

भारत सरकार
कापरेट कार्य मंत्रालय
कार्यालय कंपनीज़ रजिस्ट्रार, दिल्ली एवं हरियाणा
चतुर्थ तल, आई.एफ.सी.आई. टॉवर, 61 नेहरू प्लेस,
नई दिल्ली -110019



GOVERNMENT OF INDIA
MINISTRY OF CORPORATE AFFAIRS,
OFFICE OF REGISTRAR OF COMPANIES,
NCT OF DELHI & HARYANA
4TH FLOOR, IFCI TOWER, 61, NEHRU PLACE,
NEW DELHI -110019

**ORDER OF PENALTY UNDER SECTION 173 OF THE COMPANIES ACT, 2013
in the matter of LUMINOUS POWER TECHNOLOGIES PRIVATE LIMITED (CIN:
U74899DL1988PTC032019)**

1. Appointment of Adjudicating Officer: -

Ministry of Corporate Affairs vide its Gazette Notification No. A-42011/112/2014-Ad.II, dated 24.03.2015 has appointed Registrar of Companies, NCT of Delhi & Haryana as Adjudicating Officer in exercise of the powers conferred by section 454(1) of the Companies Act, 2013 (hereinafter known as Act) r/w Companies (Adjudication of Penalties) Rules, 2014 for adjudging penalties under the provisions of this Act.

2. Company: -

Whereas the company viz. **LUMINOUS POWER TECHNOLOGIES PRIVATE LIMITED** (herein after known as 'company') incorporated under the Companies Act, 1956 having its registered office as per MCA21 Registry at address **C-56, MAYAPURI INDUSTRIAL AREA PHASE II, MAYAPURI NA, NEW DELHI, New Delhi,110064**. The financial & other details of the subject company for immediately preceding F.Y 2022-23 as available on MCA-21 portal is stated as under:

S. No.	Particulars	Details
1.	Paid up capital (in Lakhs of INR)	1,355.39
2.	a. Revenue from operation (in Lakhs of INR)	4,23,276.04
	b. Other Income (in Lakhs of INR)	4,907.83
	c. Profit for the Period (in Lakhs of INR)	48,946.69
3.	Holding Company	Yes
4.	Subsidiary Company	Yes

5.	Whether company registered under Section 8 of the Act?	No
6.	Whether company registered under any other special Act?	No

3. Facts about the Case: -

- i. This office is in receipt of application on 08.05.2023 (GNL 1 SRN F61483822) wherein the company has admitted non-compliance of Section 173 of the Act.
- ii. As per application it is stated that the Company was required to hold a meeting of the Board of Directors on or before 31.12.2022 to hold a minimum number of four meetings on its Board of Directors in a calendar year but due to some reasons company failed to do so.
- iii. A clarificatory letter was issued to company on 11.09.2023 in response to which a reply was received from the company. Further, as per the request made through authorized representatives of the company a hearing in the matter was scheduled on 16.01.2024. Sh. Ranjeet Pandey, PCS and Sh. Alok Tripathi, PCS authorized representatives of the company appeared in the matter and stated that the default in the present case is limited to the inability of the company to hold its fourth board meeting in the year 2022. Further, they submitted that the gap between two successive board meetings does not exceed the period of 120 days.
- iv. Accordingly, an SCN was issued on 18.01.2024 in response to which a reply was received on 29.01.2024 from the company.

4. Factors considered for adjudication of penalties: -

In view of submissions made, it is observed that the company held its board meetings on 24.02.2022, 09.06.2022 and 23.09.2022. The company was required to hold its next i.e fourth board meeting on or before 31.12.2022 but it failed to conduct its fourth board meeting in the year 2022. Hence, the provision of section 173(1) of the Act has not been complied.

5. The relevant provisions of Section 173 of the Act are as under:

(1) *"Every company shall hold the first meeting of the Board of Directors within thirty days of the date of its incorporation and thereafter hold a minimum*

number of four meetings of its Board of Directors every year in such a manner that not more than one hundred and twenty days shall intervene between two consecutive meetings of the Board:

The relevant provisions of 450 sections are as under:

"If a company or any officer of a company or any other person contravenes any of the provisions of this Act or the rules made thereunder, or any condition, limitation or restriction subject to which any approval, sanction, consent, confirmation, recognition, direction or exemption in relation to any matter has been accorded, given or granted, and for which no penalty or punishment is provided elsewhere in this Act, the company and every officer of the company who is in default or such other person shall be liable to a 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."

6. Adjudication of penalty: -

- i. The subject company does not get covered under the purview of small company as defined u/s 2(85) of the Act. Hence, the benefit of section 446B would not be applicable on the company.
- ii. The submission of the company regarding granting any remission in the penalty cannot be considered as the law provides for a fixed penalty in this case.
- iii. Now in exercise of the powers conferred on me vide Notification dated 24th March, 2015 and having considered the reply submitted by the noticee (s) in response to the notice issued on 30.05.2023 and hearing held in the matter on 16.01.2024, I do hereby impose the penalty on the company and its officer in default for violation of Section 173(1) of the Act r/w section 450 of the Companies Act, 2013 which are as follows:-


TABLE-I

Violation Section	Penalty imposed on company/ Officers	No. of days of default	Calculati on for penalty amount (in Rs.)	Penalty imposed u/s 450 of the Act, 2013 (in Rs.)
A	B	C	D	E
Under section 173 (1) of the Act	LUMINOUS POWER TECHNOLOGIES PRIVATE LIMITED (company)	One time	10000	10000
	PREETI BAJAJ (Director)	One time	10000	10000
	BRIJ BHUSHAN NAGPAL (Director)	One time	10000	10000
	VIPUL SABHARWAL (Director)	One time	10000	10000
	SANT KUMAR VERMA (CFO)	One time	10000	10000
	ASHISH KUMAR PANDEY (Company Secretary)	One time	10000	10000
	OLIVIER PASCAL MARIUS BLUM (Director)	One time	10000	10000
	ANIL CHAUDHRY (Director)	One time	10000	10000
	MANISH PANT (Director)	One time	10000	10000
	JUN LU (Director)	One time	10000	10000
JAVED AHMAD (Director)	One time	10000	10000	

7. Order:

- a. Names of parties as mentioned in the above tables are hereby directed to pay the penalty amount as per the column no. 'E' of Table I. In case of parties other than company, such amount is required to be paid out of their own funds.

- b. The said amount of penalty shall be paid through online by using the website www.mca.gov.in (Misc. head) in favor of "Pay & Accounts Officer, Ministry of Corporate Affairs, New Delhi, **within 90 days of receipt of this order, and intimate this office with proof of penalty paid.**
- c. Appeal against this order may be filed with the Regional Director (NR), Ministry of Corporate Affairs, B-2 Wing, 2nd Floor, Paryavaran Bhawan, CGO Complex, Lodhi Road, New Delhi-110003 within a period of **sixty days** from the date of receipt of this order, in 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 the order. [Section 454(5) & 454(6) of the Act read with Companies (Adjudicating of Penalties) Rules, 2014].
- d. Your attention is also invited to section 454(8) of the Act in the event of non-compliance of this order.


(Pranay Chaturvedi, ICLs)
(Adjudicating Officer)
Registrar of Companies
NCT of Delhi & Haryana

No. ROC/D/Adj/Order/173/Luminous/1484 to 1495

Date: 18/03/24, 8/4

To,

1. LUMINOUS POWER TECHNOLOGIES PRIVATE LIMITED
C-56, MAYAPURI INDUSTRIAL AREA PHASE II, MAYAPURI NA, NEW DELHI, New Delhi, 110064, India.
2. PREETI BAJAJ
A-35, GROUND FLOOR, CHITTRANJAN PARK SOUTH DELHI, DELHI, 110019, Delhi, India.
3. BRIJ BHUSHAN NAGPAL
P-2, GROUND FLOOR, HAUZ KHAS ENCLAVE, HAUZ KHAS, SOUTH DELHI, DELHI, 110016,
4. VIPUL SABHARWAL
9218 DLF, Phase-4, Gurgaon, 122001, Haryana, India

5. SANT KUMAR VERMA
FLAT NO. 1001, TOWER NO.- 1,VIPUL GREENS,SOHNA ROAD, SECTOR
48, GURGAON,122018, Haryana, India.
6. ASHISH KUMAR PANDEY
House No. C-23, Ground Floor, Ashok Enclave, Part-2, Sector- 37, Amarnagar
Faridabad,121003, Haryana, India.
7. OLIVIER PASCAL MARIUS BLUM
3/35 SHANTI NIKETANNEW DELHI,110021,Delhi,India
8. ANIL CHAUDHRY
C-061 The Belaire DLF Phase- 5,Golf Course Road, Sector
54,Gurgaon,122001,Haryana,India
9. MANISH PANT
LCG-305C THE LABURNUM,SUSHANT LOK -
1,GURGAON,122002,Haryana,India
10. JUN LU
c/o C-56, MAYAPURI INDUSTRIAL AREA PHASE II, MAYAPURI NA, NEW
DELHI, New Delhi,110064,India.
11. JAVED AHMAD
3B, Regency Heights, Cleveland Road, Fraser Town,Bangalore,560005,
Karnataka, India

Copy to:

Regional Director (NR), Ministry of Corporate Affairs, B-2 Wing, 2nd Floor,
Paryavaran Bhawan, CGO Complex, Lodhi Road, New Delhi-110003.