

**Application No. RD/ER/454/36/23/Appeal /3289**

**TO 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. WESTERN CARRIERS (INDIA) LIMITED  
2/6 SARAT BOSE ROAD 2ND FLOOR,  
KOLKATA WB 700020 INDIA

**-AND-**

**IN THE MATTER OF**

Application under section 454 of The Companies Act, 2013 for preferring an appeal against the penalty order dated 08/11/2023 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. WESTERN CARRIERS (INDIA) LIMITED  
2/6 SARAT BOSE ROAD 2ND FLOOR,  
KOLKATA WB 700020 INDIA

2) KANISHKA SETHIA (KMP)  
7A, QUEENS PARK, KOLKATA-700019  
WEST BENGAL, INDIA

M/s Western Carriers (India) Limited

- 3) RAJENDRA SETHIA (Managing Director)  
7A, QUEENS PARK, KOLKATA-700019  
WEST BENGAL, INDIA
- 4) SUSHILA SETHIA (Whole Time Director)  
7A, QUEENS PARK, KOLKATA-700019  
WEST BENGAL, INDIA
- 5) SAPNA KOCHAR (Company Secretary)  
142, B.K. PAUL AVENUE KOLKATA-700005,  
WEST BENGAL, INDIA
- 6) YOGITA SHARMA (Company Secretary)  
214/216 JAMUNA LAL BAJAJ STREET  
BAGARIA MARKET, 5TH FLOOR,  
KOLKATA-700007, WEST BENGAL, INDIA
- 7) DINESH KUMAR MANTRI CFO(KMP)  
PLOT NO.67, 1ST FLOOR, NEAR SNEH LIVING  
APARTMENT,  
BEHIND CELEBRATION MALL BHUWANA,  
UDAIPUR-313001, RAJASTHAN, INDIA

..... APPELLANTS

**Date of  
Hearing**

: **02/07/2024**

**Present**

: Mr. Madan Kumar Maroti, Company Secretary  
& Authorised Representative.

M/s Wetern Carriers (India) Limited

## 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. F87923009 dated 15/12/2023 by the aforesaid appellants against the penalty order dated 08/11/2023 under section 203 of the Adjudicating Authority i.e. Registrar of Companies, West Bengal dated 08/11/2023 communicated to the appellants vide letter no. ROC/LEGAL/ADJ/21-161111/389/2023/8210/ dated: 08/11/2023.
2. As per the aforesaid order, the office of the Registrar of Companies, West Bengal had issued adjudication notice for violation of section 203(3) of the Act vide notice no. ROC/LEGAL/ADJ/161111/389/2023/6068-6077 dated 05.09.2023 to the company and its officers. In this regard, no adequate reply to the adjudication notice dated 05.09.2023 was received from the noticee(s) i.e. the 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 has imposed the penalty as under:-

Name of the Applicant Company/ Director	No of Days of Default	First Default (in Rs. )	Continuing Default (in Rs.)	Total maximum Penalty(in Rs.)
WESTERN CARRIERS (INDIA) LIMITED (Period of default from 01.04.2016 to 31.07.2022)		5,00,000/-		5,00,000/-
KANISHKA SETHIA (KMP) (Period of default from 01.04.2016 to 31.07.2022)	2313	50,000	2313*1000= 23,13,000	5,00,000/-
RAJENDRA SETHIA (Managing Director) (Period of default from 01.04.2016 to 24.06.2022)	2276	50,000	2276*1000= 22,76,000	5,00,000/-
SUSHILA SETHIA (Whole Time Director) (Period of default from 01.04.2016 to 31.07.2022)	2313	50,000	2313*1000= 23,13,000	5,00,000/-
SAPNA KOCHAR Company Secretary (Period of default from 24.12.2020 to 31.07.2022)	585	50,000	585*1000= 5,85,000/-	5,00,000/-
DINESH KUMAR MANTRI CFO(KMP) (Period of default from 24.06.2022 to 31.07.2022)	38	50,000	38*1000= 38,000	88,000/-
YOGITA SHARMA Company Secretary (Period of default from 06.06.2019 to 30.08.2020)	452	50,000	452*1000= 4,52,000/-	5,00,000/-

4. Having considered the facts and circumstances of the case and after taking into account the factors above, Adjudicating Officer imposed a maximum penalty of **Total Rs. 30,88,000/-** (Rupees Thirty lakhs eighty eight thousands only) i.e., Rs. 5,00,000/- (Rupees Five Lakh only) on the Company and Rs. 5,00,000/- (Rupees Five Lakh only) on each of the 5 (five) officers-in-default and Rs. 88,000/- (Rupees eighty eight thousands only) on 1 (one) officers-in-default for failure to make compliance of the Act u/s. 203 of the Act.
5. The appeal was heard on 02/07/2024 Authorised Representative 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 requiring interference in the appeal stage. 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 confirms the order of the Registrar of Companies, West Bengal dated 08/11/2023. The Company and directors/officers of the company 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. Accordingly, the instant Appeal stands disposed of accordingly.



(P. Sridhar)  
REGIONAL DIRECTOR (ER)

**Signed this the 09<sup>th</sup> day of July, 2024.**

Copy to:

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M/s Western Carriers (India) Limited

8. The Registrar of Companies,  
West Bengal,..... for information in respect of his letter no.  
ROC/ADJ/161111/389/2023/2568 dated 01/07/2024.
9. The Officer in Charge, E-Gov. Cell, Ministry of Corporate Affairs, 5<sup>th</sup>  
Floor, A wing Shastri Bhavan, New Delhi-110001,-with a request to  
upload this Order on the website of the Ministry.