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दूरभाष संख्या Tel. No.: 0141 2981914

सत्यमेव जयते
भारत सरकार

GOVERNMEN OF INDIA
कारपोरेट कार्य मंत्रालय
MINISTRY OF CORPORATE AFFAIRS
कार्यालय, कंपनी रजिस्ट्रार सह शासकीय समापक
OFFICE OF REGISTRAR OF COMPANIES CUM OFFICIAL LIQUDIAOTR,
अधीनस्थ राजस्थान उच्च न्यायालय, जयपुर बेंच, जयपुर
ATTACHED TO RAJASTHAN HIGH COURT, JAIPUR BENCH AT JAIPUR
कॉर्पोरेट भवन, जी/6-7, रेजीडेन्सी एरिया, सिविल लाइंस, जयपुर- 302001
CORPORATE BHAWAN, G/6-7, RESIDENCY AREA, CIVIL LINES, JAIPUR- 302001

ORDER FOR PENALTY UNDER SECTION 454 OF THE COMPANIES ACT, 2013 READ WITH COMPANIES (ADJUDICTION OF PENALTIES) RULES, 2014 AND COMPANIES (ADJUDICATON OF PENALTIES) AMENDEMENT RULES, 2015 FOR THE VIOLATION OF SECTION 134(3)(b) OF COMPANIES ACT, 2013 IN THE MATTER OF: -

01. **Khimsar Solar Power Private Limited, Company**
D-43, Janpath, Shyam Nagar, Jaipur, Rajasthan- 302019.
02. **Shri Deepak Jangid, ex-Director**
37, Yojna RR Homes, Kankpura Sirsi, Jaipur, Rajasthan- 302012.
03. **Shri Shashi Kant, ex-Director**
66 Block No 1, Gram Beed Bir Badalwa, Karnal, Haryana- 132157.

..... Respondents

Date of hearing - 23.10.2024

Present: -

01. **Shri Atma Sah, ROC-Cum-OL, Rajasthan, Jaipur**
02. **Shri J. R. Meena, AROC-cum-AOL, Rajasthan, Jaipur**
03. **Shri Gaurav Shah, Practicing Company Secretary and Authorized Representative of the Respondents.**

ADJUDICATION ORDER

1. **Appointment of Adjudicating Officer: -**

WHEREAS the Ministry of Corporate Affairs vide its Gazette Notification No. SO 831 (E) dated 24.03.2015 appointed the Registrar of Companies/undersigned as Adjudicating Officer in exercise of the Power conferred by Section 454 of the Companies Act 2013 read with Companies (Adjudication of Penalties) Rules, 2014. The Registrar of Companies vide the Companies (Amendment) Act, 2019 is entrusted with power to adjudicate penalty as provided under Section 134(8) of Companies Act, 2013.

2. **Respondent Company:**

WHEREAS Khimsar Solar Power Private Limited (CIN U40100RJ2022PTC083084) is registered with this office under the provisions of Companies Act, 2013 and having its

registered office at D-43, Janpath, Shyam Nagar, Jaipur, Rajasthan- 302019.

3. **Relevant provisions of the Companies Act, 2013: -**

WHEREAS as per the provision of Section 134(3)(b) of the Companies Act, 2013 *"There shall be attached to statements laid before a company in general meeting, a report by its Board of Directors, which shall include- number of meetings of the Board of Directors."*

WEHEREAS as per the provision of Section 134(8) of the Companies Act, 2013 *"if a company is in default in complying with the provisions of this section, the company shall be liable to a penalty of three lakh rupees and every officer of the company who is in default shall be liable to a penalty of fifty thousand rupees."*

4. **Facts of the Case:**

- That the Respondents have filed a suo-moto adjudication application in e-Form GNL-1 vide SRN F97092720 dated 31.07.2024 for the adjudication of offence committed under section 134(3)(b) of the Companies Act, 2013. Further, the Respondents in its application have stated that the Respondent Company has convened its first Board Meeting on 10.08.2022. However, the same is wrongly mentioned as 30.04.2022 in the Board Report of Financial Year 2022-23 instead of 10.08.2022. Therefore, the Respondents have requested Competent Authority to adjudicate the matter.

- The above application has been examined by this office and accordingly, the date of hearing in the matter was fixed by the Competent Authority on 05.09.2024. However, at the time of hearing, neither appeared on behalf of the Respondents nor the Competent Authority was available with this office.

  In view of the above, a new date of hearing was fixed in the matter on 23.10.2024.

- Further, at the time of hearing, Shri Gaurav Shah, Practicing Company Secretary, the authorized representative of the Respondents appeared in the matter and requested Competent Authority to adjudicate the matter by imposing a minimum penalty in the matter.

5. In view of the above facts, the undersigned has reasonable cause to believe that the provision of section 134(3)(b) of the Companies Act, 2013 has not been complied with by the Respondents and therefore liable for penal action under section 134(8) of the Companies Act, 2013. Accordingly, in exercising the power of 454 (3) of the Companies Act, 2013, I inclined to impose a penalty on the Respondents, as under: -

Nature of default	Relevant section of the Companies Act, 2013	Name of company/ person on whom penalty	Total defaulting amount (In Rs)	Maximum Limit for Penalty (In Rs.)	Final Penalty Imposed in (In Rs.)

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		imposed			
Date of Board Meeting is wrongly mentioned in the Board Report.	Section 134(3)(b) of the Companies Act, 2013.	Khimsar Solar Power Private Limited	3,00,000/-	3,00,000/-	3,00,000/-
		Shri Deepak Jangid	50,000/-	50,000/-	50,000/-
		Shri Shashi Kant	50,000/-	50,000/-	50,000/-
Grant Total					**4,00,000/-**

I am of this opinion that penalty is commensurate with the aforesaid failure committed by the Respondent Company and penalty so imposed upon the Officers-in-default shall be paid from their personal sources/ income. The said amount of penalty shall be paid through online by using the website www.mca.gov.in (Misc. head) in favour of "Pay & Accounts Officer, Ministry of Corporate Affairs, New Delhi, within 90 days of receipt of this order, and the same may be intimated to this office with proof of penalty paid.

6. 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 both.

7. Appeal against this order may be filed in writing with the Regional Director (NWR), Ministry of Corporate Affairs, Ahmedabad within a period of sixty days from the date of receipt of this order, in e-Form ADJ (available on Ministry website www.mca.gov.in setting forth the grounds of appeal and shall be accompanied by a certified copy of this order (section 454(5) & 454(6) of the Companies Act, 2013 read with Companies (Adjudicating of Penalties) Rules, 2014).

8. 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 the following: -

   I. Khimsar Solar Power Private Limited at D-43, Janpath, Shyam Nagar, Jaipur, Rajasthan- 302019.

   II. Shri Deepak Jangid at 37, Yojna RR Homes, Kankpura Sirsi, Jaipur, Rajasthan-302012.

   III. Shri Shashi Kant at 66 Block No 1, Gram Beed Bir Badalwa, Karnal, Haryana-132157.

   IV. Regional Director, NWR, Ministry of Corporate Affairs, Ahmedabad at ROC Bhavan, Opp. Rupal Park Society, Behind Ankur Bus Stop, Naranpura, Ahmedabad, Gujarat-380 013.

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The application is disposed off with this order.

(ATMA SAH)
ROC-cum-OL & Adjudicating officer,
Rajasthan, Jaipur

Signed on this 06th November 2024.
Place: Jaipur, Rajasthan.

File No. ROCJP/Adj./Sec. 134/2024-25/ 1495 **Date: -** 8/11/2024

To,

01. **Khimsar Solar Power Private Limited, Company**
D-43, Janpath, Shyam Nagar, Jaipur, Rajasthan- 302019.

02. **Shri Deepak Jangid, ex-Director**
37, Yojna RR Homes, Kankpura Sirsi, Jaipur, Rajasthan- 302012.

03. **Shri Shashi Kant, ex-Director**
66 Block No 1, Gram Beed Bir Badalwa, Karnal, Haryana- 132157.

04. **Regional Director, NWR**
ROC Bhavan, Opp. Rupal Park Society, Behind Ankur Bus Stop, Naranpura, Ahmedabad, Gujarat-380013.

05. **Guard File.**

06. **Office Copy**

07. **E-mail to content manager for publication on the Ministry's website.**