- each to company and directors (3 Nos) (Total Rs. 4,000/-) has been imposed. The authorized representative has agreed with this disposal. 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. Swatch Nidhi Limited	1,000/-
2.	TULSIBEN SURATBHAI RAWAL (Director).	1,000/-
3.	SURATBHAI AMARBHAI RAWAL (Director)	1,000/-
4.	DILIPKUMAR KORI SHANTRAMBHAI (Director)	1,000/-
	Total Rs.	4,000/-

The adjudication notice stands disposed of with this order.



(V.K. Khubchandani)
Adjudicating officer,
Registrar of Companies,
Gujarat, Dadra and Nagar Haveli.

Signed this day of December, 2017.

Copy to:

1. M/s. Swatch Nidhi Limited
406, Silver Line Complex, Opp. BBC Sayajigunj,
Vadodara, Gujarat- 390 005.
2. Shri TULSIBEN SURATBHAI RAWAL (Director),
776, NAHERU CHACHA NAGARA, SAYAJIPARK
BAS STENDA PACHHAL, AJWA ROAD, SAYAJIPURA, VADODARA 390019
3. SURATBHAI AMARBHAI RAWAL (Director)
776-NAHERU CHACHA NAGARA, SAYAJIPARK
BAS STENDA PACHHAL, AJWA ROAD, SAYAJIPURA, VADODARA 390019
4. DILIPKUMAR KORI SHANTRAMBHAI (Director)
6. HYDER BHAI NI CHAL, NEAR ZULTAPUL, PRSHURAM NGARA,
BHIMNATHA ROAD, SAYAJIGUNJ, VADODARA 390005.
5. Shri Pratik S. Ardesna (PCS)
404, Profit Centre, Nr. Kala Ghoda,
Sayajigunj, Vadodara- 395 005
6. Regional Director (NWR)
Ministry of Corporate Affairs,
Ahmedabad, with reference to the Directorate's Letter No. RD (NWR)
Sec. 16/122/2017/3370 dated 20.10.2017.

7. The Director (R & S Division)
Ministry of Corporate Affairs,
5th Floor, Paryavaran Bhavan, CGO Complex,
Lodhi Road, New Delhi
8. Mater File
9. Office Copy


(V.K. Khubchandani)
Adjudicating officer,
Registrar of Companies,
Gujarat, Dadra and Nagar Haveli.