

भारत सरकार

कारपोरेट कार्य मंत्रालय

कार्यालय कम्पनी रजिस्ट्रार, उत्तर प्रदेश,
37/17, वेस्टकोर्ट बिल्डिंग, दि माल,

कानपुर-208001 (उ.प्र.)

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सत्यमेव जयते



GOVERNMENT OF INDIA

MINISTRY OF CORPORATE AFFAIRS

OFFICE OF REGISTRAR OF
COMPANIES, Uttar Pradesh

37/17, Westcott Building, The Mall,

Kanpur – 208001 (U.P.)

फोन / Phone : 0512 – 2310443 / 2310227

ORDER OF ADJUDICATION OF PENALTY UNDER SECTION 454 OF THE COMPANIES ACT, 2013 READ WITH RULE 3 OF THE COMPANIES (ADJUDICATION OF PENALTIES) RULES, 2014 FOR VIOLATION OF PROVISIONS OF SECTION 92 OF THE COMPANIES ACT, 2013 .

IN THE MATTER OF NEU SCIENCE AND METALLURGICAL TECHNOLOGY PRIVATE LIMITED

1. The Ministry of Corporate Affairs vide its Gazette Notification no. A-42011/112/2014-Ad.II dated 24.3.2015, has appointed the undersigned as Adjudicating Officer in exercise of the powers conferred by section 454 of the Companies Act, 2013 (hereinafter known as Act) read with Companies (Adjudication of Penalties) Rules, 2014 for adjudging penalties under the provisions of this Act.
2. Whereas the Company **NEU SCIENCE AND METALLURGICAL TECHNOLOGY PRIVATE LIMITED**(CIN-U93090UP2018PTC105331) has been registered under the provisions of the Companies Act, 2013 on 14.06.2018 and is having its registered office situated at Shop No BS 05 Tower B, Ashiyana Apartment, Saraswati Kunj Near Gaur City 2, Greater Noida West, Ghaziabad, Uttar Pradesh- 201009. The authorized capital of the Company is Rs. 1,000,000.00/-
3. During inquiry, it was observed that the company has not filed Annual Return for the financial year 2020-2021 . Thus, that the company and its Directors have failed to comply with the provisions of section 92 of the Companies Act, 2013, in filing of a copy of the annual return, within sixty days from the date on which the annual general meeting is held. Hence the company and its directors have violated the provisions of Section 92 of the Companies Act, 2013 and are liable for penal action under relevant provisions of the Companies Act, 2013.

4. **Section 92(4) of the Companies Act, 2013 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 may be prescribed.”

Section 92(5) of the Companies Act, 2013 provides that –

“If any company fails to file its annual return under sub-section (4), 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 ten 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 two lakh rupees in case of a company and fifty thousand rupees in case of an officer who is in default.”

5. Section 446B of the Companies Act, 2013 provides that –

446B. Notwithstanding anything contained in this Act, if penalty is payable for non-compliance of any of the provisions of this Act by a One Person Company, small company, start-up company or Producer Company, or by any of its officer in default, or any other person in respect of such company, then such company, its officer in Default or any other person, as the case may be, shall be liable to a penalty which shall not be more than one-half of the penalty specified in such provisions subject to a maximum of two lakh rupees in case of a company and one lakh rupees in case of an officer who is in default or any other person, as the case may be.

Explanation.—For the purposes of this section-

(a) "Producer Company" means a company as defined in clause (l) of section 378A;

(b) "start-up company" means a private company incorporated under this Act or under the Companies Act, 1956 and recognised as start-up in accordance with the notification issued by the Central Government in the Department for Promotion of Industry and Internal Trade.]

6. Accordingly, a Show Cause Notice No.07/21/Adj/2024/Neu Science/602 to 605 Dated-25.04.2024 was issued to the company and its officers in default under section under Section 92 of the Companies Act, 2013, read with Companies (Adjudication of Penalties) Rules, 2014 by this office.

7. The company and its officers in default have failed to furnish any reply to the said Show Cause Notice, hence no hearing was fixed for this matter.

8. Further, neither any representative of the company nor its directors have either furnished their reply or have appeared before the undersigned which has further strengthened the apprehension that the company and its Directors have failed to comply with the provisions of section 92 of the Companies Act, 2013, in filing of a copy of the annual return, within sixty days from the date on which the annual general meeting is held upto 30.11.2021, thereby attracting the penal provisions mentioned under Section 92(5) of the Act.

9. The date of default in the matter has been taken as **01.12.2021** i.e. the date upto 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 may be prescribed. The default has been continuing since then.

10. Having considered the facts and circumstances of the case and after taking into account the factors above, I hereby impose a penalty of Rs.48,850/- as per section 92(5) of the Act on the company and Rs. 25,000/- (Fifty Thousand) on each Director under section 92(5) read with Section 446B of the Companies Act, 2013 for failure to make compliance of section 92(4) of the Companies Act, 2013. It is of this opinion that penalty is commensurate with the aforesaid failure committed by the Noticee –

Penalty for non -filing of Annual Return for 2020-2021 –

Nature of default and period from which started	Section of the Companies Act.	Name of the company/directors/de faulters	Penalty imposed details (No. of days of default x penalty)	Revised penalty in view of Section 446B of the Act.
Due date of filing Annual Return 30.11.2021	Section 92 of the Companies Act, 2013	1. Neu Science and Metallurgical Technology Private Limited	Rs.10,000 + Rs.87,600 (876 days x100) = Rs.97,600/- Maximum Penalty [As per Section 92(5)] = Rs. 200000/-	Rs.48,800/-
		2. Mr. Chen Xudong,director	Rs.10,000 + Rs.87,600 (876 days x100) = Rs.97,600/- Maximum Penalty [As per Section 92(5)] = Rs. 50000/-	Rs.25,000/-
		3. Mr. Zhang Wenxin, Director	Rs.10,000 + Rs.87,600 (876 days x100) = Rs.97,600/- Maximum Penalty [As per Section 92(5)] = Rs. 50000/-	Rs.25,000/-
		4. Mr. Roshan Jha, Additional Director	Rs.10,000 + Rs.87,600 (876 days x100) = Rs.97,600/- Maximum Penalty [As per Section 92(5)] = Rs. 50,000/-	Rs.25,000/-
		Total Penalty For the FY 2020-2021		

11. The Noticee shall pay the 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 receipt of this order. The Demand Draft shall be forwarded to this office Address.
12. Appeal against this order may be filed in writing with the Regional Director (Northern Region), Ministry of Corporate Affairs, CGO Complex, Lodi Road, New Delhi, 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(5) & 454(6) of the Act, read with Companies (Adjudication of Penalties) Rules, 2014].
13. Attention is also invited to section 454(8) of the Companies Act, 2013, in the event of non-compliance of this order. In Case appeal is made O/o Registrar of Companies, U.P. maybe informed alongwith the penalty imposed & the payments made.



(Seema Rath)
Registrar of Companies & Adjudicating Officer
Uttar Pradesh, Kanpur.

o/c

No.07/21/Adj/2024/Neu Science/ 2769 to 2773 Dated 26-7-2024

To,
Neu Science And Metallurgical Technology Private Limited,
Shop No Bs 05 Tower B, Ashiyana Apartment,
Saraswati Kunj Near Gaur City 2,
Greater Noida West, Ghaziabad-201009 (Uttar Pradesh)

2. **Mr. Chen Xudong**, Director
Room 101, South No. 86, Lincheng Road,
Pudong New Area,
Shanghai Municipality, 200233 (China)

3. **Mr. Zhang Wenxin**, Director
No.28 Yuying Street, Hebei Province,
Zhuozhou City, 666666 (China)

4. **Mr. Roshan Jha**, Additional Director
H No.12 Gali No 7, Block- A, Vidya Pati Nagar,
Mubarak Pur Dabas,
North West Delhi-110081. (Delhi)

5. **Copy for Information to the Regional Director, Northern Region,
B-2 Wing, 2nd Floor, Pt. Deendayal Upadhyay Bhawan, CGO Complex,
Lodhi Road, New Delhi-110003.**