

Application No. RD/ER/04/Appeal/23/

**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. GANPATI RICE INDUSTRIES LTD
90/N, BLOCK E, NEW ALIPORE, KOLKATA 700053,
WB, INDIA

-AND-

IN THE MATTER OF

Application under section 454 of The Companies Act, 2013 for preferring an appeal against the penalty order dated 11/01/2023 of Registrar of Companies, West Bengal passed for violating the provisions of section 179 of the Companies Act, 2013.

-AND-

IN THE MATTER OF

1. M/S. GANPATI RICE INDUSTRIES LTD
90/N, BLOCK E, NEW ALIPORE, KOLKATA 700053,
WB, INDIA

2. KRISHNA KUMAR AGARWAL (Director)
2/1A, BURDWAN ROAD, ALIPORE H.O, ALIPORE,
KOLKATA 700027, WEST BENGAL, INDIA

In the matter of M/s. GANPATI RICE INDUSTRIES LTD

3. SANTOSH KUMAR AGRAWAL (Director)
JAMARUDA, PADHANPALI, BARGARH, ORISSA 768028,
INDIA

4. NIRMALA DEVI AGARWAL (Director)
JAMURDA, PADHANPALI, BARGARH, ORISSA 768028,
INDIA

..... APPELLANTS

Date of Hearing : 12/01/2024

Present Smt Minu Tulsyan, 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. F59699322 dated 17/03/2023 by the aforesaid appellants against the penalty order under section 179 of the Adjudicating Authority i.e. Registrar of Companies, West Bengal dated 18/12/2023 communicated to the appellants vide letter no. ROC/ADJ/2023/0041142/231-238 dated 11/01/2023

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2. The office of the Registrar of Companies, West Bengal had issued Adjudication notice for violation of section 179 of the Act vide no. ROC/ADJ/2022/041142//14713-14716 dated 19/10/2022 to the company and its officers. In this regard, a reply dated 30/10/2022 & 01/11/2022 was received by the ROC, West Bengal from the Company and its officers for aforesaid Adjudication notice which was not found satisfactory by the Adjudicating Authority.

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

As per table below for violation of section 179 of the Act:

Relevant Periods	Penalty imposed U/S 450 of the Companies Act, 2013 against the defaulters (First Default= Rs. 10,000. Continuing Default= Rs. 1,000/day. Subject to maximum Rs. 2,00,000 in case of Company and Rs. 50,000 in case of Officer- in- default and any other person)				Total (Rs.)
	Company	KRISHNA KUMAR AGARWAL DIN: 00847300	SANTOSH KUMAR AGARWAL DIN: 00871042	NIRMALA DEVI AGARWAL DIN: 07441226	
2014-15	10,000	10,000	10,000	10,000	
02.10.2015	+	+	+	+	
to	(1,895	(1,895	(1,895	(1,895	
14.03.2020,	days	days	days	days	
01.03.2022	*1000)=	*1000)=	*1000)=	*1000)=	
to	18,95,000	18,95,000	18,95,000	18,95,000	3,50,000
24.11.2022	Total	Total	Total	Total	

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BM Date= 02.09.2015	19,05,000 Maximum= Rs. 2,00,000	19,05,000 Maximum= 50,000	19,05,000 Maximum= 50,000	19,05,000 Maximum= 50,000	
2015-16	10,000	10,000	10,000	10,000	
19.09.2016 to 14.03.2020,	+	+	+	+	
01.03.2022	(1,542 days *1000)=	(1,542 days *1000)=	(1,542 days *1000)=	(1,542 days *1000)=	
to 24.11.2022	15,42,000	15,42,000	15,42,000	15,42,000	
BM Date= 20.08.2016	Total 15,52,000 Maximum= Rs. 2,00,000	Total 15,52,000 Maximum= Rs. 50,000	Total 15,52,000 Maximum= Rs. 50,000	Total 15,52,000 Maximum= Rs. 50,000	3,50,000

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. 2,00,000/- (Rupee Two Lakhs Only) on the subject Company and Rs. 50,000/- (Rupees Fifty Thousand Only) each on the 3 officers in default for F.Y 2014-15 and 2015-16 each under Section 179 of the Act, **in Total Rs. 7,00,000** (Rupees Seven Lakhs Only) (i.e., Rs. 2,00,000 on Company and Rs. 50,000 x 3 Directors for 2 Financial Years) for failure to make compliance of the provision of section 179 of the Companies Act 2013.

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5. The appeal was heard on 12/01/2024 Authorised Representative was asked to make submission regarding any infirmity in the order of Registrar of Companies. The Authorised Representative had no submission in this regard. 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 11/01/2023. 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. Hence the instant Appeal stands disposed of accordingly.



(P.Sridhar)

REGIONAL DIRECTOR I/C (ER)

Signed this the 27th day of June, 2024.

Copy to:-

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WB, INDIA

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3. SANTOSH KUMAR AGRAWAL (Director)
JAMARUDA, PADHANPALI, BARGARH, ORISSA 768028,
INDIA

4. NIRMALA DEVI AGARWAL, (Director)
JAMURDA, PADHANPALI, BARGARH, ORISSA 768028,
INDIA

5. The Registrar of Companies,
West Bengal,..... for information in respect of his letter no.
ROC/ADJ/2023/9512 dated 18/12/2023

6. 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
27/12/23

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