

भारत सरकार
कार्पोरेट कार्य मंत्रालय
कार्यालय कंपनीज़ रजिस्ट्रार, दिल्ली एवं हरियाणा
चतुर्थ तल, आई.एफ.सी.आई. टॉवर, 61 नेहरू प्लेस,
नई दिल्ली -110019



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

ROC/D/2019/Kaushal Bhaav Skill/penalty order/5156 - 5178

Dated 26.9.19.

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

KAUSHAL BHAHV SKILL SOLUTIONS PRIVATE LIMITED

U74140HR2015PTC056918

Appointment of Adjudicating Officer:-

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:-

Whereas Company **Kaushal Bhaav Skill Solutions Private Limited** [herein after known as **Company**] is a registered company with this office under the provisions of Companies Act, 2013 having its registered address at 3F-06, Ozone Centre, Sector-12, Haryana, Faridabad-121001, India, as per the MCA website.

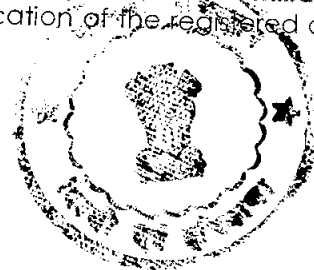
Facts about the Case:-

Whereas this office had sent a letter dated 15.02.2018 vide no ROC/DL/Comp/K-60/Kaushal/2018/11289 on the registered office of the company which has been returned undelivered with postal remark "**baar baar jane per tala band milta hai**". Further this office has conducted the physical verification of the registered office address of the company by the official of this office on 06.07.2018 wherein it has been reported that no such company exist at the aforesaid address which is a violation of Section 12 (1) r/w 12 (4) 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/Kaushal Bhaav Skill Solutions/4873-4877 dated 08.08.2018 to the company and its officers, in default.

1. Following was mentioned in the aforesaid SCN dated 08.08.2018:-

- (a) Whereas this office had sent a letter dated 15.02.2018 vide no ROC/DL/Comp/K-60/Kaushal/2018/11289 on the registered office of the company which has been returned undelivered with postal remark "**baar baar jane per tala band milta hai**". Further this office has conducted the physical verification of the registered office



address of the company by the official of this office on 06.07.2018 wherein it has been reported that no such company exist at the aforesated address which is a violation of Section 12 (1) r/w 12 (4) of the Companies Act, 2013.

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.

- (b) That no reply has been received to the show cause notice dated 08.08.2018.
- (c) Subsequently Notice of Inquiry was issued vide letter dated 10.09.2019 to the company and officers in default scheduling the date of hearing on 12.09.2019 (at 10.30 A.M.)
- (d) Meanwhile company requested to re-schedule the date of hearing vide their letter dated 17.09.2019 as they are in receipt of the letter after the scheduled date of hearing.
- (e) On considering the request made by the company, the date of hearing was rescheduled to 15.10.2018 at 11.30 A.M. and was further re scheduled to 25.10.2018 at 11.30 A.M. and was duly intimated through email.
- (f) On the scheduled date of hearing i.e. on 25.10.2018, Mr. Manoj Sharma and Mr. Rajiv Malik Authorized representatives of the subject company have appeared and attended the hearing proceedings and submitted written representation in the matter. They reiterated the same facts as given in the written submission. As the letter dated 15.02.2018 has been returned back undelivered and no registered office of the company was found on physical verification on 11.07.2018 and it was reported on physical verification of the registered office of the company that no such registered office of the company has been maintained since last six months. Therefore undersigned has reasonable cause to believe that the company and its officers have failed to maintain its registered office during the period from 15.02.2018 to 11.07.2018.
- (g) 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:

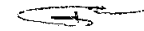
- a. The amount of disproportionate gain or unfair advantage, wherever quantifiable, made as a result of default.



- 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 **15.02.2018 [date of undelivered letter]** to **11.07.2018 [Date of physical Verification of registered office of the company]** 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. Kaushal Bhaav Skill Solutions Private Limited,
2255, Jawahar Colony, Air Force Station Road,
Faridabad, Haryana-121002, India.
2. Ms. Priyanka Gupta,
G-3/27, 2nd Floor, Model Town 3,
Delhi-110009, India.
(as declared officer-in-default in terms of provisions of Section 2(60) of the Companies Act, 2013)



Copy to:-

Ministry of Corporate Affairs,
5th Floor, A-wing Shashtri Bhawan,
New Delhi - 11001, India **(through proper route)**
(The Regional Director (NR),
Ministry of Corporate Affairs,
B-2 Wing, 2nd Floor, Pt. Deendayal Upadhyaya Bhawan,
GO Complex, Lodhi Road, New Delhi-110003, for information please.)

Handwritten initials 'd/c' and a date '23-07-19' with a signature over it.