

BEFORE THE ADJUDICATING OFFICER
REGISTRAR OF COMPANIES, GOA, DAMAN & DIU
(ADJUDICATION ORDER NO: ROCGDD/AO/92&137/2019/71)

ORDER

**UNDER SECTION 454 OF THE COMPANIES ACT, 2013 READ WITH
COMPANIES (ADJUDICATION OF PENALTIES) RULES, 2014.**

In respect of:

MANIBHADRE PLASTO TECH PRIVATE LIMITED

U25209GA1999PTC002666

Appointment of Adjudicating Officer:-

1. Ministry of Corporate Affairs vide its gazette notification no SO 831(E) 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 [Notification no GSR 254(E) dated 31-3-2014] for adjudging penalties under the provisions of the Act. The undersigned vide the Companies (Amendment) Ordinance, 2019 is entrusted with power to adjudicate penalties under section 92 and 137 of the Act with effect from 02.11.2018.

Company:-

2. Manibhadre Plasto Tech Private Limited [herein after known as **Company**] CIN U25209GA1999PTC002666 is a registered company with the office of Registrar of Companies, Goa, Daman and Diu and having its registered address as A1, Pinto Apartments, Near SBI Vasco Da Gama, Goa, South Goa 403802, India, as per records maintained by this office in online registry.

Show Cause Notice, Reply and Personal Hearing:-

3. A Show Cause Notices (SCN) under Section 92(5) and 137(3) of the Companies Act, 2013 were issued vide no ROCGDD/Penalty/2019/Non-filing/4606-4608 dated 08.02.2019 to Company and two Directors, Ms.Lata Dilip Ranawat (DIN: 01030127) and Mr.Dilipkumar Ranawat (DIN: 03017914). The Noticees to SCN were called upon to show the cause for non-filing of Annual Return(s) and Financial Statement(s) pursuant to Section 92

and Section 137 of the Act respectively. No response to the SCN dated 08.02.2019 received by this office from the company and its directors.


4. It is observed from the master data that company has not filed its statutory returns since 2010 and the default still continues till date of this order. Further, an active charge of Rs.1,03,85,000/- is shown in the master data of the company.

Provisions of Companies Act, 2013:-

5. Sub-section (1) of Section 92 of the Act provides that every company shall prepare an Annual Return in the prescribed form and sub-section(4) of Section 92 of the Act provides that every company shall file with the Registrar a copy of the annual return, within sixty days from the date on which the annual general meeting is held or where no annual general meeting is held in any year within sixty days from the date on which the annual general meeting should have been held together with the statement specifying the reasons for not holding the annual general meeting, with such fees or additional fees, as applicable.
6. Sub-section (5) of Section 92 of the Act provides that if any company fails to file its annual return under sub-section (4) of Section 92 of the Act, before the expiry of the period specified therein, such company and its every officer who is in default shall be liable to a penalty of fifty thousand rupees and in case of continuing failure, with further penalty of one hundred rupees for each day during which such failure continues, subject to a maximum of five lakh rupees.
7. Sub-section (1) of Section 129 of the Act provides that company shall prepare a financial statement comply with the accounting standards notified under section 133 of the Act and sub-section (2) of Section 129 of the Act provides that at every annual general meeting of a company, the Board of Directors of the company shall lay before such meeting financial statements for the financial year. Further sub-section (1) of the Section 137 of the Act provides that a copy of the financial statements, including consolidated financial statement, if any, along with all the documents which are required to be or attached to such financial statements under this Act, duly adopted at the annual general meeting of the company, shall be filed with the Registrar within thirty days of the date of annual general meeting in such manner, with such fees or additional fees, as applicable.

8. Sub-section(3) of section 137 of the Act provides that if a company fails to file the copy of the financial statements under sub-section (1) or sub-section (2) of the section 137, as the case may be, before the expiry of the period specified therein, the company shall be liable to a penalty of one thousand rupees for every day during which the failure continues but which shall not be more than ten lakh rupees, and the managing director and the Chief Financial Officer of the company, if any, and, in the absence of the managing director and the Chief Financial Officer, any other director who is charged by the Board with the responsibility of complying with the provisions of this section, and, in the absence of any such director, all the directors of the company, shall be liable to a penalty of one lakh rupees and in case of continuing failure, with further penalty of one hundred rupees for each day after the first during which such failure continues, subject to a maximum of five lakh rupees.

ORDER

9. The Company has not filed Annual Return(s) and Financial Statement(s) pursuant to sub-section (4) of Section 92 and sub-section (1) of Section 137 of the Act respectively for financial year ending 31.03.2015, 31.03.2016, 31.03.2017 & 31.03.2018, thereby attracting penal provisions under sub-section(5) of Section 92 and sub-section(3) of Section 137 of the Act respectively.
10. As per records maintained by this office, noticee no.2, Ms.Lata Dilip Ranwat (DIN:01030127) and noticee no.3, Mr.Dilipkumar Ranawat (DIN:03017914) are disqualified under Section 164(1)(a) of the Companies Act, 2013 for a period from 01.11.2016 till 31.10.2021 and 01.11.2017 till 31.10.2022, respectively. Therefore, penalties are not being imposed on them. This Order could not be passed within the stipulated time period as most of the Officials of this office were engaged in Lok Sabha Election duty.
11. Having considered the facts and circumstances of the case, and after taking into account the factors above, I do hereby impose penalty on Company and Directors as per table below for violation of Section 92 and Section 137 of the Companies Act, 2013 for Financial Year ending **31.03.2018**. I am of the opinion that penalty is commensurate with the aforesaid failure committed by the company. 

Document Required to be filed	No of Days of Default *	Penalty imposed on Company /Director	First Default (in Rs)	Default Continues (in Rs)	Total (in Rs)
Financial Statement u/s 137(1) of the Companies Act, 2013	214 days	On Company	Rs.1000X214 days=	Rs.2,14,000/-	Rs.2,14,000/-
Annual Returns u/s 92(4) of the Companies Act, 2013	185 days	On Company	Rs.50,000/-	Rs.100X185 days =Rs.18,500/-	Rs.68,500/-

*No. of days have been calculated from November, 2018 & December 2018 for Financial Statement and Annual Return respectively till date of order.

12. It is hereby directed to rectify the default immediately on receipt of copy of this Order.
13. The Penalty imposed shall be paid through Ministry of Corporate Affairs portal only under intimation to this office.
14. Appeal against this order may be filed in writing with the Regional Director(WR), Ministry of Corporate Affairs, 100, Marine Drive, Everest Building, Mumbai-400002, 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 of the Companies Act, 2013 read with Companies (Adjudicating of Penalties) Rules, 2014].
15. Your attention is also invited to section 454(8) of the Act regarding consequences of non-payment of penalty.
16. In terms of the provisions of sub-rule (9) of Rule 3 of Companies (Adjudication of Penalties) Rules, 2014, copy of this order is being sent to Manibhadre Plasto Tech Private Limited at A1, Pinto Apartments, Near SBI, Vasco Da Gama, South Goa, Goa 402802, India, Ms. Lata Dilip Ranawat (DIN: 01030127) at 1st Floor, B Wing, Pinto Apts., Near State Bank of India, Vasco Da Gama, Goa 403802, India and Mr.Dilipkumar Ranawat (DIN: 03017914) at B, Pinto Apartment, Near State Bank of India, 1st Floor, Vasco Marmugao, Goa 403802, India and also to Office of Regional Director(WR), Ministry of Corporate Affairs, 100, Marine Drive, Everest Building, Mumbai-400002.

Place: - Panaji, Goa.

Date:- 03.06.2019.

Registrar of Companies Goa, Daman & Diu

Adjudicating Officer



Prepared by: *[Signature]*