

भारत सरकार/ GOVERNMENT OF INDIA

कार्पोरेट कार्य मंत्रालय / MINISTRY OF CORPORATE AFFAIRS

कम्पनी पंजीयक का कार्यालय, कर्नाटका

OFFICE OF THE REGISTRAR OF COMPANIES, KARNATAKA

“केंद्रीय सदन”, II मंजिल, “ई” विंग, कोरमंगला, बेंगलूर – 560 034

“KENDRIYA SADAN”, II FLOOR, E- WING, KORAMANGALA, BANGALORE – 560034

मि.सं/F.No.ROCB/ Adj.454/Co.No.09249/Section 12/2020 दिनांक/Date: 07/12/2020

ORDER OF ADJUDICATION OF PENALTY UNDER SECTION 454 OF COMPANIES ACT 2013 READ WITH RULE 3 OF THE COMPANIES (ADJUDICATION OF PENALITES) RULES 2014 FOR VIOLATION OF PROVISIONS OF SECTION 12 OF THE COMPANIES ACT 2013 BY M/S EGO GEAR AND APPAREL PRIVATE LIMITED

- 1 Whereas the company, M/S EGO GEAR AND APPAREL PRIVATE LIMITED was incorporated on 05.07.1988 under the jurisdiction of Registrar of Companies, Bangalore with the registered office of the company is presently situated at NO: 9/2, 5TH Cross, Malleswaram, Bangalore, Karnataka 560003.
- 2 Whereas as per Section 12(3)(c) of the Companies Act, 2013, “every company shall get its name , address of its registered office and Corporate Identity Number along with telephone number, fax number, if any, e mail and website addresses, if any , printed in all its business letters, bill heads, letter papers, and in all its notices and other official publications;
- 3 As per Section 12(8) of the Companies Act 2013, if any default is made in complying with the provisions of Section 12, the Company and every officer who is in default shall be liable to a penalty of one thousand rupees for every day during which default continues but not exceeding one lakh rupees.
- 4 Whereas this Office Show Cause notice vide reference No: ROCB/TS/EGA/09249/MJ/2017 dated 14/12/2017 consequent upon technical scrutiny of balance sheet as at 31/03/2016. It was noticed that the copy of the AGM Attached to the balance sheet as at 31/03/2016 did not contain any of the details of the company as required under Section 12(3)(c) of the Companies Act 2013.
- 5 In response to the show cause notice, the company filed adjudication application on 12/04/2019 for non-compliance of section 12(3)(c) of Companies Act 2013. The company admitted to have violated the provisions of said section and stated that the company has not complied with the said provisions from 30/08/2016 to 18/12/2017 with the delay of 475 days.
- 6 Due to COVID-19 pandemic, hearing was held through Video Conference on **5/11/2020**. Mr. Pramodh SM , Company secretary in practice, attended the hearing. He admitted the offence stating that the CIN , E-mail ID etc was not displayed on the letter head being non- working Company and pleaded for lesser penalty as paid –up capital of the company is Rs.1,00,000/- only, and a small company under Section 2(85) of Companies Act, 2013. He also stated that the offence has been made good by printing the letter head with all the requisite details. However, in view of the explicit provisions of Section 446 B), the benefit cannot be extended to this matter.

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- 7 In view of the above, the undersigned in exercise of the powers vested to him vide Section 454(1) &(3) of Companies Act 2013, hereby impose a penalty of **Rs.1,00,000 /- each on the Company and 1) Mr.Gautham Manel, Managing Director, (totaling to Rs. 2,00,000/-)**. I hereby direct that the total penalty of **Rs. 2,00,000/-** shall be paid through their own sources through MCA 21 portal and submit proof of payment to this office for verification within 60 days from the date of receipt of this order. The company need to file INC-28 as per provisions of the Act. The proof of payment has to be communicated to this office upon payment.
- 8 Whereas sub-section (5) of section 454 of the Companies Act, 2013 provides that any person aggrieved by an order made by the adjudicating officer under sub-section (3) may prefer an appeal to the Regional Director having jurisdiction in the matter and further sub-section (6) provides that every appeal under sub-section (5) shall be filed within sixty days from the date on which the copy of the order made by the adjudicating officer is received by the aggrieved person and shall be in such form, manner and be accompanied by such fees as may be prescribed.
- 9 Please note that as per Section 454(8)(i) of the Companies Act 2013, where as company fails to comply with the order made under sub-section (3) or sub-section (7) as the case may be, within a period of ninety days from the date of the receipt of the copy of the order, 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.
(ii)Where an officer of a company or any other person who is in default fails to comply with the order made under sub-section (3) or sub-section (7) , as the case may be, within a period of ninety days from the date of receipt of the copy of the order, such officer 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 shall not be less than twenty five thousand rupees but which may extend to one lakh rupees or with both.

In case of default in payment of penalty, prosecution will be filed U/s 454(8)(i) and (ii) of the Companies Act 2013 without further notice.


(C.V.SAJEEVAN)
REGISTRAR OF COMPANIES
BANGALORE, KARNATAKA

F.No.ROCB/ Adj.454/Co.No.09249/Section 12/2019-2020

- ✓(1) M/S Ego Gear & Apparel Private Limited
No.9/2, 5th Cross, Malleswaram ,
Bangalore Karnataka 560003.

F.No.ROCB/ Adj.454/Co.No.09249/Section 12/2019-2020

- (2) Mr.Gautham Manel , Managing Director
Apt No 1,Amrita Purna,
40, 11th Main Road, Malleswaram, Near MES College
Bangalore 560055 Karnataka