



भारत सरकार/Government of India

कारपोरेट कार्य मंत्रालय/ Ministry Of Corporate Affairs

कार्यालय कम्पनी रजिस्ट्रार, बिहार-सह-शासकीय समापक उच्च न्यायालय, पटना

Office of the Registrar of Companies, Bihar-Cum-Official Liquidator, High Court, Patna

चौथा तल, 'क' खण्ड, मौर्या लोक कॉम्प्लेक्स/4th Floor, 'A' Wing, Maurya Lok Complex

डाक बंगला रोड, पटना-८००००१/Dakbunglow Road, Patna-800001

No.: ROC/Pat/Inspn./54521/S-12/ 2219

Dated: 06.12.2022

Order for penalty for violation of section 12(3)(a) of the Companies Act, 2013

M/S. SUKHASAN FARMER PRODUCER COMPANY LIMITED

CIN: U01100BR2020PTC054521

Appointment of Adjudication Officer:-

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

Company:-

2. Whereas, Company M/s. Sukhasan Farmer Producer Company Limited, CIN: (herein after known as Company) is a company incorporated on 08.10.2021 under the provisions of Companies Act, 2013 in the state of Bihar and having its registered office situated at C/o Jharilal Mehta Vill - Sukhasan (Part I Bhaptiyahi) Tola Shripur, Panchsukhasan, Supaul Bihar 852138 India as per MCA website.

Facts about the case:-

3. WHEREAS office of the Registrar of Companies, Bihar-cum-Official Liquidator, High Court, Patna, has carried out inspection of the said company. During inspection the undersigned visited the Registered office of the company on 29.08.2022 and found that the company is maintaining its registered office at the above stated address. However, company has failed to paint or affix its name and the address of its registered office outside its office or place in which its business is being carried upon. Therefore it appears that the company has not complied with the provisions of section 12(3)(a) of the Companies Act, 2013, which reads as follows:-
4. Section 12(3)(a) "Every company shall paint or affix its name and address of its registered office, and keep the same painted or affixed, on the outside of every office or place in which its business is carried on, in a conspicuous position, in legible letters".

Section 12(8) - *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*".

Further, section 446B states that, "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 person, as the case may 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 lakhs rupees, in case of a company and one lakh rupees in case of an officer who is in default or any other person, as the case may be".

5. Whereas, this office had issued Show cause notice for violation of section 12 of the Companies Act, 2013 vide No. ROC/Pat/Inspn/54521/S-12/2052-2057 dated 15.11.2022 to the company and its directors.
6. Whereas, a reply dated 29.11.2022 has been received from the company stating that "since registration the company is maintaining all activities from its registered office. A sign board properly showing the name of the company was displayed at the entrance of the registered office. But in the mid of August 2022 due to rain and stormy whether the display board showing the name of the company was damaged. The board was sent to Patna for repair and renovating purposes. It took the time of 20 days and ultimately it was affixed at the entrance of the registered office on 31.08.2022".
7. Whereas, it is concluded that on the date of visit the company was non-compliance with regard to section 12(3)(a) of the Companies Act, 2013.

ORDER


8. Having considered the facts and circumstances of the case, and after taking into account the factors above, I hereby impose a penalty on the Company and directors/officers in default of the company as per Table below under section 12(8) r/w section 446B of the Companies Act 2013 for failure in compliance of section 12(3)(a) of the Companies Act, 2013.

Nature of default	Violation under Companies Act, 2013	Name of person on whom penalty imposed	No. of days of default*	Per day Penalty for default (Rs.)	Total Penalty (Rs.) [maximum of one lakh rupees]	Final Penalty Imposed (Rs.) [As per section 446B: penalty shall not be more than one half of the penalty specified in such sections]
Non-Maintenance of register	Section 12(3)(a) of the Act, 2013	On Company	94	1000	94*1000 = 94,000	47,000
		Shri Shyam Sundar Kumar	94	1000	94*1000 = 94,000	47,000

ed office	Shri Vijendra Kumar	94	1000	94*1000 = 94,000	47,000
	Shri Chandra Bhushan Kumar	94	1000	94*1000 = 94,000	47,000
	Shri Jaynarayan Kumar	94	1000	94*1000 = 94,000	47,000
	Ms. Manju Devi	94	1000	94*1000 = 94,000	47,000

*[No. of days have been calculated from 29.08.2022 (date of visit) till 30.11.2022 (date of receipt of company reply)]

9. The noticee shall pay the amount of penalty individually for the company and its directors (out of own pocket) by way of e-payment (available on Ministry website www.mca.gov.in) under "Pay miscellaneous fees" category in MCA fee and payment Services within 90 (ninety) days of this order. The Challan/SRN generated after payment of penalty through online mode shall be forwarded to this office.
10. Appeal against this order may be filled in writing with the Regional Director (ER), Ministry of Corporate Affairs, Kolkata, within a period of 60 (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 this order [Section 454(5) & 454(6) of the Act, read with Companies (Adjudication of Penalties) Rules, 2014].
11. Your attention is also invited to section 454(8) of the Act in the event of non-compliance of this order.


 (Aparajit Barua)
 Adjudicating Officer &
 Registrar of Companies-Cum-
 Official Liquidator, Patna

To:-

1. ✓ M/s. Sukhasan Farmer Producer Company Limited
C/o Jharilal Mehta Vill Sukhasan (Part I Bhaptiyahi)
Tola- Shripur Panchsukhasan, Supaul, Bihar 852138, Bihar.
2. Shri Shyam Sundar Kumar
At- Sripur Ward No. 14 Via- Tharbitta
P.S.-Kishanpur, Supaul, Bihar-852138.
3. Shri Vijendra Kumar,
Vill- Mehasimar, Ward No. 10, P.O.-Singiawan
Ps.- Kishanpur, Distt. - Supaul, Bihar-852138.

4. Shri Chandra Bhushan Kumar,
S/O- Raj Kishore Choudhary, P.O.- Sripur Sukhasan
Kishanpur, Supaul, Bihar-852138
5. Shri Jaynarayan Kumar,
At- Laxmipur Sayat, Post-Raghopur
PS Raghopur, Supaul, Bihar-852111
6. Smt Manju Devi,
Vill-Mehasimhar, P.O.- Singhiawan Ps-Kishanpur
Supaul Bihar-852138

Copy to:-

The Regional Director (ER)
Ministry of Corporate Affairs
234/4 A.J.C. Bose Road, 2nd MSO Building
2nd Floor, Kolkata 700020, for information please.