

F.No:9/30/ADJ/SEC.12(1) OF 2013/KARNATAKA/RD(SER)/2023

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BEFORE THE REGIONAL DIRECTOR, SOUTH EAST REGION

MINISTRY OF CORPORATE AFFAIRS, HYDERABAD

IN THE MATTER OF COMPANIES ACT, 2013

IN THE MATTER OF NATRAJ TRADERS PRIVATE LIMITED

1. M/s. Natraj Traders Private Limited
2. Mr. Nehal Batheja Vijay, Director
3. Mr. Deepak Kumar Bhawarlal, Director

Appellants

Date of hearing : 20.11.2023

Present : Mr. Vikas Sirohiya, PCS

### ORDER

This is an appeal filed under section 454(5) of the Companies Act, 2013 by the above appellants in e-form ADJ vide SRN F78984150 dated 07.11.2023 against the adjudication order No. F.No.ROC(B)/ADJ.Ord.454-12(1)/NATRAJ/Co.No.105269/2023 dated 04.09.2023 under section 454 passed by the Registrar of Companies, Karnataka for violation of provisions of Section 12(1) of the Companies Act, 2013.

2. Registrar of Companies in his order of adjudication has stated that during the course of application filed by the company for scheme of amalgamation under section 230-232 of the Act in CP(CAA) No.36/BB/2021 connected with C.A(CAA) No. 63/BB/2019, letters dated 18.11.2022 and 01.12.2022 sent by the office of Regional Director, South East Region to the Company's registered office situated at 3<sup>rd</sup> floor no. 729, Ground floor, 10<sup>th</sup> Main, Opp. MES School, 4<sup>th</sup> Block, Bangalore, Karnataka- 560011 were returned undelivered by post authorities with the postal remarks "No such firm in this address, hence returned to sender" dated 22.11.2022 and 05.12.2022. Registrar of Companies has stated that physical verification of the registered office was carried out on 14.06.2023 and during the physical verification that no such company existed in the said premises. Accordingly adjudication notice dated 10.07.2023 was issued to the Company and its directors for furnish their reply/explanation, but letter sent to the

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Company was returned back undelivered with postal remarks "Addressee Left". Thereafter, the notice of hearing dated 02.08.2023 was delivered to the company on 09.08.2023. Thus the company and its directors have violated the provisions of Section 12(1) of the Companies Act, 2013 for a duration of 260 days i.e. from 22.11.2022 to 08.08.2023. Hearing was held before Registrar of Companies on 22.08.2023 and after hearing the authorized representative had levied a penalty of Rs.50,000/- each on the Company and 2 directors i.e., Mr. Nehal Batheja Vijay and Mr. Deepak kumar Bhawarlal (total aggregating to Rs.1,50,000/-).

3. On the basis of the appeal filed before this Directorate vide dated 07.11.2023, an opportunity of being heard was given to the Appellants on 20.11.2023. The authorized representative Mr. Vikas Sirohiya, Practicing Company Secretary appeared on behalf of the appellants and reiterated the submissions made in the appeal stating that for the past few years the company has no revenue from operation, and it has only other incomes from interest and dividends received and requested to waive off the penalty as levied by the Registrar of Companies.

4. Though there is a default committed, there is a ground in interfering with the impugned adjudication order of Registrar of Companies to the extent of reducing the quantum of penalty due to reasons as stated at para 3 above. Taking into consideration the facts of the appeal and submissions made by the authorized representative, I deem it would meet the end of justice if the penalty imposed by Registrar of Companies is reduced for the Company and 2 directors i.e., Mr. Nehal Batheja Vijay and Mr. Deepak Kumar Bhawarlal amounting to Rs.25,000/- each (total aggregating to Rs.75,000/-). The appellants are directed to comply with this order and also provisions of Section 454(8) of the Companies Act, 2013 read with Companies (Adjudication of Penalties) Rules, 2014.

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5. Accordingly, penalty was paid by the Company and 2 directors i.e., Mr. Nehal Batheja Vijay and Mr. Deepak Kumar Bhawarlal amounting to Rs.25,000/- each (total aggregating to Rs.75,000/-) vide SRN's X59482257, X59513564 and X59511329 dated 27.11.2023 respectively. Accordingly, this order is issued to the Appellants with a copy to Registrar of Companies, Karnataka and Joint Secretary, E-Governance Cell, Ministry of Corporate Affairs, New Delhi for information and necessary action.


Issued under my hand and seal on this the 13<sup>th</sup> day of December 2023.



  
(DR. RAJ SINGH)  
REGIONAL DIRECTOR (SER)  
HYDERABAD

Copy for information and necessary action to :

1. M/s. Natraj Traders Private Limited  
3<sup>rd</sup> Floor No.729, Ground Floor, 10<sup>th</sup> Main Opp.  
MES School, 4<sup>th</sup> Block, Bangalore, Karnataka- 560011.
2. Nehal Batheja Vijay, Director  
F306, Pride Apartments, Bilekahalli, Bannerghatta  
Road, Bangalore, Karnataka- 560076.
3. Deepak Kumar Bhawarlal, Director  
No.24/1, Ranga Rao Road, Shankarpuram,  
Chamarajpet, Bangalore, Karnataka- 560004.
4. Registrar of Companies, Ministry of Corporate Affairs,  
Karnataka, Bangalore.
5. The Joint Secretary, E-Governance Cell, Ministry of Corporate Affairs, New Delhi.

  
(DR. RAJ SINGH)  
REGIONAL DIRECTOR (SER)  
HYDERABAD