



Application No. RD/ER/454/39/24/Appeal

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

IN THE MATTER OF

THE COMPANIES ACT, 2013

-AND-

IN THE MATTER OF

M/S. PRE-STRESSED UDYOG (INDIA)PVT LTD
KARNANI ESTATE, FLAT-176 209 A J C BOSE RD,
5TH FLOOR, KOLKATA WB 700017 INDIA

-AND-

IN THE MATTER OF

Application under section 454 of The Companies Act, 2013 for preferring an appeal against the penalty order dated 18/01/2024 of Registrar of Companies, West Bengal passed for violating the provisions of section 158 of the Companies Act, 2013.

-AND-

IN THE MATTER OF

1. M/S. PRE-STRESSED UDYOG (INDIA)PVT LTD
KARNANI ESTATE, FLAT-176 209 A J C BOSE RD,
5TH FLOOR, KOLKATA WB 700017 INDIA
2. DINESH PRADHAN (Director)
ADARSH NAGAR, HIRAPUR, DHANBAD 826001,
JHARKHAND, INDIA

3. MAHESH PRADHAN (Director)
ADARSH NAGAR, HIRAPUR, DHANBAD 826001,
JHARKHAND, INDIA

..... APPELLANTS

Date of Hearing : 05/07/2024

Present Gopal Kumar Khetan, Practicing Company
Secretary 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. F93530293 dated 18/03/2024 by the aforesaid appellants against the penalty order dated 18.01.2024 issued under section 158 of the Act by the Adjudicating Authority i.e. Registrar of Companies, West Bengal dated 18/01/2024 communicated to the appellants vide letter no. ROC/ADJ/1104/033783/2023/10645 dated 18/01/2024
2. As per the aforesaid order of ROC, the office of the Registrar of Companies, West Bengal had issued Adjudication notice for violation of section 158 of the Act vide no. LEGAL/ADJ/2023/033783/1120-1125 dated 01.05.2023 to the company and its officers. That in this



regard, no adequate reply to the adjudication notice have been received from the noticee(s) i.e. company and its concerned officers in default as to why penalty shall not be imposed.

3. Considering the above facts and circumstances of the case, the Adjudicating Authority had imposed Penalty for violation of section 158 of the Act as under :-

Name of the Applicant Company/ Director	Amount of Default (in Rs.)	Total maximum Penalty imposed (in Rs.)
M/s PRESTRESSED UDYOG (INDIA)PVT LTD	50,000*3 years = 1,50,000	1,50,000
Dinesh Pradhan (for the financial year 2016-17 & 2017-18)	50,000*2 years = 1,00,000	1,00,000
Mahesh Pradhan (for the financial year 2016-17 & 2017-18)	50,000*2 years = 1,00,000	1,00,000
Man Mohan Varma (for the financial year 2015-16)	50,000*1 year = 50,000	50,000

4. Having considered the facts and circumstances of the case and after taking into account the factors above, ROC, West Bengal imposed a penalty of Rs. 1,50,000/- (Rupee One lakh fifty thousands Only) on the concerned Company and Rs. 1,00,000/- (Rupees One lakh Only) each of the 2 Directors namely Dinseh Pradhan and Mahesh Pradhan in default for F.Y 2016-17 and 2017-18 and Rs 50,000/- (Rupees fifty thousand only) on 1 Director namely Man Mohan Verma in default

for F.Y 2015-16 under Section 158 of the Act, **in Total Rs. 4,00,000/-** (Rupees Four Lakhs Only) (i.e., Rs. 1,50,000 for Company and Rs. 1,00,000 x 2 Directors and Rs 50,000/- x 1 Director) for failure to make compliance of the Act u/s. 158 of the Act.

5. The appeal was heard on 05/07/2024 wherein Authorised Representative who appeared on behalf of the Company (Appellant No. 1), Mr Dinesh Pradhan (Appellant No. 2) & Mr Mahesh Pradhan (Appellant No. 3) before the Appellate Authority was asked to make submission regarding any infirmity 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 for the Company (Appellant No. 1), Mr Dinesh Pradhan (Appellant No. 2) & Mr Mahesh Pradhan (Appellant No. 3) hence considering the above facts, the Appellate Authority confirms the penalty of ROC as under :

Name of the Applicant Company/ Director	Amount of Default (in Rs.)	Total maximum Penalty imposed (in Rs.)
M/s PRESTRESSED UDYOG (INDIA)PVT LTD (Appellant No. 1)	50,000*3 years = 1,50,000	1,50,000
Dinesh Pradhan (for the financial year 2016-17 & 2017-18 (Appellant No. 2)	50,000*2 years = 1,00,000	1,00,000
Mahesh Pradhan (for the financial year 2016-17 & 2017-18 (Appellant No. 3)	50,000*2 years = 1,00,000	1,00,000



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 of the Registrar of Companies, West Bengal dated 18/01/2024. The Company and directors/officers of the company as per para 5 above 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 09th day of July, 2024.

Copy to:-

- ✓ 1. M/S. PRE-STRESSED UDYOG (INDIA) PVT LTD
KARNANI ESTATE, FLAT-176 209 A J C BOSE RD,
5TH FLOOR, KOLKATA WB 700017 INDIA
2. DINESH PRADHAN (Director)
ADARSH NAGAR, HIRAPUR, DHANBAD 826001,
JHARKHAND, INDIA
3. MAHESH PRADHAN (Director)
ADARSH NAGAR, HIRAPUR, DHANBAD 826001,
JHARKHAND, INDIA

4. The Registrar of Companies,
West Bengal,..... for information in respect of his letter no.
ROC/Lgal/Adj/104/033783/2023/2546 dated 28.06.2024.

5. 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.