



भारत सरकार  
कारपोरेट कार्य मंत्रालय  
कार्यालय रजिस्ट्रार ऑफ कम्पनीज  
पंजाब एवं चंडीगढ़,  
कारपोरेट भवन  
प्लॉट नम्बर 4-बी, सैक्टर 27-बी, चंडीगढ़  
फोन नम्बर: 0172 2639415, 2639416

GOVERNMENT OF INDIA  
MINISTRY OF CORPORATE AFFAIRS  
OFFICE OF THE REGISTRAR OF COMPANIES  
PUNJAB AND CHANDIGARH,  
CORPORATE BHAWAN,  
PLOT NO.4-B, SECTOR 27B, CHANDIGARH  
PHONE NO.172-2639415,2639416

No. ROC/Chd/Adj.Order/ 825

Dated: 20/11/2024

**ORDER OF ADJUDICATION OF PENALTY UNDER SECTION 454 OF THE COMPANIES ACT, 2013 READ WITH RULE 3 OF THE COMPANIES (ADJUDICATION OF PENALITES) RULES 2014 FOR VIOLATION OF PROVISIONS OF SECTION 165(1) OF THE COMPANIES ACT, 2013 BY SH. JASBIR SINGH.**

1. Whereas **Sh. Jasbir Singh** S/o Sh. Harbhajan Singh having DIN 01668231 and is currently residing at H. No. 44, Model Town, VPO Guruharsahai Distt. Firozpur, Punjab India-152022.

2. Whereas the section 165(1) of the Companies Act, 2013 reads as under:

*" (1) No person, after the commencement of this Act, shall hold office as a director, including any alternate Directorship, in more than twenty companies at the same time:*

*Provided that the maximum number of public companies in which a person can be appointed as a director shall not exceed ten.*

*Explanation I — For reckoning the limit of public companies in which a person can be appointed as director, Directorship in private companies that are either holding or subsidiary company of a public company shall be included.*

*Explanation II.—For reckoning the limit of Directorships of twenty companies, the Directorship in a dormant company shall not be included."*

3. Whereas Sh. Jasbir Singh has filed Suo-Moto application/petition under section 454 of the Companies Act, 2013 for Adjudication of Penalty for violation of section 165(1) of Companies Act, 2013.

4. Whereas the undersigned has reasonable cause to believe that the aforesaid provisions of the Act have not been complied with and accordingly, this office had issued Adjudication hearing notice to the applicant/authorized representative on 07.11.2024. Whereas in

pursuance of the adjudication hearing notice issued to **Sh. Jasbir Singh, Sh. Manish Gupta**, Practicing Company Secretary, a representative of Sh. Jasbir Singh has appeared online before the undersigned on 14.11.2024 at 11A.M. and admitted the violation on behalf of Sh. Jasbir Singh and agreed with the amount of penalty to be imposed.

5. In view of the above, upon examination and hearing, the Violation of Section 165(1) of the Companies Act, 2013 is established for which penalty shall be imposed as per Section 165(6) of the Companies Act, 2013.
6. Whereas section 165(6) reads as under: -

**Section 165(6)**

*" If a person accepts an appointment as a director in violation of this section, he shall be liable to a penalty of two thousand rupees for each day after the first during which such violation continues, subject to a maximum of two lakh rupees."*

**7. Rule 3(12) of Companies (Adjudication of Penalties) Rules, 2014**

While adjudging quantum of penalty, the adjudicating officer shall have due regard to the following factors, namely:-

- a. size of the company
- b. nature of business carried on by the company,
- c. injury to public interest,
- d. nature of the default,'
- e. repetition of the default,'
- f. the amount of disproportionate gain or unfair advantage, wherever quantifiable, made as a result of the default: and
- g. the amount of loss caused to an investor or group of investors or creditors as a result of the default

Provided that, in no case, the penalty imposed shall be less than the minimum penalty prescribed, if any, under the relevant section of the Act.

**Rule 3 (13) of Companies (Adjudication of Penalties) Rules, 2014 which read as under:**

In case a fixed sum of penalty is provided for default of a provision, the adjudicating officer shall impose that fixed sum, in case of any default therein.

8. Now in exercise of the powers conferred on the undersigned vide Notification dated 24th March, 2015 and having considered the facts of the case, I hereby impose the penalties for violation of section 165(1) of the Companies Act, 2013. Therefore, in view of the above said violation, the undersigned in exercise of the powers vested under Section 454(1) & (3) of the Companies Act, 2013 hereby impose following penalty:

| S.No | Name of the defaulter/ violator | Amount of Penalty for 1 <sup>st</sup> default | Additional Penalty for Continuing Offence  | Total amount of Penalty Imposed     |
|------|---------------------------------|---|--|-------------------------------------|
| 1    | Sh. Jasbir Singh                | Rs. 2,000/- per day                           | Delay days (2000*1258 days) =<br>Rs. 25,16,000/-<br>w.e.f. 18.09.2020<br>to 27.02.2024 | Rs. 2,00,000/-<br>(Maximum Penalty) |

**(Total Rs. 2,00,000/- as penalty amount) for Violation of Section 165 of the Companies Act, 2013)**

I am of this opinion that penalty is commensurate with the aforesaid failure committed by the Noticee and penalty so imposed upon the him **shall be paid from his personal sources/income.**

9. It is further directed that penalty imposed shall be paid through the **Ministry of Corporate Affairs portal** only as mentioned under **Rule 3(14) of Company (Adjudication of Penalties) (Amendment) Rules, 2019** under intimation to this office.
10. Appeal against this order may be filed in writing with the **Regional Director (Northern Region), Ministry of Corporate Affairs, CGO Complex, Lodhi 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. Please note that as per Section 454 (8) which read as under:
  - (i) *"where company does not pay the penalty imposed by the adjudicating officer or the Regional Director within a period of ninety days from the date of the receipt of the copy of the order, 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.*
  - (ii) *Where an officer of a company who is in default does not pay the penalty within a period of ninety days from the date of the receipt of the copy of the order, such officer 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 with both".*

In case of default in payment of penalty, prosecution will be filed under section 454(8) (i) and (ii) of the Companies Act, 2013 without any further notice.

12. 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:

(a) ~~Mr. Jasbir Singh~~ R/o H. No. 44, Model Town, VPO Guruharsahai Distt. Firozpur, Punjab India-152022.

(b) **Regional Director (Northern Region)**, Ministry of Corporate Affairs, CGO Complex, Lodhi Road, New Delhi and this order will be uploaded on website of Ministry of Corporate Affairs.



Kamna Sharma  
Adjudicating Officer  
Registrar of Companies  
Punjab and Chandigarh