

In the matter of Companies Act, 2013

And

**In the matter of adjudication proceeding for violation of section 12(3)(c) of the
Companies Act, 2013.**

And

In the matter of M/s. YASH SYNTHETICS PRIVATE LIMITED.

22 MAY 2019/1004

1. M/s. YASH SYNTHETICS PRIVATE LIMITED,
66-E, Masat Industrial Estate, Dadra & Nagar Haveli,
Silvassa, Gujarat-396 230.
2. JAIPRAKASH BIJAYKUMAR AGARWAL (Director)
C-108, Upvan Tower, CHSL, Upper Govind Nagar,
Malad, (East)Mumbai-400097, Maharashtra.
3. BIJAY KUMAR AGARWAL (Director)
C-108, Upvan Tower, CHSL, Upper Govind Nagar,
Malad, (East) Mumbai-400097, Maharashtra.

.....Respondents

Date of hearing- 08.05.2019

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 Ashish Shah, | Company Secretary (PCS) and
authorised representative of
the above respondents. |

ORDER

The above named company was incorporated on 03.10.1986 and as per record of this office presently the company is having its registered office situated at 66-E, Masat Industrial Estate, Dadra & Nagar Haveli, Silvassa, Gujarat-396 230.

Whereas M/s. YASH SYNTHETICS PRIVATE LIMITED (herein after referred to as "company") is a company having its Registered office at registered office situated at A66-E, Masat Industrial Estate, Dadra & Nagar Haveli, Silvassa, Gujarat-396 230 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 (3)(c) of the Companies Act, 2013, every 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.

And Whereas, it is noticed from the Company's Letter dated 19.03.2019 submitted to this office for correction in master data of the company, that the address of the registered office as well CIN are not printed on the said Letter head of the Company as required under the provisions of section 12(3)(c) of the Companies Act, 2013, thereby violated the provisions of Section 12(3)(c) 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(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) The office of the Registrar of Companies, Gujarat, Dadra and Nagar Haveli issued show cause notice for violation of section 12(3)(c) of the Companies Act, 2013 to the Company and Respondents Directors on 03.04.2019. But no reply has been received in the office of the undersigned.
- 3) Thereafter, this office issued adjudication notice for violation of section 12(3)(c) of the Companies Act, 2013 to the Company and Respondent Directors on 22.04.2019 by giving an opportunity of being heard in the matter of adjudication proceeding before the undersigned on 08.05.2019.
- 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 08.05.2019 for adjudicating penalty for violation of provision of section 12(3)(c) of the Companies Act, 2013.
- 5) In response to the adjudication notice dated 08.05.2019 issued by the undersigned, the Company and its officer in default have authorized Shri Ashish Shah, Practicing Company Secretary vide Board Resolution and authority Letter 06.05.2019 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.

- 6) During the hearing on 08.05.2019, Shri Ashish Shah, 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 in the Letter dated 19.03.2019 for correction of master data of the company.
- 7) That keeping in mind all the relevant facts and after consideration of the oral submissions made by Shri Ashish Shah, Practicing Company Secretary and Authorized Representative of the Respondents, it is observed that the company and Respondents i.e. No. 2 and 3 had committed default under section 12(3)(c) of the Companies Act, 2013 for not mention CIN on the Company's Letter dated 19.03.2019. The submission made by Shri Ashish Shah on behalf of the Respondents appears to be satisfactory. However, as a matter of fact as above stated, it is hereby ordered that sum of Rs. 1000/- each to company and its 2 directors 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. YASH SYNTHETICS PRIVATE LIMITED	1,000/-
2.	Shri JAIPRAKASH BIJAYKUMAR AGARWAL (Director)	1,000/-
3.	Shri BIJAY KUMAR AGARWAL (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 8th day of May, 2019.

Copy to:

1. M/s. YASH SYNTHETICS PRIVATE LIMITED,
66-E, Masat Industrial Estate, Dadra & Nagar Haveli,
Silvassa, Gujarat-396 230.

2. JAIPRAKASH BIJAYKUMAR AGARWAL (Director)
C-108, Upvan Tower, CHSL, Upper Govind Nagar,
Malad, (East)Mumbai-400097,Maharashtra.

3. BIJAY KUMAR AGARWAL (Director)
C-108, Upvan Tower, CHSL, Upper Govind Nagar,
Malad, (East) Mumbai-400097, Maharashtra.

✓
4. Master File

5. Office Copy