

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

26 APR 2017
27/4/2017

- 1) M/s UWE Energy Private Limited,
Office No. G-405, Titanium City Centre,
Near Sachin Tower, 100 FT. Road Satellite, Ahmedabad- 380 015.
- 2) Shri Sanjay Agarwal (Director)
B/403, Prathamesh Park 48, Amboli Hil,
Veera Desai Road, Andheri (W), Mumbai, Maharashtra- 400 053.
- 3) Shri Shivani Jhariya (Director)
5-A, Shiv Kripa Colony Near Navlakha Square,
Indore, Madhya Pradesh- 452 001.

.....Respondents

Date of hearing- 20/04/2017

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 Anand Lavingia | Company Secretary and authorised representative of the above respondents. |

ORDER

The above named company was incorporated on 13.04.2005 and as per record of this office presently having its Registered office situated at Office No. G-405, Titanium City Centre, Near Sachin Tower, 100 FT. Road Satellite, Ahmedabad-380 015.

The Regional Director (NWR), Ahmedabad vide letter No. RD (NWR)/Sec.13/(763)/2017/4962 dated 17.02.2017 has stated that an envelope regarding notice in the matter of hearing of Petition under Section 13 of the Companies Act, 2013 for shifting of its Registered office from the State Gujarat to Maharashtra for hearing fixed on 16.02.2017 was returned with postal remarks "Left" by the Deptt. of Speed Post due to undelivered at the registered office of the Company. Thus it was observed by the Regional Director (NWR) that M/s. UWI Infratech is not maintaining its Registered Office on the aforesaid address and directed to this office to invoke the penal provisions under section 12 of the Companies Act, 2013 against the company.

D/C

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 there after, 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 453 (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 of the Companies Act, 2013 to the Company and its Respondents on 17.03.2017 by giving an opportunity of being heard in the matter of adjudication proceeding before the undersigned on 5th April, 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 05.04.2017 for adjudicate penalty for violation of provision of section 12 (1) of the Companies Act, 2013.
- 4) That as per the adjudication notice dated 17.03.2017 no one were present in the office of the Registrar of Companies on the aforesaid date and time. Therefore, the adjudicating officer vide letter No. ROC/GUJ/SCN/SEC-12(1)/UWE/2017 / 1921 to 1923 dated 11.04.2017 one again given an opportunity of being heard on 20.04.2017 to the company and its officers in default.
- 5) In response to the adjudication notice dated 11.04.2017 issued by the undersigned, the Company and its officer in default have authorized Shri Anand Lavingia, Practicing Company Secretary vide Board Resolution as well as authorization letters dated 17.04.2017 to company and its officers in default to appear and represent before the adjudicating authority- Registrar of Companies, Gujarat on 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) That Shri Anand Lavingia, Practicing Company Secretary presented before the undersigned on 20.04.2017. During the hearing on 20.04.2017, Shri Anand Lavingia, 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 Leave and License Agreement dated 16.10.2016 alongwith Photographs of the said premises.

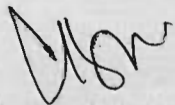
That keeping in mind all the relevant facts and after consideration of the oral submissions made by Shri Anand Lavingia, Practicing Company Secretary and Authorized Representative of the Respondents, it is observed that the company and Respondent No. 2 and 3 had committed default under section 12 (1) of the Companies Act, 2013 for not maintaining of registered office

capable on receiving and acknowledging notice issued by the Directorate vide Letter dated 16.02.2017. After taking into consideration all the relevant facts of the cases, penalty is imposed Rs. 5,000/- on Company and Rs. 950/- on each Respondents for the said period.

The penalties imposed as under should be paid by the Respondents within 10 days and submit the copies of Challan to this office:-

| Sr. No. | Name of the Respondents | Amount (In Rs.) |
|---------|--|-----------------|
| 1. | M/s. UWE Energy Private Limited | 5,000/- |
| 2. | Shri Sanjay Agarwal (Director) | 950/- |
| 3. | Shri Shivani Jhariya (Director) Indore, Madhya Pradesh- 452 001 | 950/- |

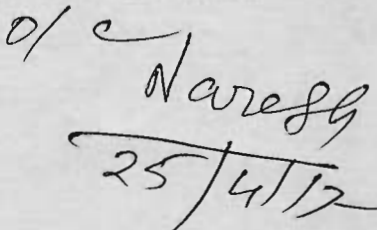
The adjudication notice stands disposed of with this order.

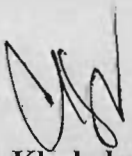

(V.K. Khubchandani)
Adjudicating officer,
Registrar of Companies,
Gujarat, Dadra and Nagar Haveli.

Signed this 20 day of April, 2017.

Copy to:

1. M/s M/s. UWE Energy Private Limited.,
Office No. G-405, Titanium City Centre, Near Sachin
Tower, 100 FT. Road Satellite, Ahmedabad
2. Shri Shri Sanjay Agarwal (Director)
B/403, Prathamesh Park 48, Amboli Hil,
Veera Desai Road, (Andheri (W)),
Mumbai, Maharashtra- 400 053.
3. Shri Shivani Jhariya (Director)
5-A, Shiv Kripa Colony Near Navlakha Square,
Indore, Madhya Pradesh- 452 001
4. Regional Director (NWR)
Ministry of Corporate Affairs,
Ahmedabad, with reference to the Directorate's Letter No. RD (NWR)
Sec. 13/(763)/2017/4962 dated 17.02.2017.
5. The Director (R & S Division)
Ministry of Corporate Affairs,
5th Floor, Paryavaran Bhavan, CGO Complex,
Lodhi Road, New Delhi
6. Mater File
7. Office Copy


25/4/17


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