

भारत सरकार
कारपोरेट कार्य मंत्रालय
कार्यालय कम्पनी रजिस्ट्रार, उत्तर.प्रदेश.
37/17, वेस्टकॉट बिल्डिंग, दि माल,
कानपुर-208001 (उ.प्र.)
वेबसाइट/ Website : www.mca.gov.in
ई-मेल/ E-mail : roc.kanpur@mca.gov.in



सत्यमेव जयते



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 – 2310443 / 2310227

ADJUDICATION ORDER FOR VIOLATION OF RULE 12A OF THE COMPANIES (APPOINTMENT AND QUALIFICATION OF DIRECTORS) RULES 2014 AND READ WITH COMPANIES (ADJUDICATION OF PENALTIES) RULES 2014 & COMPANIES (AMENDMENT) ACT, 2020.

IN THE MATTER OF SHRI RAM NIDHI LIMITED
(CIN: U65991UP2015PLC074120)

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. The Company SHRI RAM NIDHI LIMITED, has been registered under the provisions of the Companies Act on 27.10.2015 and is having its registered office situated at VILL SOFIPUR, Meerut, Uttar Pradesh, 250001, India.
3. During the course of Inquiry U/s. 206(4) of the Companies Act, 2013 it was observed from the MCA21 Registry that the DIN of Mr. Durlabh Darshan Sharma having DIN 073135579 has been deactivated due to non-filing of DIR-3 KYC .
Therefore, it is non-compliance of Rule 12A of Companies (Appointment and Qualification of Directors) Rules, 2014 punishable under Section 450 of the Companies Act, 2013.
4. **Provisions of the Act:-**

Rule 12(A) of the Companies (Appointment and Qualification of Directors) Rules 2014 reads as under: -

“Every individual who has been allotted a Director Identification Number (DIN) as on 31st March of a financial year as per these rules shall, submit e-form DIR-3-KYC to the Central Government on or before 30th April of immediate next financial year.”

Section 450 of the Act reads as under:-

“Residual punishment to company and every officer of the company who is in default or such other person when no specific penalty or punishment provided.

Penalty of ten thousand rupees, and in case of continuing contravention, with a further penalty of one thousand rupees for each day after the first during which the contravention continues, subject to a maximum of two lakh rupees in case of a company and fifty thousand rupees in case of an officer who is in default or any other person.”

5. This office has issued show cause notice NO.07/18/ADJ/2024/SHRI RAM/642 dated 25.04.2024 was issued to its officer in default under Rule 12A of the Companies (Appointment and Qualification of Directors) Rules, 2014. The officer in default has not furnished any reply to the said Show Cause Notice.
6. Further, neither the defaulting director nor any representative of the director has either furnished his reply or filed the said documents which has further strengthened the apprehension that the Director of the company has failed to comply with the provisions of Rule 12A of the Companies (Appointment and Qualification of Directors) Rules, 2014, thereby attracting the penal provisions mentioned under Section 450 of the Act.
7. The date of default in the matter has been taken as 27.10.2015, i.e. when the DIN was allotted.
8. Having considered the facts and circumstances of the case and after taking into account the factors above, I hereby impose a penalty of Rs.50,000/- on the defaulting Director under section 450 of the Companies Act, 2013 for failure to make compliance of Rule 12A of the Companies (Appointment and Qualification of Directors) Rules, 2014. It is of this opinion that penalty is commensurate with the aforesaid failure committed by the Noticee.

The company being a Nidhi company does not fall under the definition of small company as per provision of section 2(85) of the companies Act, 2013. Therefore, of imposing the provision lesser penalty as per section 446(B) shall not be applicable in this case.

Nature of default and period from which started	Section of the Companies Act.	Name of the company/directors/defaulters	Penalty imposed details
Non filing of DIR-3 KYC 27.10.2015	Rule 12A of the Companies (Appointment and Qualification of Directors) Rules, 2014	Durlabh Darshan Sharma having DIN 073135579	Rs. 50,000/- Maximum Penalty [As per Section 450] = Rs. 50,000/-

9. The Noticee shall pay the amount of penalty 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 days of receipt of this order and intimate this office with proof of penalty paid .
10. 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].
11. In Case appeal is made O/o Registrar of Companies, U.P. may be informed alongwith the penalty imposed & the payments made. Your attention is also invited to section 454(8) of the Companies Act, 2013, in the event of non-compliance of this order.



(Seema Rath)

Registrar of Companies & Adjudicating Officer
Uttar Pradesh, Kanpur.

O/C

NO.07/18/ADJ/2024/SHRI RAM/ 25

DATED... 03-09- 2024

To,

1. **Durlabh Darshan Sharma, Director**
1/1 Officer Colony, Nateshpura Nagar Nigam,
Saharanpur-247001, Uttar Pradesh.

Copy for Information to the Regional Director, Northern Region,
B-2 Wing, 2nd Floor, Pt. Deendayal Upadhyay Bhawan, CGO Complex,
Lodhi Road, New Delhi-110003