



Email: roc.bangalore@mca.gov.in

Telephone No.: 080-25537449

**GOVERNMENT OF INDIA
MINISTRY OF CORPORATE AFFAIRS
OFFICE OF THE REGISTRAR OF COMPANIES, KARNATAKA
II FLOOR, "E" WING, KENDRIYA SADAN, KORAMANGALA, BANGALORE – 560 034**

No. ROCB/AQUERALABS/ADJ/SEC-12(3)(a)/2019

Dated: 13-08-2019

ORDER OF ADJUDICATION OF PENALTY UNDER SECTION 454 OF THE COMPANIES ACT, 2013 READ WITH RULE 3 (4) OF THE COMPANIES (ADJUDICATION OF PENALTIES) RULES, 2014 FOR VIOLATION OF SECTION 12(3) (a) OF THE COMPANIES ACT 2013 BY M/S. AQUERA LABS INDIA PRIVATE LIMITED (THE COMPANY):

1. In the matter of M/S AQUERA LABS INDIA PRIVATE LIMITED, incorporated on 13/11/2017 under the Registrar of Companies, Bangalore with its registered office situated at No.7/2, Old 78, New Maruthi Emerald Graphite India Main Road, ITPL, Main Road, Brookefield, Bengaluru-560062.
2. Whereas, as per Section 12(2) of the Companies Act, 2013, a Company shall furnish to the Registrar verification of its registered office in Form INC-22 within a period of thirty days of its incorporation in such manner as may be prescribed. However the company has not filed the Form INC-22 within the stipulated time i.e by 13/12/2017 and filed the same only on 23/01/19, vide SRN H42822122 with a delay of 399 days. The company vide its adjudication application dated 04.01.2019 admitted that the company and its officers in default had violated the provisions of Section 12(2) of the Companies Act, 2013 and not filed the requisite form i.e. INC-22 within stipulated time.
3. As per the provisions of Section 454 (4) of the Companies Act 2013 read with Rule 3 (3) of Companies (Adjudication of Penalties) Rules 2014 the Company i.e. M/S AQUERA LABS INDIA PRIVATE LIMITED (THE COMPANY) and every officer in default viz. Mr.Ahimanikya Satapathy, Director (Din: 02555433) and Mr. Reed Taylor Henry, Director, (DIN: 07971801) and Mr.Jerry Alan Waldorf II, Director (07971803) were called upon vide this office letter dated 29/05/2019 to appear personally or through their authorized-

(Contd... Page 2)

de

representative before the undersigned on 07-06-2019 at 4.30 P.M. in the Chamber of Registrar of companies, II Floor, E Wing, Kendriya Sadan, Koramangala, Bangalore-560034 for hearing u/s 454 r/w Rule 3(3) of the Companies (Adjudication of Penalties) Rules 2014.

4. In response to the notice, the authorized representative of the company and its directors, Smt. Heeravathi, Company Secretary in Practice, attended the hearing on 07-06-2019 at 4.30 p.m. for adjudicating the matter. As the application has not been signed by all the officers in default and two of the said directors are foreigners, the authorized representative sought time to submit the same. Hence the matter was adjourned to 25/06/2019. Vide her letter dated 17/06/2019 the authorized representative had sought further time till 30/07/2019 citing the reasons of the foreign directors. However the undersigned granted time till 19/07/2019. On 19/07/2019 the authorized representative attended the hearing and submitted another representation dated 17/07/2019 stating that the documents pertains to foreign directors were gone to Indian Embassy for apostille and sought further time. In view of this, the undersigned had adjourned the matter to finally on 30/07/2019 for last hearing. Due to time constraint the matter was heard on 02/08/2019 instead of 30/07/2019 and after perusal of the documents and submissions made by the authorized representative, it is noticed that there was a delay of 399 days in filing the e-form INC-22 in the MCA portal by the applicants which led to the violation of the provisions of section 12 (2) of the Companies Act 2013. Hence, penalty is to be imposed for the said violation on the applicants under section 12(8) of the Companies Act 2013.

5. The undersigned being the adjudicating officer vested the powers u/s 454 of Companies Act, 2013 r/w Section 12 of Companies Act 2013, imposes a penalty of Rs.1,00,000/- to the Company and each Director for the said default.

6. Please note that as per Sec 454 (8) (i) of the Companies Act 2013, where company does not pay the penalty imposed by the adjudicating officer or the Regional Director within a period of ninety days from the date of the receipt of the copy of the order, the company shall

(Contd... Page3)

etc

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 who is in default does not pay the penalty within a period of ninety days from the date of the 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 may extend to one lakh rupees, or with both.

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

To

1. AQUERALABS INDIA PRIVATE LIMITED.

No.7/2, Old No.78, New Maruthi Emerald,
Graphite India Main Road,
IIPL Main Road,
Brookefiled,
Bangalore - 560 066.

2. AHIMANIKYA SATAPATHY, Director.

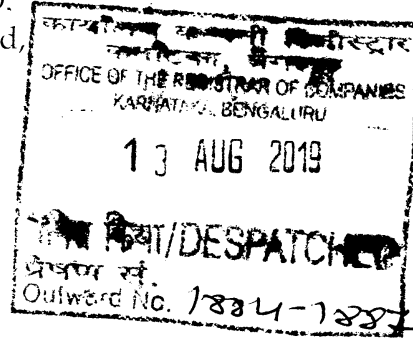
Villa Number H9 Chaitanya,
Samarpan Whitefiled
Hoskote Main Road, Bangalore - 560 067.

3. REED TAYLOR HENRY, Director,

C/o AQUERALABS INDIA PRIVATE LIMITED,
No.7/2, Old No.78, New Maruthi Emerald,
Graphite India Main Road,
IIPL Main Road, Brookefiled,
Bangalore - 560 066.

4. JERRY ALAN WALDORE II, Director,

C/o AQUERALABS INDIA PRIVATE LIMITED,
No.7/2, Old No.78, New Maruthi Emerald,
Graphite India Main Road,
IIPL Main Road, Brookefiled, Bangalore - 560 066.



dc
13/8/19