



भारत सरकार
कारपोरेट कार्य मंत्रालय
कार्यालय रजिस्ट्रार ऑफ कम्पनीज
पंजाब एवं चंडीगढ़,
कारपोरेट भवन
प्लॉट नम्बर 4-बी, सेक्टर 27-बी,
चंडीगढ़
फोन नम्बर: 0172 2639415, 2639416

GOVERNMENT OF INDIA
MINISTRY OF CORPORATE AFFAIRS
OFFICE OF THE REGISTRAR OF
COMPANIES,
PUNJAB AND CHANDIGARH,
CORPORATE BHAWAN,
PLOT NO.4-B, SECTOR 27B, CHANDIGARH
PHONE NO.172-2639415,2639416

No. ROC CHD/

140

Dated:

22/05/24

ORDER UNDER SECTION 454 FOR VIOLATION OF SECTION 12 OF THE COMPANIES ACT, 2013, READ WITH COMPANIES (ADJUDICATION OF PENALTIES) RULES, 2014

IN THE MATTER OF M/S EURO COTSPIN LIMITED

(CIN: U14115CH1994PLC033061)

1. The Ministry of Corporate Affairs vide its gazette notification no. S.O. 831(E) dated 24.3.2015, has appointed the undersigned as **Adjudicating Officer (AO)** 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.

Company: -

2. Whereas the Company **M/S EURO COTSPIN LIMITED** (CIN: U14115CH1994PLC033061) was incorporated on 22.08.1994 having its registered office at 333-334, 1st Floor, Sector 35-B, Chandigarh, 160017, India as per data available with MCA website.

Provisions of the Act: -

3. In terms of **Section 12(1)** of the Act- 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 provides that a 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.

AND as per **Section 12(8)** of the Act- 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.

Facts about the case: -

4. Whereas this office has sent letters enclosing therewith complaints of various persons/depositors regarding non-payment/refund of fixed deposits by the company and seeking comments/explanations from the company on 23.09.2022 to its registered office address at 333-334, 1st Floor, Sector 35-B, Chandigarh, 160017, India which were received back undelivered on 29.09.2022 with the postal remarks 'No such office'/No such person. The company or its representatives were not found at its registered office address. This office has issued Show Cause Notice under section 12(8) for the violation of section 12(4) of the Companies Act, 2013 read with Companies (Adjudication of Penalties) Rules, 2014 to the company and its directors vide this office letter No. ROC CHD/2023-24/12(8)/1039 to 1042 dated 07.02.2024. No reply has been received to the Show cause notice sent to the Company and its the Directors. Thus, it is evident that the Company and its Directors 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 against the company and officers in default mentioned under section 2(60) of the Companies Act, 2013.
5. Therefore, it is concluded that the company and its officers in default have failed in maintaining the registered office of the company. Therefore, the company and its officers in default are liable for penalty as prescribed under Section 12(8) of the Act for non-maintenance of registered office of the company viz. EURO COTSPIN LIMITED for days i.e., with effect from 29.09.2022 (date of return of the letter dated 23.09.2022) to 22.05.2024 (Till this date) in terms of Section 12(1) of the Act.

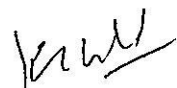
Accordingly, I am inclined to impose a penalty as prescribed under Sub-Section (8) of Section 12 of the Companies Act, 2013. The details of the penalty imposed on the company and officers in default are as:

Nature of Default	Violations under Companies Act, 2013	Name of person on whom penalty imposed	No. of days of default	Per day penalty for default (Rs)	Total Default amount (Rs)	Maximum Limit for penalty (Rs)	Penalty Based on column (6) (Rs)	Final penalty Imposed- (Rs) (9)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	
Non-Maintenance of Registered Office	Sec.12	On Company	602	1000	602*1000 =602000	1,00,000	6,02,000	1,00,000
		Mr. Madan Verma	602	1000	602*1000 =602000	1,00,000	6,02,000	1,00,000
		Mr. Ashavin V Shinde	602	1000	602*1000 =602000	1,00,000	6,02,000	1,00,000
		Mr. Surendra Singh	602	1000	602*1000 = 602000	1,00,000	6,02,000	1,00,000

I am of this opinion that penalty is commensurate with the aforesaid failure committed by the Noticees and penalty so imposed upon the **Officers-in-default shall be paid from their personal sources/income.**

- It is further directed that penalty imposed shall be paid through the **Ministry of Corporate Affairs portal only** as mentioned under **Rule 3(14) of Company (Adjudication of Penalties) (Amendment) Rules, 2019** under intimation to this office.

7. Appeal against this order may be filed in writing with the **Regional Director (Northern Region), Ministry of Corporate Affairs, CGO Complex, Lodhi 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].
8. Your attention is also invited to **Section 454(8)(i) and 454(8)(ii) of the Companies Act, 2013**, which state that in case of non-payment of penalty amount, the company shall be punishable with fine which shall not be less than twenty five thousand rupees but which may extend to five lakh rupees and officer in default shall be punishable with imprisonment which may extend to six months or with fine which shall not be less than twenty five thousand rupees but which may extend to one lakh rupees or with both.
9. In terms of the provisions of sub-rule (9) of Rule 3 of the Companies (Adjudication of Penalties) Rules, 2014, copy of the order is being sent to: - **(1.) M/s Euro Cotspin Limited, 333-334, 1st Floor, Sector 35-B, Chandigarh, 160017, India, (2.) Mr. Madan Verma, 1019/3, Rajiv Nagar, Gurgaon, 122001, Haryana, India, (3.) Mr. Ashavin V Shinde, B-7/86, Safdurjung Enclave, New Delhi, 110029, Delhi, India, (4.) Mr. Surendra Singh, 2, Karisath, Town/Vill-Karisath, Anchal Udwanthnagar, Bhojpur, 802157, Bihar, India and (5.) Regional Director (Northern Region), Ministry of Corporate Affairs, CGO Complex, Lodhi Road, New Delhi** and will also be uploaded on website.



(Kamna Sharma)

Registrar of Companies & Adjudicating Officer
Punjab and Chandigarh