

भारत सरकार
कारपोरेट कार्य मंत्रालय
कार्यालय कम्पनी रजिस्ट्रार, उत्तर प्रदेश,
37/17, वेस्टकोर्ट बिल्डिंग, दि गाल,
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

ORDER OF ADJUDICATION OF PENALTY UNDER SECTION 454 OF THE COMPANIES ACT, 2013 READ WITH RULE 3 OF THE COMPANIES (ADJUDICATION OF PENALTIES) RULES, 2014 FOR VIOLATION OF PROVISIONS OF SECTION 12 OF THE COMPANIES, ACT, 2013 READ WITH COMPANIES (ADJUDICATION OF PENALTIES) RULES 2014.

IN THE MATTER OF ORIENTAL INDIA KISANSHAKTI NIDHI LIMITED
(CIN U65923UP2014PLC067782).

Appointment of Adjudicating Officer:-

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.

Company:-

2. The Company ORIENTAL INDIA KISANSHAKTI NIDHI LIMITED (CIN U65923UP2014PLC067782) has been registered under the provisions of the Companies Act, on 23.12.2014 and is having its registered office situated 100/25, 1st Floor, Mehdawal Chowk, Near Kotwali, Khalilabad, Sant Kabir Nagar -272 175 (Uttar Pradesh). The authorized capital of the Company is Rs. 10,00,000/-.

3. An inquiry U/s. 206 of the Companies Act, 2013 was ordered and conducted against the company. During inquiry, this office had issued letter no. TC/TECH/NIDHI/ORIENTAL INDIA KISANSHAKTI/2303 to 2308 dated 23.11.2020 at the registered office address of the Company. The letter has been received back undelivered with remark "Left Address". Further a show cause notice vide letter No. 01/22/Inq/Nidhi/Oriental India-2021/1967 to 1972 dated 06.12.2021 was also issued to the company but the same received back undelivered with postal remark "Apurn/Galat Pata". Therefore, it is evident that company is not maintaining registered office of the company hence violating provisions of Section 12 of the Companies Act, 2013.

4. Provisions of the Companies Act, 2013 :-

Section 12(1) of the Act reads as under: -

"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 addressed to it."

Section 12(4) of the Companies Act, 2013 reads as under:-

"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."

Section 12(8) of the Companies Act, 2013 reads as under: -

"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."

5. This office has issued show cause notice No. 07/23/Adj/2024/Oriental/1533 to 1536 dated: 11.06.2024 to the company and its directors giving 15 days time to reply. However, inspite of elapse of the said time period neither the company nor its directors have furnished their reply, which implied that the company and its Directors are either not maintaining registered office of the company or has not informed about the changes so made in its registered office. Thus, violating provisions of Section 12(1) of the Companies Act, 2013.

6. The company and its officers in default have failed to furnish any reply to the said Show Cause Notice, hence no hearing was fixed for this matter.

7. Further, neither the company nor its directors or their representatives have either furnished reply which has further strengthened the apprehension that the company is not maintaining its registered office. Thus making the company and its directors liable to penalty as per Section 12(8) of the Companies Act, 2013.

8. The date of default in the matter has been taken as 23.11.2020, i.e. the date on which a the inquiry letter was issued to the company .

9. Having considered the facts and circumstances of the case and after taking into account the factors above, I hereby impose a penalty as mentioned below under section 12(8) of the Act on each of the Noticee of Show Cause Notice dated 19.03.2024 under section 12(8) of the Act, for failure to make compliance of the Act, U/s 12(1) r/w 12(4) of the Act. I am of this opinion that penalty is commensurate with the aforesaid failure committed by the Noticee. The details of penalty imposed is as under :-

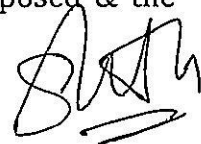
Nature of default and period from which started	Section of the Companies Act.	Name of the company/directors/defaulters	Penalty imposed details (No. of days of default x penalty)
Non maintenance of Registered Office. 23.11.2020	Section 12 of the Companies Act, 2013	1. Oriental India Kisanshakti Nidhi Limited.	1296 days X 1000 = 1296000/- Maximum Penalty [As per Section 12(8)] = Rs.100,000/-
		2. Sanjay Kumar Yadav, Director	1296 days X 1000 = 1296000/- Maximum Penalty [As per Section 12(8)] = Rs.100,000/-
		3. Shamshad Ahmed, Director	1296 days X 1000 = 1296000/- Maximum Penalty [As per Section 12(8)] = Rs.100,000/-
		4. Kuwar Bahadur, Director	1296 days X 1000 = 1296000/- Maximum Penalty [As per Section 12(8)] = Rs.100,000/-
		Total Penalty	4,00,000/-

10. The Noticee shall pay the amount of penalty individually by way of e-payment (available on Ministry's 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. The company needs to file INC-28 as per the provisions of the Act, attaching the copy of adjudication order alongwith paid challan.

11. 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].

12. Your attention is also invited to section 454(8) of the Companies Act, 2013, in the event of non-compliance of this order. In Case appeal is made O/o Registrar of Companies, U.P. may be informed alongwith the penalty imposed & the payments made.



(Seema Rath)

Registrar of Companies & Adjudicating Officer

Uttar Pradesh, Kanpur .

No.07/23/Adj/2024/Oriental/777080 Dated 04-09-^{O/C}.2024

To,

ORIENTAL INDIA KISANSHAKTI NIDHI LIMITED,

100/25, 1st Floor, Mehdawal Chowk,

Near Kotwali, Khalilabad,

Sant Kabir Nagar -272 175 (Uttar Pradesh).

2. Sanjay Kumar Yadav, Director

Bidhiyani, Post – Khalilabad,,

Sant Kabir Nagar – 272 175 (U.P.).

3. **Shamshad Ahmed**, Director
● Padaria,
Sant Kabir Nagar – 272 173 (U.P.).

4. **Kuwar Bahadur**, Director
Bikura, Minwa
Gorakhpur – 221 007 (U.P.).

5. **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.