

भारत सरकार

कारपोरेट कार्य मंत्रालय

कार्यालय कम्पनी रजिस्ट्रार, उत्तर प्रदेश,
37/17, वेस्टकोट 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

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 117 OF THE COMPANIES ACT, 2013.

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. During the course of Inquiry, it was observed that the company has not filed the form MGT-14 for the year ended 31.03.2017 to 31.03.2020 for the approval of accounts. Thus, it is evident that the company and its Directors have failed to comply with the provisions of section 117(1) read with Section 179(3)(g) of the Companies Act, 2013. Hence it is violation of Section 117(1) of the Companies Act, 2013. And hence the company and its directors are liable for penal action.

4. Provisions of the Act: -

Section 117(1) of the Companies Act, 2013 provides that: -

"A copy of every resolution or any agreement, in respect of matters specified in sub-section (3) together with the explanatory statement under section 102, if any, annexed to the notice calling the meeting in which the resolution is proposed, shall be filed with the Registrar within [thirty days] of the passing or making thereof in such manner and with such fees as may be prescribed [Omitted]:

Provided that the copy of every resolution which has the effect of altering the articles and the copy of every agreement referred to in sub-section (3) shall be embodied in or annexed to every copy of the articles issued after passing of the resolution or making of the agreement."

Section 117(2) of the Companies Act, 2013 provides that –

"If any company fails to file the resolution or the agreement under sub-section (1) before the expiry of the period specified therein, such company shall be liable to a penalty of ten thousand rupees and in case of continuing failure, with a further penalty of one hundred rupees for each day after the first during which such failure continues, subject to a maximum of two lakh rupees and every officer of the company who is in default including liquidator of the company, if any, shall be liable to a penalty of ten thousand rupees and in case of continuing failure, with a further penalty of one hundred rupees for each day after the first during which such failure continues, subject to a maximum of fifty thousand rupees.]"

5. This office has issued show cause notice No. 07/23/Adj/2024/Oriental /1529 to 1532 dated 11.6.2024 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 have nothing to submit in the matter. Thus, violated provisions of Section 117 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 117 of the Companies Act, 2013.

8. The date of default in the matter has been taken as 25.08.2017 for the FY ended 31.03.2017, the date on which the Financial statements were approved by the Board of directors and the Company should have filed e-form MGT-14 for approval of accounts as mandated under section 117(1) read with 179 (3)(g) of the Companies Act, 2013 with the Registrar within thirty days of the passing or making thereof in such manner and with such fees as may be prescribed within the time specified under section. The default has been continuing since then.

9. Having considered the facts and circumstances of the case and after taking into account the factors above, I hereby impose penalty as mentioned below in the table. It is of this opinion that penalty is commensurate with the aforesaid failure committed by the Noticee.

(Penalty calculation for company and its officers in default for the year ended 31.3.2017)

Nature of Default	Name of persons on whom penalty is imposed.	Due date of filing of the MGT-14	Fixed penalty as per Section 117(3) of the Companies Act, 2013.	Total no. of days of default till the date of issue of Show-cause notice i.e 25.04.2024	Per day penalty for continuing default	Total Penalty (In Rs.)
Non Filing of MGT-14 for the financial year ending 31.03.2017	Oriental India Kisanshakti nidhi limited	25.8.2017	Rs.10,000/-	2,482 days (25.8.2017 to 11.6.2024)	Rs.100/-	Rs.10,000 +2,48,200(2482 days x Rs.100)= Rs.2,58,200/- Subject to a maximum of Rs.2,00,000/-
	Sanjay Kumar Yadav, Director	25.8.2017	Rs.10,000/-	2,482 days (25.8.2017 to 11.6.2024)	Rs.100/-	Rs.10,000 +2,48,200(2482 days x Rs.100)= Rs.2,58,200/- Subject to a maximum of Rs.50,000/-
	Shamshad Ahmed, Director	25.8.2017	Rs.10,000/-	2,482 days (25.8.2017 to 11.6.2024)	Rs.100/-	Rs.10,000 +2,48,200(2482 days x Rs.100)= Rs.2,58,200/- Subject to a maximum of Rs.50,000/-
	Kuwar Bahadur, Director	25.8.2017	Rs.10,000/-	2,482 days (25.8.2017 to 11.6.2024)	Rs.100/-	Rs.10,000 +2,48,200(2482 days x Rs.100)= Rs.2,58,200/- Subject to a maximum of Rs.50,000/-
Total Penalty-						Rs. 3,50,000/-

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.

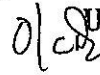
10. Appeal against this order may be filed in writing with the Regional Director (Northern Region), Ministry of Corporate Affairs, CGO Complex, Lodi Road, New Delhi, within a period of sixty days from the date of receipt of this order, in Form ADJ setting forth the grounds of appeal and shall be accompanied by a certified copy of this order. [Section 454(5) & 454(6) of the Act, read with Companies (Adjudication of Penalties) Rules, 2014].

11. 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 1657068

Dated 04-09- .2024

To,

Oriental India Kisanshakti Nidhi Limited,
100/25, 1st Floor, Mehdawal Chowk,
Near Kotwali, Khalilabad,
Sant Kabir Nagar -272 175 (Uttar Pradesh).

2. Mr. Sanjay Kumar Yadav, Director
Bidhiyani, Post – Khalilabad,
Sant Kabir Nagar -272 175 (Uttar Pradesh).

3. **Mr. Shamshad Ahmed, Director**

Padaria,
Sant Kabir Nagar – 272 173(Uttar Pradesh)

4. **Mr. Kuwar Bahadur, Director**

Bikura, Minwa,
Gorakhpur -221007 (Uttar Pradesh)

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.
