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भारत सरकार
कार्पोरेट कार्य मंत्रालय
कार्यालय कंपनीज रजिस्ट्रार,
दिल्ली एवं हरियाणा
चतुर्थ तल, आई.एफ.सी.आई. टॉवर, 61 नेहरू प्लेस,
नई दिल्ली



GOVERNMENT OF INDIA
MINISTRY OF CORPORATE AFFAIRS,
OFFICE OF REGISTRAR OF COMPANIES
NCT OF DELHI & HARYANA
4TH FLOOR, IFCI TOWER, 61, NEHRU
PLACE,
NEW DELHI -110019

-110019

ROC/D/CCIC India/penalty order/1628-1631

Dated 3/06/2019

Order for Penalty under Section 454 (8) (i) & (ii) for violation of section 12(1) r/w Section 12(4) of the Companies Act, 2013

CCIC INDIA PRIVATE LIMITED

U85110DL2007FTC163542

Appointment of Adjudicating Officer:-

1. Ministry of Corporate Affairs vide its Gazette Notification No A-42011/112/2014-Ad.II dated 24.03.2015 appointed undersigned as Adjudicating Officer in exercise of the powers conferred by section 454 of the Companies Act, 2013 [herein after known as **Act**] read with Companies (Adjudication of Penalties) Rules, 2014 for adjudging penalties under the provisions of this Act.

Company:-

1. Whereas Company **CCIC India Private Limited** [herein after known as **Company**] is a registered company with this office under the provisions of Companies Act, 1956 having its registered address at 1/11554 A, Main Road, Subhash Park Extn, Naveen Shahdara, Near K D Field School, Delhi-110032, India, as per the MCA website.

Facts about the Case:-

Whereas this office had received a letter dated 05.12.2017 from the office of the Regional Director (NR) stating that the letter no 13/1/G49375470/2017/7409 dated 12.09.2017 and letter no 13/1/G49375470/2017/10594 dated 17.11.2017 were issued to company at its registered office address with request to submit pending documents to this Directorate failing which the petition of shifting of registered office of the company will be consigned



to record and the SRN will be made rejected and invalid without further intimation. Both the letters were received back undelivered with marking "always closed and left" respectively, which is a violation of Section 12 (3) (a) and which attracted penal provisions of Section 12 (8) of the Companies Act, 2013.

Subsequently, this office had issued Show Cause Notice U/s. 454 for violation of Section 12 of the Act vide No. ROC/D/2018/CCIC India/2939-2941 dated 18.06.2018 to the company and its officers, in default.

1. Following was mentioned in the aforesaid SCN dated 18.06.2018:-

Whereas this office had received a letter dated 05.12.2017 from the office of the Regional Director (NR) stating that the letter no 13/1/G49375470/2017/7409 dated 12.09.2017 and letter no 13/1/G49375470/2017/10594 dated 17.11.2017 were issued to company at its registered office address with request to submit pending documents to this Directorate failing which the petition of shifting of registered office of the company will be consigned to record and the SRN will be made rejected and invalid without further intimation. Both the letters were received back undelivered with marking "**always closed**" and "**left**" respectively, which is a violation of Section 12 (3) (a) and which attracted penal provisions of Section 12 (8) of the Companies Act, 2013.

(b) Sections 12 (1), 12(4) and 12(8) are reproduced as under:-

Section 12(1) - 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 communications and notice as may be addressed to it.

Section 12(4) - Notice of every change of the situation of the registered office, verified in the manner prescribed, after the date of incorporation of the company, shall be given to the Registrar within fifteen days of the change, who shall record the same.

Section 12(8) - If any default is made in complying with the requirements of this section, the company and every officer who is in default shall be liable to a penalty of one thousand rupees for every day during which the default continues but not exceeding one lakh rupees.

(1) That no reply has been received to the show cause notice dated 18.06.2018.

(a) Subsequently Notice of Inquiry was issued vide letter dated 10.09.2018 to the company and officers in default scheduling date of hearing on 13.09.2018.



- (b) But on the date of hearing "no one appeared" and no correspondence have been received from the noticees.
- (c) In view of the facts narrated above, the company and its directors/officers, in default are liable for penalty as per section 12(8) of the Act.

9. Factors to be taken into account by the Adjudicating Officer:-

While adjudging quantum of penalty under section 12(8) of the Act, the Adjudicating Officer shall have due regard to the following factors, namely:

- a. The amount of disproportionate gain or unfair advantage, wherever quantifiable, made as a result of default.
 - b. The amount of loss caused to an investor or group of investors as a result of the default.
 - c. The repetitive nature of default
10. With regard to the above factors to be considered while determining the quantum of penalty, it is noted that the disproportionate gain or unfair advantage made by the noticee or loss caused to the investor as a result of the delay on the part of the noticee to redress the investor grievance are not available on record. Further, it may also be added that it is difficult to quantify the unfair advantage made by the noticee or the loss caused to the investors in a default of this nature.

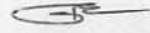
ORDER

11. Having considered the facts and circumstances of the case and after taking into account the factors above, I hereby impose a penalty of **Rs.100,000/- (Rupees One Lakh Only)** on each of the addressees of this order, as the default continues from **12.09.2017 [Date of undelivered letter]** to **10.09.2018 [Date of hearing]** under Section 12(8) of the Act for failure to make compliance of the Act u/s. 12(1) r/w 12(4) of the Act. I am of this opinion that penalty is commensurate with the aforesaid failure committed by the Noticee.
12. The noticee shall pay the said amount of penalty by way of Demand Draft in favour of "Pay & Accounts Officer, Ministry of Corporate Affairs, New Delhi, payable at Delhi, within 90 days of receipt of this order. The Demand Draft shall be forwarded to this Office Address.
13. Appeal against this order may be filed in writing with The Regional Director (NR), Ministry of Corporate Affairs, B-2 Wing, 2nd Floor, Paryavaran Bhawan, CGO Complex, Lodhi Road, New Delhi-110003 within a period of **sixty days** from the date of receipt of this order, in Form ADJ [available on Ministry website www.mca.gov.in] setting forth the grounds of



appeal and shall be accompanied by a certified copy of the this order. [Section 454(5) & 454(6) of the Act read with Companies (Adjudicating of Penalties) Rules, 2014].

14. Your attention is also invited to section 454(8) of the Act in the event of non-compliance of this order.



(Kamal Harjani)
Registrar of Companies & Adjudicating Officer
NCT of Delhi & Haryana

To

1. CCIC India Private Limited,
Property No. 7 & 8 A/2,
Chander Vihar (Vikas Vihar),
Nilothi Extn ,New Delhi,Delhi,110041,India.
2. Mr. Hongfa Tian,
4-3-202, Xingangdajie, Tanggu District Tianjin,
Tianjin,NA, China.
**C/O CCIC India Private limited,
AG 103, Ground Floor,
Shalimar Bagh, Delhi-110088, India.**
3. Mr. Li Shiliang Luo,
Jinding Road 20 Compound No 7 Building 2,
Unit 1801, Shijishan District,Beijing, China,
**C/o CCIC India Private limited,
AG 103, Ground Floor,
Shalimar Bagh, Delhi-110088, India**

o/c
22.5.2018

Copy to:-

The Secretary,
Ministry of Corporate Affairs,
New Delhi. **(Through proper channel)**

