

Application No. RD/ER/09/Appeal/23/6893-96

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. Unique Manufacturing & Marketing Ltd
 15 India Exchange Place,
 Kolkata, West Bengal,700001

-AND-

IN THE MATTER OF

Application under section 454 of The Companies Act, 2013 for preferring an appeal against the penalty order dated 23/05/2023 of Registrar of Companies, West Bengal passed for violating the provisions of section 203 of the Companies Act, 2013.

-AND-

IN THE MATTER OF

1. M/s. Unique Manufacturing & Marketing Ltd
 15 India Exchange Place,
 Kolkata, West Bengal,700001
2. Maulashree Gani
 6, Court Closest. Johns Wood Park London,
 Nw86nn United Kingdom

..... APPELLANTS

In the matter of M/s. Unique Manufacturing & Marketing Ltd

Date of Hearing : 14/11/2023

Present : Mr. Arni Guha, Advocate
and Authorised Representative of the
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. F62622741 and dated 21/07/2023 by the aforesaid appellants against the penalty order under section 203 of the Adjudicating Authority i.e. Registrar of Companies, West Bengal dated 23/05/2023 communicated to the appellants vide letter no. ROC/ADJ/2023/029970/1893 dated 23/05/2023.
2. The office of the Registrar of Companies, West Bengal had issued Adjudication notice for violation of section 203 of the Act vide no. ROC/ADJ/2022/22970 dated 19/07/2022 to the company and its officer. In this regard, no adequate reply to the Adjudication notices was received from the Company and officer in default by the ROC, West Bengal.
3. Considering the above facts and circumstances of the case, the Adjudicating Authority has imposed penalty as under :-

In the matter of M/s. Unique Manufacturing & Marketing Ltd

As per table below for violation of section 203(4) r/w 203(5) of the Act:

Name of the Applicant Company/ Director	No. of days of Default	First Default (in Rs.)	Continuing Default (in Rs.)	Total maximum Penalty (in Rs.)
UNIQUE MANUFACTURING & MARKETING LTD (Period of default from 02.11.2018 to 14.03.2020 01.09.2022 to 29.09.2022)	528	5,00,000/-		5,00,000/-
MAULASHREE GANI [DIN: 02496033] [Appointed on 07.02.2000] (Period of default from 02.11.2018 to 14.03.2020 01.09.2022 to 29.09.2022)	528		528 * 1,000= 5,28,000	5,00,000/-

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. 5,00,000/- (Rupees Five Lakhs Only) on the concerned Company and Rs. 5,00,000/- (Rupees Five Lakhs Only) officer in default under Section 203(5) of the Act, **in Total Rs. 10,00,000** (Rupees Ten Lakhs Only) (i.e., Rs. 5,00,000 for Company and Rs. 5,00,000 for one Director) for failure to make compliance of the Act u/s. 203 of the Act.

5. The appeal was heard on 14/11/2023 and the Authorized Representative of the appellants was heard. Authorised Representative

In the matter of M/s. Unique Manufacturing & Marketing Ltd

was asked to make submission regarding any infirmity in the order of Registrar of Companies in ascertaining the offence under section 203 of the Companies Act, 2013. The Authorised Representative had no submission in this regards. 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 confirm the order of the Registrar of Companies, West Bengal dated 23/05/2023. The Company and officer in default of the Company shall pay the amount of penalty. Director to pay the amount out of his own pocket. 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 Director.

6. Hence the instant Appeal stands disposed of accordingly.


(P.Sridhar)
REGIONAL DIRECTOR I/C (ER)

Signed this the 01th day of January, 2024.

Copy to:-

1. M/s. Unique Manufacturing & Marketing Ltd
15 India Exchange Place,
Kolkata, West Bengal,700001
2. Maulashree Gani
C/o 15 India Exchange Place,
Kolkata, West Bengal,700001

In the matter of M/s. Unique Manufacturing & Marketing Ltd

3. The Registrar of Companies,
West Bengal,..... for information in respect of his letter no.
ROC/ADJ/2023/8161 dated 07/11/2023
4. 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.

O/C
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01/01/24



In the matter of M/s. Unique Manufacturing & Marketing Ltd