



भारत सरकार  
कारपोरेट कार्य मंत्रालय  
कार्यालय रजिस्ट्रार ऑफ कम्पनीज  
पंजाब एवं चंडीगढ़,  
कारपोरेट भवन  
प्लॉट नम्बर 4-बी, सैक्टर 27-बी, चंडीगढ़  
फोन नम्बर: 0172 2639415, 2639416

GOVERNMENT OF INDIA  
MINISTRY OF CORPORATE AFFAIRS  
OFFICE OF THE REGISTRAR OF  
COMPANIES PUNJAB AND  
CHANDIGARH,  
CORPORATE BHAWAN  
PLOT NO.4-B, SECTOR 27B,  
CHANDIGARH PHONE NO.172-2639415,  
2639416

No. ROC CHD/20120-21/12(8)/035537/ 1384

Dated: 20/12/2020

**ORDER UNDER SECTION 454 FOR VIOLATION OF SECTION 12 OF THE COMPANIES ACT, 2013, READ WITH COMPANIES (ADJUDICATION OF PENALTIES) RULES, 2014**

**IN THE MATTER OF M/S NEWWAY CLEANING SERVICES PRIVATE LIMITED**

CIN: U93000CH2015PTC035537

1. The Ministry of Corporate Affairs vide its gazette notification no OS.831(E) dated 24.3.2015, has appointed the undersigned as **Adjudicating Officer(AO)** in exercise of the powers conferred by **section 454 of the Companies Act, 2013** (hereinafter known as Act) read with **Companies (Adjudication of Penalties) Rules, 2014** for adjudging penalties under the provisions of this Act.
2. Whereas, Newway Cleaning Services Private Limited (herein after referred to as "the Company") is a company registered with this office under the Provisions of the Companies Act, 2013/1956 (or previous Acts in force, as applicable) having its registered office situated at SCO 267, Manimajra, Chandigarh 160101 as per data available with MCA website.

### **Provisions of the Act:-**

3. In terms of **Section 12(1) of the Act-** A company shall, on and from the from the thirtieth day of its incorporation and at all times thereafter, have a registered office capable of receiving and acknowledging all communications and notices as may be prescribed.

**Section 12(4) of the Act** provides that a 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 thirty days of the change, who shall record the same.

AND as per **Section 12(8) of the Act-** if any default is made in complying with the requirement 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.

### **Facts about the case:-**

4. Wherein this office has received a complaint against the company which was forwarded to the company for seeking comments vide this office letter dated 28.07.2017, at its registered office at SCO 267, Manimajra, Chandigarh 160101. The letter of this office dated 28.07.2017 received back undelivered with "Insufficient Address" of the postal authority. Further, this office has issued show cause notice under section 12(8) of the companies Act, 2013 read with companies (adjudication of penalties) Rules, 2014 to the company and its directors vide this office letter No.ROC/CHD/2019-20/12(8)/35537/112 to 116 dated 21/01/2020. Show cause notice dated 21/01/2020 received back undelivered with postal remark "Addressee moved". Thus, the company and its officer in default has failed to furnish any reply to the said show cause notices.
5. Thereafter, a "Notice for Inquiry" vide No. ROC CHD/2019-20/12(8)/35537/391 to 396 dated 27.02.2020, was issued to the company and its officers in default as per [Rule 3(3), Companies (Adjudication of Penalties) Rules 2014] and a hearing was fixed for 19.03.2020 at 11.00 AM in the Office of Registrar of Companies, Punjab & Chandigarh, Plot No. 4-B, Sector 27-B, Madhya Marg, Chandigarh-180012.



6. That with reference to the notice of inquiry Sh.Annop Khullar, Director of the company present on 19.03.2020 but he was not having any explanation as to why the company is not maintaining registered office. In view of the above, penalty was imposed on the company and its directors but the order under Section 454 for violation of section 12 could not be delivered due to outbreak of pandemic covid-19. Now, the matter is again being perused and having Considered the facts and circumstances of the case and after taking into account the factors above, it is concluded that the company and its officers in default are liable for penalty as prescribed under Section 12(8) of the Act for non-maintenance of registered office of the company viz. NEWWAY CLEANING SERVICES PRIVATE LIMITED for 960 days i.e. with effect from 02.08.2017 (date of return of the letter dated 02.08.2017) to 19.03.2020 (date of hearing of directors before the Adjudicating Officer) in terms of Section 12(1) of the Act.

Accordingly, I inclined to impose a penalty as prescribed under Sub-Section (8) of Section 12 of the Companies Act, 2013. The details of the penalty imposed on the company and officers in default are as below:

Nature of Default	Violations under Companies Act,2013	Name of person on whom penalty imposed	No. of days of default	Per day penalty for default (Rs)	Total Default amount (Rs)	Maximum Limit for penalty (Rs)	Final penalty Imposed (Rs)
Non-Maintenance of Registered Office	S.12(1)	On Company	960	1000	960*1000 =960000	100000	100000
		Sh. Anoop Khullar	960	1000	960*1000 =960000	100000	100000
		Smt. Anu Khullar	960	1000	960*1000 =960000	100000	100000

I am of this opinion that penalty is commensurate with the aforesaid failure committed by the Noticee and penalty so imposed upon the **Officers-in-default shall be paid from their personal sources/income.**



It is further directed that penalty imposed shall be paid through the **Ministry of Corporate Affairs portal only** as mentioned under **Rule 3(14) of Company (Adjudication of Penalties) (Amendment) Rules, 2019** under intimation to this office.

7. Appeal against this order may be filed in writing with the **Regional Director (Northern Region), Ministry of Corporate Affairs, CGO Complex, Lodhi Road, New Delhi**, within a period of sixty days from the date of receipt of this order, in Form ADJ setting forth the grounds of appeal and shall be accompanied by a certified copy of this order. [**Section 454(5) & 454(6) of the Act, read with Companies (Adjudication of Penalties) Rules, 2014**].
8. Your attention is also invited to **Section 454(8)(i) and 454(8)(ii) of the Companies Act, 2013**, which state that in case of non-payment of penalty amount, the company shall be punishable with fine which shall not be less than twenty five thousand rupees but which may extend to five lakh rupees And officer in default shall be punishable with imprisonment which may extend to six months or with fine which shall not be less than twenty five thousand rupees but which may extend to one lakh rupees or with both.
9. In terms of the provisions of **sub-rule (9) of Rule 3 of the Companies (Adjudication of Penalties) Rules, 2014**, copy of the order is being sent to Newway Cleaning Services Private Limited at SCO 267, Manimajra Chandigarh 160101, Sh. Anoop Khullar, Director at 136, Phase-7 SAS Nagar Sector -62, Mohali, Punjab 160062, Smt. Anu Khullar, House No. 1171, Street No. 3, Krishna Nagar, Teh Khanna, Punjab 141401 and Regional Director (Northern Region), Ministry of Corporate Affairs, CGO Complex, Lodhi Road, New Delhi and will also be uploaded on website.

  
(Shyam Sunder)  
Registrar of Companies & Adjudicating Officer  
Punjab and Chandigarh.

Copy to:-

Regional Director (NR), Ministry of Corporate Affairs, New Delhi for information and record.