

भारत सरकार
कारपोरेट कार्य मंत्रालय
कार्यालय कम्पनी रजिस्ट्रार,
उत्तर प्रदेश,
37/17, वेस्टकाट बिल्डिंग, दि माल,
कानपुर - 208001 (उ.प्र.)
वेबसाइट / Website : www.mca.gov.in
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GOVERNMENT OF INDIA
MINISTRY OF CORPORATE AFFAIRS
OFFICE OF REGISTRAR OF COMPANIES,
UTTAR PRADESH,
37/17, Westcott Building, The Mall,
Kanpur - 208001 (U.P.)
फोन / Phone : 0512 - 2550688 / 2540383
फैक्स / Fax : 0512 - 2540423

No.07/01/Adj-sec12/ TDMAX /

Dated .2024

**ORDER FOR VIOLATION OF SECTION 12 OF THE COMPANIES ACT, 2013 READ WITH
COMPANIES (ADJUDICATION OF PENALTIES) RULES, 2014.**

IN THE MATTER OF "TDMAX MANUFACTURING & SERVICES PRIVATE LIMITED"

1. The Ministry of Corporate Affairs vide its gazette notification no A-42011/112/2014-Ad.II dated 24.3.2015, has appointed the undersigned as Adjudicating Officer in exercise of the powers conferred by section 454 of the Companies Act, 2013 (hereinafter known as Act) read with Companies (Adjudication of Penalties) Rules, 2014 for adjudging penalties under the provisions of this Act.
2. Whereas the Company TDMAX MANUFACTURING & SERVICES PRIVATE LIMITED has been registered under the provisions of Companies Act on 08.10.2018 with Roc, Kanpur, and Having Registered Office at 402 Block G, Antriksh Kanball 3G Sector -77 Noida, GAUTAM BUDDH NAGAR, Gautam Buddha Nagar, Uttar Pradesh, 201301. The authorized capital of the company is Rs. 100000/-
3. Whereas one of the meetings were the Ministry letter vide letter no. F.No. C-II-08/74/2022-O/o DGCoA-MCA dated 01.09.2022. Accordingly, this office had issued SCN letter no. 01/76/Inquiry/TDMAX/2022/10677 to 10680 dated 14.11.2022 at the registered office address of the Company and its directors. The letter has been received undelivered with postal remark "koi firm nahi hai" which shows that the Company is not maintaining the registered office. The Inquiry officer has reported the said violation in the Inquiry Report dated 27.12.2022. The Directorate vide its letter No.Inquiry/206(4)/TDMAX /RD(NR)/2022/902 dated 04.05.2023 has accorded the penal action for non-compliance of said non-compliance. Thus, it is evident that the Company and its Directors including Key Managerial Personnel have failed to comply with the provision of Section 12(1) & 12(4) of the Companies, Act, 2013, in maintaining registered office of the Company, thereby attracting the penal provisions mentioned under Section 12(8) of the Act. The Company and its directors, including Key Managerial Personnel are officers in default, as per section 2(60), of the Companies Act, 2013, and are thus liable for penal provisions.

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4. **Section 12(1) of the Act reads as under: -**

A Company shall, [within thirty days of its incorporation] and at all times, thereafter, have a registered office capable of receiving and acknowledging all communications and notices as may be prescribed.

Section 12(4) of the Act reads as under: -Notice of every change of the situation of the registered office, verified in the manner prescribed, after the date of incorporation of the company, shall be given to the Registrar within thirty days of the change, who shall record the same.

Section 12(8) of the Act reads as under: -

If any default is made in complying with the requirement of this section, the company and every officer who is in default shall be liable to a penalty of one thousand rupees for every day during which the default continues but not exceeding one lakh rupees.

5. Accordingly, a Show Cause Notice No 07/01/Adj-sec12/ TDMAX/6852 to 6855 dated 17.01.2024 was issued to the company and its directors for non- maintenance of registered office of the company under Section 12 (1) of the Companies Act, 2013, read with Companies (Adjudication of Penalties) Rules, 2014 by this office. This office has not received the said letter undelivered also.
6. The company and its officers in default have failed to furnish any reply to the said Show Cause Notice, hence no hearing was fixed for this matter. Further, neither any representative of the company nor its directors have either furnished their reply or have appeared before the undersigned, which has further strengthened the apprehension that the company is not maintaining its registered office. Thus, the company and its directors are liable to penalty as per section 12(8) of the Companies Act, 2013.
7. The date of default in the matter has been taken as 14.11.2022 ie. The date on which this office has issued Show Cause Notice No. 01/76/Inquiry/ TDMAX/ 2022/10677 to 10680 dated 14.11.2022 which has not been received/furnished the reply within given period of time (10 Days) from the date of issue of the letter by the company and has been received back undelivered. The default has been continuing since then.
8. **As per provisions of section 446B of the Companies Act, 2013 provides that "Notwithstanding anything contained in this act, if penalty is payable for non-compliance of any of the provisions of this act by a One Person Company, Small Company, start-up company or producer company, or by any of its officer in default, or any other person in respect of such company, then such company, its officer in default or any other persons, as the case maybe be, shall be liable to a penalty which shall not be more than one half of the penalty specified in such provisions subject to a maximum of two lakh rupees in case of a company one lakh rupees in case of an officer who is in default or any other person, as the case may be".**

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9. Order:

Having considered the facts and circumstances of the case and after taking into account the factors above, I hereby impose penalty as prescribed under section 12(8) of the Act. The default of the penalty imposed on the company (Being Small Company as per section 2(85) of the Act) and officers in default are shown in the table below:

Nature of default Section	Relevant section under the Co.Act.2013	Name of persons on whom penalty imposed	No. of days of default	Per day penalty for default (Rs.)	Total default amount (Rs.)	Maximum Penalty (Rs.)	Final Penalty Imposed as per Sec.446 B (Rs.)
Non-maintenance of Reg. office	12 (1) & (4)	Company	562	1000	562000	100000	50000
		Jivrani Ramesh Parth	562	1000	562000	100000	50000
		Thakkar Natvarlal Ravi kumar	562	1000	562000	100000	50000
		Huihui Pan	562	1000	562000	100000	50000

I am of this opinion that penalty is commensurate with the aforesaid failure committed by the notice(s).

10. The Noticee shall pay the amount of penalty so imposed through MCA21 portal only as per rule 3(14) of Companies (Adjudication of Penalties) 2014. within 90 days receipt of this order. The company needs to file InC-28 as per the provisions of the act, attaching the copy of adjudication order alongwith payment challans.
11. Appeal against this order may be filed in writing with the Regional Director (Northern Region), Ministry of Corporate Affairs, CGO Complex, Lodi Road, New Delhi, within a period of sixty days from the date of receipt of this order, in Form ADJ setting forth the grounds of appeal and shall be accompanied by a certified copy of this order. [Section 454(5) & 454(6) of the Act, read with Companies (Adjudication of Penalties) Rules, 2014].
12. Attention is also invited to section 454(8) of the Companies Act, 2013, in the event of non-compliance of this order. In Case appeal is made O/o Registrar of Companies, U.P. maybe informed alongwith the penalty imposed & the payments made.



(Seema Rath)

Registrar of Companies & Adjudicating Officer
Uttar Pradesh, Kanpur



NO.07/01/ADJ-12/ TDMAX / 2098 to 2101

DATED 7.7.2024.

1. M/s TDMAX MANUFACTURING & SERVICES PRIVATE LIMITED
402 Block G, Antriksh Kanball 3G Sector -77 Noida, GAUTAM BUDDH
NAGAR, Gautam Buddha Nagar, Uttar Pradesh, 201301,
2. JIVRANI RAMESH PARTH (Director)
NAVALNAGAR, STREET NO-6, OPP VISHWESWAR TEMPLE,
MAVDI, MAIN ROAD, RAJKOT, RAJKOT,
360004, Gujarat,
3. THAKKAR NATVARLAL RAVIKUMAR (Director)
C-105, SECTOR-44, GAUTAM BUDDHA NAGAR, NOIDA,, 201301, Uttar Pradesh,
4. Huihui Pan (Additional Director)
C-193, Sector sigma-2, Greater Noida
Kasana Noida, 20301-up

Copy for Information to:

No. 07/01/Adj-sec12/ XINPOMING/ 2102

Dated 07.07.2024

1. Regional Director, Northern Region, Ministry of Corporate Affairs, CGO Complex, Lodhi
Road, New Delhi.