



Application No. RD/ER/454/43/2024/Appeal /6361-66

BEFORE THE REGIONAL DIRECTOR, EASTERN REGION
MINISTRY OF CORPORATE AFFAIRS, KOLKATA.

IN THE MATTER OF

THE COMPANIES ACT, 2013

-AND-

IN THE MATTER OF

Seva Parmodharmah Samajik Nidhi Limited
 H/o Sharda Devi, W/o Lt Nanhak Singh Jadhua Pokhara,
 Near Prem High School, Vaishali, Hajipur, Bihar 844101,

-AND-

IN THE MATTER OF

Appeal under section 454 of The Companies Act, 2013
 against the penalty order dated 31/01/2024 of
 Registrar of Companies Cum Official Liquidator, Patna
 passed for violation of the provisions of section 197 of
 the Companies Act, 2013.

-AND-

IN THE MATTER OF

1. Seva Parmodharmah Samajik Nidhi Limited
 H/o Sharda Devi, W/o Lt Nanhak Singh Jadhua
 Pokhara,
 Near Prem High School, Vaishali, Hajipur, Bihar 844101,
2. Shri Basant Chourashiya
 S/o Asharfi Choudhary
 Jadua Barai, Taula, Hajipur, Vaishali 844101 Bihar

In the matter of Seva Parmodharmah Samajik Nidhi Ltd Limited

प्रेषित किया गया/Dispatched by *S. P. S.*
 हस्ताक्षर/Signature *[Signature]*
 दिनांक/Date **22 OCT 2024**

3. Shri Vinod Kumar
S/o Devendra Choudhary
Jethui Hajipur, Vaishali 844101 Bihar
4. Shri Maharana Pratap Chaudhari
S/o Deo Shankar Chaudhari
Ward No. 38, Near New Pani Tanki Jadhua Barai Tola
Hajipur Vaishali 844101 Bihar

..... APPELLANTS

Date of Hearing : 29/08/2024

Present Sri Satish Kumar, Practicing Chartered
Accountant and Authorised Representative

Appellants

ORDER

1. The present appeal under section 454 of the Companies Act, 2013 read with the provisions of the Companies (Adjudication of Penalties) Rules, 2014 was filed vide Form ADJ bearing SRN no. F94133766 dated 31/03/2024 by the aforesaid appellants against the penalty order dated 31/01/2024 under section 170 of the Adjudicating Authority i.e. Registrar of Companies Cum Official Liquidator, Patna communicated to the appellants vide letter no. ROC/PAT/Inquiry/26369/1397 dated 31/01/2024.
2. The office of the Registrar of Companies Cum Official Liquidator, Patna had issued Adjudication notice vide letter dated 19.12.2023 for violation of section 197 of the Act to the company and its officers. In this regard, reply was received from the Company and its Officers for aforesaid Adjudication notice on 17.01.2024.

In the matter of Seva Parmodharmah Samajik Nidhi Ltd Limited



3. Considering the above facts and circumstances of the case, the Adjudicating Authority had imposed Penalty for violation of section 197 of the Act as under :-

Financial Year	Company/ Officers to whom penalty imposed	No. of days in default	Penalty for defaults (Rs.) as per Section 197(15) of the Act	Maximum Penalty (Rs.)
2018-19	Seva Parmodharmah samajik Nidhi Limited	NA	Rs. 5,00,000	Rs. 5,00,000
	Shri Basant Chourashiya	NA	Rs. 1,00,000	Rs. 1,00,000
	Shri Vinod Kumar	NA	Rs. 1,00,000	Rs. 1,00,000
	Shri Maharana Pratap Chaudhari	NA	Rs. 1,00,000	Rs. 1,00,000
2019-20	Seva Parmodharmah samajik Nidhi Limited	NA	Rs. 5,00,000	Rs. 5,00,000
	Shri Basant Chourashiya	NA	Rs. 1,00,000	Rs. 1,00,000
	Shri Vinod Kumar	NA	Rs. 1,00,000	Rs. 1,00,000
	Shri Maharana Pratap Chaudhari	NA	Rs. 1,00,000	Rs. 1,00,000

4. Having considered the facts and circumstances of the case and after taking into account the facts stated above, Registrar of Companies Cum Official Liquidator, Patna imposed a penalty of Rs. 10,00,000/- (Rupee Ten lacs Only) on the concerned Company and Rs. 1,00,000/- (Rupees One lacs Only) on each the three Directors in default under Section 197 of the Act for violation for F.Y 2018-19 & 2019-20, i.e. (Company- 500000/- *2 Financial Years= Rs 10,00,000/- and For

three Directors- Rs 1,00,000/- * on each of the three Director for 2(two) Financial Years = Rs 6,00,000/- **in Total Rs. 16,00,000/-** (Rupees Sixteen Lacs) for failure to make compliance of the Act u/s. 197 of the Act.

5. The appeal was heard on 29/08/2024. The Authorized Representative was asked to make submission regarding infirmity if any in the order of Registrar of Companies. The Authorised Representative had no valid submission in this regard. Hence, the order of ROC is confirmed as no cogent ground was made out by Authorised Representative. The undersigned by virtue of the power vested in Regional Director under section 454(7) of the Companies Act, 2013 read with the Companies (Adjudication of Penalties) Rules, 2014 confirms the order dated 31/01/2024 of the Registrar of Companies Cum Official Liquidator, Patna. The Company and Directors/Officers of the company shall pay the amount of penalty from out of their own pockets. The amount of penalty shall be paid within a period of 90 days from the date of receipt of the copy of the order. Further, if the Company and its Directors fail to deposit the penalty amount within the prescribed time limit, action under section 454(8)(i) and (ii) of the Companies Act, 2013 shall be initiated against the Company and its Directors.
6. Hence the instant Appeal stands disposed of accordingly.


(P.Sridhar)

REGIONAL DIRECTOR (ER)

Signed this the 22nd day of October, 2024.

In the matter of Seva Parmodharmah Samajik Nidhi Ltd Limited



Copy to:-

- ✓ 1. Seva Parmodharmah Samajik Nidhi Limited
H/o Sharda Devi, W/o Lt Nanhak Singh Jadhua Pokhara,
Near Prem High School, Vaishali, Hajipur, Bihar 844101,
- ✓ 2. Shri Basant Chourashiya
S/o Asharfi Choudhary
Jadua Barai, Taula, Hajipur, Vaishali 844101 Bihar
- ✓ 3. Shri Vinod Kumar
S/o Devendra Choudhary
Jethui Hajipur, Vaishali 844101 Bihar
- ✓ 4. Shri Maharana Pratap Chaudhari
S/o Deo Shankar Chaudhari
Ward No. 38, Near New Pani Tanki Jadhua Barai Tola
Hajipur Vaishali 844101 Bihar
- ✓ 5. The Registrar of Companies Cum Official Liquidator, Patna- for
information.
- ✓ 6. The Officer in Charge, E-Gov. Cell, Ministry of Corporate Affairs, 5th Floor, A
wing Shastri Bhavan, New Delhi-110001,-with a request to upload this Order on
the website of the Ministry.

OC
22/10/24