

EW-224240385

0-500-cell

Application No. RD/ER/454/56/2024/APPEAL/501

BEFORE THE REGIONAL DIRECTOR, EASTERN REGION
MINISTRY OF CORPORATE AFFAIRS, KOLKATA.

IN THE MATTER OF

THE COMPANIES ACT, 2013

-AND-

IN THE MATTER OF

1. MR. KRISHNA AGARWAL (Director)
PANCHE APARTMENT BLOCK 6, SECTOR 5,
MAHISHBATHAN, BIDHANNAGAR (M),
NORTH 24 PARGANAS – 700102,
KOLKATA, WEST BENGAL, INDIA

(DIN: 08068827)

-AND-

IN THE MATTER OF

Application under section 454(5) of The Companies Act, 2013 for preferring an appeal against the penalty order dated 25.07.2024 of Registrar of Companies, West Bengal passed for violating the provisions of section 155 of the Companies Act, 2013.

-AND-

IN THE MATTER OF

MR. KRISHNA AGARWAL (Director)
PANCHE APARTMENT BLOCK 6, SECTOR 5,
MAHISHBATHAN, BIDHANNAGAR (M),
NORTH 24 PARGANAS – 700102,
KOLKATA, WEST BENGAL, INDIA
(DIN: 08068827)



..... APPELLANT

Date of Hearing : 02.04.2025

**Present : Mr. Bijay Agarwal, Ld. Company Secretary and
Authorized Representative**

ORDER

1. The present appeal has been preferred under section 454(5) of the Companies Act, 2013 read with the provisions of the Companies (Adjudication of Penalties) Rules, 2014 vide Form ADJ bearing SRN no. AB2526229 dated 25.07.2024 against the penalty order dated 25.07.2024 for violation of Section 155 of the Companies Act, 2013 passed by the Adjudicating Authority i.e. Registrar of Companies, Kolkata, West Bengal dated 25.07.2024 communicated to the appellant vide letter no. ROC/ADJ/579/2024/3167-3171 dated 25.07.2024. The appeal was filed within 60(sixty) days as per Section 454 (6) of the Companies Act, 2013.
2. The office of the Registrar of Companies, West Bengal, had issued Adjudication notice for violation of section 155 of the Act vide no. ROC/ADJ/579/2024/2705 dated 04.07.2024 to the director. In this regard, no reply was received from the Applicant Director in default of the above stated violations.
3. However, while passing the Adjudication order bearing no. ROC/ADJ/579/2024/3167-3171 dated 25.07.2024, ROC, West Bengal, after hearing, the Ld. Company Secretary Mr. Bijay Agarwal appearing on behalf of appellant, has passed the order as per the table below:



Name of the Applicant Company/ Director who is in default	Nature of violation	Amount calculated (In Rs.) u/s Section 159	Penalty Imposed (In Rs.)
Krishna Agarwal (Director) DIN: (DIN: 08068827)	Violation of Section 155 of the Companies Act, 2013	50,000 + 500 * 343(Days) =2,21,500	2,21,500
Total Penalty payable			2,21,500

[Total 343 Days of default (from 13.04.2023 i.e.: Date of obtaining Duplicate DIN to 21.03.2024 i.e. Date of filling of DIR-5 to surrender the Duplicate DIN)]

4. Having considered the facts and circumstances of the case and after considering the facts above, ROC, West Bengal imposed a penalty of **Rs. 2,21,500/- (Rupees Two Lakh Twenty-One Thousand and Five Hundred Only)** on the concerned Director under Section 159 of the Act, for failure to make compliance with the Act under section 155 of the Act.

5. The appeal was heard on 02.04.2025. The Authorized Representative was requested to make submissions, by virtue of which the undersigned can invoke the provisions of Section 454 (7) of the Companies Act, 2013.

The Ld. Company Secretary (ICSI Memb. No. F10323) has reiterated the submissions as submitted during the course of passing of the order under challenge and has placed on certain orders passed by some of the Regional Directors wherein the penalty order has been reduced, and the Ld. Company Secretary has requested for reduction of penalty.



Having heard the matter and based on the facts and circumstances of the present matter, I consider it fit not to interfere in the Adjudication order dated 25.07.2024.

As such the Appellant is directed to comply with the ROC, West Bengal order dated 25.07.2024 by paying the penalty as stated therein within a period of 90 days and failure to pay the penalty will attract provisions of Section 454 (ii) of the Companies Act, 2013.

6. Hence the instant Appeal stands disposed of accordingly.


(Rakesh Kumar Tiwari)
REGIONAL DIRECTOR (ER)

Signed this the 16th day of APRIL, 2025.



Copy to:-

1. Mr. KRISHNA AGARWAL (Director)
PANCHE APARTMENT BLOCK 6, SECTOR 5,
MAHISHBATHAN, BIDHANNAGAR (M),
NORTH 24 PARGANAS – 700102,
KOLKATA, WEST BENGAL, INDIA
(DIN: 08068827)
2. The Registrar of Companies, West Bengal, for information in respect of his letter no. ROC/LEGAL/ADJ/579/2024/10984 dated 07.02.2025
- ✓ 3. The Officer in Charge, E-Gov. Cell, Ministry of Corporate Affairs, 5th Floor, A wing Shastri Bhavan, New Delhi-110001, with a request to upload this Order on the website of the Ministry.