

BEFORE THE ADJUDICATING OFFICER
 ROC -cum- OL, CUTTACK

No. ROC/Adj.Order/Sec-454/11314/2023/

Dated, the 30th November, 2023

ORDER

**UNDER SECTION 454 OF THE COMPANIES ACT, 2013 READ WITH THE COMPANIES
 (ADJUDICATION OF PENALTIES) RULES, 2014**

DP INVESTMENT SERVICES PRIVATE LIMITED

CIN : U67120OR2009PTC011314

Appointment of Adjudicating Officer :-

01. The Ministry of Corporate Affairs vide its Gazette Notification No. A-42011/112/2014-Ad. II dated 24.03.2015 appointed the undersigned as Adjudicating Officer (hereinafter referred to as "the A.O") in exercise of the powers conferred under Section 454 of the Companies Act, 2013 (herein after known as **The Act**) read with Companies (Adjudication of Penalties) Rules, 2014.

Company: -

- 02 DP INVESTMENT SERVICES PRIVATE LIMITED (herein after known as the Company) CIN: U67120OR2009PTC011314 is a registered company with the office of the ROC -cum- OL, Odisha and having its registered office address At: Plot No. 481, Saheed Nagar, Bhubaneswar, Orissa: 751007 as per the records maintained by this office in online registry.

Show Cause Notice, Reply and Personal Hearing:

03. On the basis of Complaint dated 20.11.2021 received from Shri Harihar Sethi, a Show Cause Notice under Section 206(1) of the Companies Act, 2013 has been issued to the company and its Directors vide letter No. ROC/Compt./171/2023/193 dated 16.05.2023. But the Show Cause Notice addressed to the company returned undelivered with Postal Remark "No such persons, RTS". Further letter issued to the company and 4 directors under section 206(1) of the companies Act, 2023 vide letter No. ROC/Compt./171/2023/678(5) dated 14.09.2023, another letter issued u/s-206(3) of the Companies Act, 2013 vide letter No. ROC/Compt./171/2023/850(5) dated 02.11.2023 no reply has been received.

04. Further, Shri Trinath Panigrahi JTA of this office had visited, the registered office address of the company on 31.05.2023 At: Plot No. 481, Saheed Nagar, BHUBANESWAR, Khordha, Orissa-751007 and noticed that the office was locked and there was no sign board mentioning the details of the company.
05. As the aforesaid notice/letter addressed to the company was returned undelivered, it is presumed that the company has not maintained its registered office at the recorded address furnished by it and available in MCA21 records. Hence, the Adjudicating Officer issued Show Cause Notice bearing No. ROC/Sec.454/11314/2023/884(5) dated 08.11.2023 under Sub-Rule (2) of Rule 3 of the Companies (Adjudication of Penalties) Rules, 2014 for contravention of Section 12(1) of the Companies Act, 2013 to the Company and its directors/officer-in-default viz. (i) Shri Debasis Panda (DIN 022820448) (ii) Shri Arabinda Nayak (DIN 03092525), Shri Maheswar Tripathy (DIN 05357336) and Shri Pravat Kumar Sahoo (DIN 0537345). In response to this office Show Cause Notice dated 08.11.2023, response has not been received till date either from the above-mentioned company or its directors. In response to this office no communication received either from the company or any of the Directors and the Show Cause Notice addressed to the company returned undelivered with Postal Remark "No such Addressee to 1 and 3 and 2nd one left".

Provisions of the Companies Act, 2013:

06. Section 12 of the Companies Act, 2013 inter alia provides that:
- (1) A company shall, on and from the fifteenth day of its incorporation and at all times, thereafter, have a registered office capable of receiving and acknowledging all communications and notices as may be addressed to it.
- (2) The company shall furnish to the Registrar verification of its registered office within a period of thirty days of its incorporation in such manner as may be prescribed.
- (3) Every company shall—
- (a) paint or affix its name, and the 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, and if the characters employed therefor

are not those of the language or of one of the languages in general use in that locality, also in the characters of that language or of one of those languages;

(b) have its name engraved in legible characters on its seal;

(c) get its name, address of its registered office and the Corporate Identity Number along with telephone number, fax number, if any, e-mail and website addresses, if any, printed in all its business letters, billheads, letter papers and in all its notices and other official publications; and

(d) have its name printed on *hundies*, promissory notes, bills of exchange and such other documents as may be prescribed:

Provided that where a company has changed its name or names during the last two years, it shall paint or affix or print, as the case may be, along with its name, the former name or names so changed during the last two years as required under clauses (a) and (c):

Provided further that the words "One Person Company" shall be mentioned in brackets below the name of such company, wherever its name is printed, affixed or engraved.

(4) 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 fifteen days of the change, who shall record the same.

(5) Except on the authority of a special resolution passed by a company, the registered office of the company shall not be changed, —

(a) in the case of an existing company, outside the local limits of any city, town or village where such office is situated at the commencement of this Act or where it may be situated later by virtue of a special resolution passed by the company; and

(b) in the case of any other company, outside the local limits of any city, town or village where such office is first situated or where it may be situated later by virtue of a special resolution passed by the company:

Provided that no company shall change the place of its registered office from the jurisdiction of one Registrar to the jurisdiction of another Registrar within the same State unless such change is confirmed by the Regional Director on an application made in this behalf by the company in the prescribed manner.

(6) The confirmation referred to in sub-section (5) shall be communicated within a period of thirty days from the date of receipt of application by the Regional Director to the company and the company shall file the confirmation with the Registrar within a period of sixty days of the date of confirmation who shall register the same and certify the registration within a period of thirty days from the date of filing of such confirmation.

(7) The certificate referred to in sub-section (6) shall be conclusive evidence that all the requirements of this Act with respect to change of registered office in pursuance of subsection. (5) have been complied with and the change shall take effect from the date of the certificate.

(8) If any default is made in complying with the requirements 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.

ORDER

07. On the fixed date no one appeared before the Adjudicating Officer and the matter is heard. Having considered the facts, circumstances, and documentary evidence of the case, and after taking into account of the factors above, the A.O. is of the considered view that the company has not maintained its registered office from. 16.05.2023 (date of issuance of the notice) to 30.11.2023 (date of hearing). Hence, the A.O do hereby impose penalty on the Company and its Directors/Officer-in-Default as per Table below for violating the provisions of Section 12 of the Companies Act, 2013.

Violation of the Companies Act, 2013	No. of days of Default	Penalty imposed on Company/ Directors	Penalty amount calculated. (Rs.)	Maximum amount imposed. (in Rs.)
Provisions of Section 12 of the Companies Act, 2013	197days*	Upon Company	Rs. 1,000/- x 197= Rs.197000/-	1,00,000/-
		Shri Debasis Panda, (DIN 02820448)	Rs. 1,000/- x 197= Rs.197000/-	1,00,000/-

(Non-maintenance of Registered Office)	Shri Arabinda Nayak (DIN 03092525)	Rs. 1,000/- x 197= Rs.197000/-	1,00,000/-
	Shri Maheswar Tripathy (DIN 05357336)	Rs. 1,000/- x 197= Rs.197000/-	1,00,000/-
	Shri Pravat Kumar Sahoo (DIN 0537345)	Rs. 1,000/- x 197= Rs.197000/-	1,00,000/-

- No. of days have been calculated from 16.05.2023 (date of issuance of the notice) to 30.11.2023 (date of hearing) (Both days excluded)

08. The company and its directors are hereby directed to rectify the default immediately from the date of receipt of copy of this order.
09. The Penalty imposed shall be paid through the Ministry of Corporate Affairs portal only.
10. Appeal if any against this order may be filed in writing with the Regional Director, Eastern Region, Ministry of Corporate Affairs, Nizam Palace, 3rd Floor, 234/4, A.J.C. Bose Road, Kolkata: 700 020 within a period of sixty days from the date 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 of the Companies Act, 2013 read with the Companies (Adjudicating of Penalties) Rules, 2014].
11. Your attention is also invited to Section 454(8) of the Act regarding consequences of non-payment of penalty.

Place: Cuttack

Date of Hearing: 30th November, 2023 (not appeared)

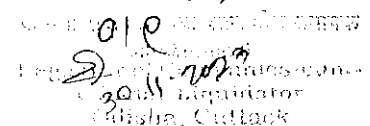
Date of Pronouncement: 30th November 2023


30/11/23

(HIMANSHU SHEKHAR)

Adjudicating Officer, Odisha

ROC -cum- OL, Odisha


30/11/23
Adjudicating Officer, Odisha, Cuttack

- (i) DP INVESTMENT SERVICES PRIVATE LIMITED,
PLOT NO - N-3-52, NEAR SAI MANDIR, IRC VILLAGE,
NAYAPALLI, BHUBANESWAR,
Khordha, Orissa, 751015.
- (ii) Shri DEBASIS PANDA (DIN 02820448) MANAGING DIRECTOR,
S/O. BIRA KISHOR PANDA,
SARAPADA, BODHANGA,
CUTTACK: 754207, ORISSA
- (iii) Shri Arabinda Nayak (DIN 03092525),
S/o. Baishnab Nayak,
AT/PO - Garadpur,
Dist: Kendrapara: 754153, Orissa
- (iv) Shri Maheswar Tripathy (DIN 05357336)
S/O: Nanda Kishore Tripathy
AT: Sahadevpur, Bandhakatia,
Salipur, Cuttack: 754292, Odisha
- (v) Shri Pravat Kumar Sahoo (DIN 05357345)
S/O; Nisamani Sahoo,
At: Manikapur, Talasanga, Patkura,
Kendrapara: 754213 Odisha
- (vi) The Regional Director (Eastern Region),
Ministry of Corporate Affairs,
Nizam Palace, 2nd MSO Building,
3rd Floor, 234/4 A.J.C. Bose Road,
Kolkata: 700020 for information.