

भारत सरकार
कार्पोरेट कार्य मंत्रालय
कार्यालय कंपनीज़ रजिस्ट्रार, दिल्ली एवं हरियाणा
चतुर्थ तल, आई.एफ.सी.आई. टॉवर, 61 नेहरू प्लेस,
नई दिल्ली -110019



GOVERNMENT OF INDIA
MINISTRY OF CORPORATE AFFAIRS,
OFFICE OF REGISTRAR OF COMPANIES,
NCT OF DELHI & HARYANA
4TH FLOOR, IFCI TOWER, 61, NEHRU
PLACE, NEW DELHI -110019

No. ROC/D/Adj Order/ 42/Gozing / **6967-6971** Dated **19/1/2022**

**Order for Penalty for Violation of Section 42 of the Companies Act, 2013 r/w Rule 14
(6) of Companies (Prospectus and Allotment of Securities) Rules, 2014**

IN THE MATTER OF
GOZING TECHNOLOGY PRIVATE LIMITED
(CIN: - U63031HR2021PTC092424)
Adjudication in respect of violation of Companies Act, 2013.

1. Appointment of Adjudicating Officer:

Ministry of Corporate Affairs vide its Gazette Notification No. A-42011/112/2014-Ad.II, dated 24.03.2015 appointed undersigned as Adjudicating Officer in exercise of the powers conferred by section 454(1) of the Companies Act, 2013 (hereinafter known as Act) r/w Companies (Adjudication of Penalties) Rules, 2014 for adjudging penalties under the provisions of this Act

2. Company:

Gozing Technology Private Limited (*herein after known as 'company'*) is a registered company with this office under the provisions of section 7 of the Companies Act, 2013 (earlier Companies Act, 1956) having its registered office as per MCA21 Registry at **P N -65, Sector-44, Gurugram, HR-122001**. The financial & other details of the subject company as available on MCA-21 portal is stated as under

S. No.	Particulars	Details
1.	Paid up capital (F.Y. 2021-22)	5,72,26,881
2.	Turnover (F.Y. 2021-22)	
	a. Revenue from operation	72,01,04,600
	b. Other Income	70,71,260
3.	Holding Company	Yes
4.	Subsidiary Company	No

5.	Whether company registered under Section 8 of the Act?	No
6.	Whether company registered under any other special Act?	No

3. Facts about the Case:

- Whereas the company and its director(s) have suo-moto filed applications vide e-form GNL-1 vide SRN F00631572, SRN F00627240, SRN F00629477, SRN F00633966, SRN F0063326 and SRN F00631028 dated 19.05.2022 for adjudication under section 454 of the Companies Act, 2013 r/w Rule 3 of the Companies (Adjudication of penalties) rules, 2014 in the matter of non-compliance of the provision of sub-section (8) of section 42 of the Companies Act, 2013 in issuance of CCPS at different dates pursuant to section 62 and 55 r/w Rule 14 (6) of Companies (Prospectus and Allotment of Securities) Rules, 2014 during the financial year 2021-22.
- In terms of the provisions of section 42(8) of the Act r/w Rule 14 (6) of Companies (Prospectus and Allotment of Securities) Rules, 2014 the Company was required to file e-forms PAS-3 within fifteen(15) days of the date of each allotment. However, the company had filed the e-forms PAS-3 with Registrar on following dates which are as under:-

S.no	SRN of Application(s) Filed	Date of allotment	Date on which e-form PAS-3 was to be filed u/s 42(8) r/w u/r 14(6) of the Act.	Date of on which actually filed e-form PAS-3	SRN of e-form PAS-3	Period of delay in filing of E-form PAS-3
A	B	C	D	E	F	G
1	F0031572	27.05.2021	11.06.2021	22.06.2021	T24646895	11 Days (11.06.2021 to 22.06.2021)
2	F00627240	04.06.2021	19.06.2021	03.07.2021	T29321643	14 Days (19.06.2021 to 03.07.2021)
3	F00629477	13.09.2021	28.09.2021	04.10.2021	T52803699	06 Days (28.09.2021 to 04.10.2021)
4	F00633966	30.03.2021	15.04.2021	16.04.2021	T14332522	02 Days (15.04.2021 to 16.04.2021)
5	F00633826	28.05.2021	12.06.2021	30.06.2021	T28246007	18 days (12.06.2021 to 30.06.2021)
6	F00631028	15.09.2021	30.09.2021	29.11.2021	T60886785	60 Days (30.09.2021 to 29.11.2021)

- In view of above table and as per the records available on MCA Portal, it is observed that company has made default in filing of aforesaid - E-forms PAS-3 vide respective SRNs within stipulated time. The undersigned has reasonable cause to believe that aforesaid provisions laid down under the Companies Act, 2013 have not been complied.
- Further, the company and officers in default submitted the reply on 15th November 2022 in response to the show cause notice issued by this office wherein subject company admitted that delay in filling of e-forms PAS-3 was committed inadvertently and it was without any willful or mala fide motive and was purely unintentional.

4. **The relevant Section 42(8) & (9) of the Companies Act, 2013 as on date of default are as under:-**

(8) A company making any allotment of securities under this section, shall file with the Registrar a return of allotment within fifteen days from the date of the allotment in such manner as may be prescribed, including a complete list of all allottees, with their full names, addresses, number of securities allotted and such other relevant information as may be prescribed

(9) If a company defaults in filing the return of allotment within the period prescribed under sub-section (8), the company, its promoters and Directors shall be liable to a penalty for each default of one thousand rupees for each day during which such default continues but not exceeding twenty-five lakh rupees

Rule 14 (6) Companies (Prospectus and Allotment of securities) Rules, 2014

- *A return of allotment of securities under section 42 shall be filed with the Registrar within fifteen days of allotment in form PAS-3 and with the fee as provided in the companies (Registration Offices and Fees) Rules, along with the complete list of all security holders containing –*
 - (i) the full name, address, Permanent Account Number and E-mail ID of such security holder;*
 - (ii) the class of security held;*
 - (iii) the date of allotment of security ;*

(iv) the number of securities held, nominal value and amount paid on such securities; and particulars of consideration received if the securities were issued for consideration other than cash..

5. Adjudication of penalty: -

- The Company and its officers who have made the default in timely filing of form PAS-3 while issue of Compulsorily Convertible Preferences shares to different person at different dates. Hence, company, its promoters and Directors shall be liable to a penalty pursuant to section 42 (9) of the Companies Act, 2013. The Company is not a small company and so provisions of section 446B are not applicable.
- Now in exercise of the powers conferred on me vide Notification dated 24th March, 2015 and having considered the reply submitted by the noticee(s) in response to the notice(s) issued to company, I do hereby impose the penalty on the company and its officers in default for violation of section 42 (8) of the Companies Act, 2013 r/w rule 14(6) of the Companies (Prospectus and Allotment of securities) Rules 2014.

S.no	SRN of Application (s) Filed	Period of default (in days)	Penalty imposed on the Company and directors pursuant to section 42(9) of the Companies Act, 2013.			
			Company (A)	Director (B)	Director (C)	Director (D)
			Gozing Technology Private Limited	Mr. Mratunjay	Mr. Ravi Kumar Verma	Mr. Prashant Kumar
1	F0031572	11	1000*11= 11,000	11,000	11,000	11,000
2	F00627240	14	1000*14= 14,000	14,000	14,000	14,000
3	F00629477	06	1000*6= 6,000	6,000	6,000	6,000
4	F00633966	02	1000*2= 2,000	2,000	2,000	2,000
5	F0063326	18	1000*18= 18,000	18,000	18,000	18,000
6	F00631028	60	1000*60= 60,000	60,000	60,000	60,000
Total Penalty			Rs. 1,11,000	Rs.1,11,000	Rs.1,11,000	Rs. 1,11,000

6. Order:

- a. The Company and its directors are hereby directed to pay the penalty amount as per column no. A, B, C and column D of above table. In case of directors such amount is required to be paid out of their own funds.
- b. The noticees shall pay the said amount of penalty through online by using the website www.mca.gov.in (Misc. head) in favor of "Pay & Accounts Officer, Ministry of Corporate Affairs, New Delhi, payable at Delhi, within 90 days of receipt of this order, and intimate this office with proof of penalty paid.
- c. Appeal against this order may be filed with the Regional Director (NR), Ministry of Corporate Affairs, B-2 Wing, 2nd Floor, Paryavaran Bhawan, CGO Complex, Lodhi Road, New Delhi-110003 within a period of sixty days from the date of receipt of this order, in Form ADJ [available on Ministry website www.mca.gov.in] setting forth the grounds of appeal and shall be accompanied by a certified copy of the order. [Section 454(5) & 454(6) of the Act read with Companies (Adjudicating of Penalties) Rules, 2014.
- d. Your attention is also invited to section 454(8) of the Act in the event of non-compliance of this order.

Place: New Delhi.

Dated:


(Pranay Chaturvedi, ICLS)
(Adjudicating Officer)
Registrar of Companies,
NCT of Delhi & Haryana

To,

 1. **GOZING TECHNOLOGY PRIVATE LIMITED**
Add: - First Floor, Landmark House, Plot no.65
Sector-44, Gurugram HR-122003
Email id: - prashant@zingbus.com, care@zingbus.com

2. Mratunjay

Add: House No. 69, Shiv Market,
Alwar, Rajasthan-301001, India

3. Ravi Kumar Verma

Add: - Village Kopa Khurd, Post Off. Naubatpur
Patna, Bihar-801109 India

4. PRASHANT KUMAR

Add: - MMM Hall of Residence, SDS 101,
IIT Kharagpur Mednipur, 721302,
West Bengal, India

Copy to:-

➤ The Regional Director (NR), Ministry of Corporate Affairs, B-2 Wing, 2nd Floor, Pt. Deendayal Upadhyay Bhawan, CGO Complex, Lodhi Road, New Delhi-110003, for information please