

भारत सरकार
कारपोरेट कार्य मंत्रालय
कार्यालय कम्पनी रजिस्ट्रार,
चौथा तल, 'ए' विंग, मौर्या लोक कम्प्लेक्स
डाक बंगला रोड, पटना-८००००१



Government of India
Ministry of Corporate Affairs
Office of the Registrar of Companies,
4th Floor, 'A' Wing, Maurya Lok Complex
Dakbunglow Road, Patna-800001
☎ (0612)- 2216150/2950121

✉ roc.patna@mca.gov.in
🌐 www.mca.gov.in

No. ROC/PAT/Inquiry/36124/ 984

Dated: 14.11.2024

Order for penalty for violation of section 134(1) r.w. 134(6) of the Companies Act, 2013
SONASUMAN CONSTECH ENGINEERS PRIVATE LIMITED
CIN: U45500BR2017PTC036124

Company:-

1. Whereas, Company M/s. Sonasuman Constech Engineers Private Limited, CIN: U45500BR2017PTC036124 (herein after known as Company) is a company incorporated on 30.10.2017 under the provisions of Companies Act, 2013 in the state of Bihar and having its registered office situated at C/o. Shailendra Jha, Flat No.502, Block-A4, Trivantpuram City, Patna, Bihar, 801105, India as per MCA website.

Facts about the case:-

2. Whereas, on perusal of the E-form AOC-4 filed for the financial year 2017-18, 2018-19 and 2019-20, it is observed that in attached financial statements the Directors have not signed the financial statements thereby leading to the violation of Sections 134(1) r.w. 134(6) of the Companies Act, 2013 for the abovementioned period.
3. This office has issued notice for the violation of section 134 of the Companies Act, 2013 to the company and its directors vide letter dated 06.08.2024.
4. However, this office has received an email dated 24.09.2024 from the company inter alia stating as , “ as we recall, ourerstwhile auditor informed us that there isimitation on the size of the file which can be attached to the Annual Filing. Even after multiple attempts, they were not able to make the file fit to size as allowed by ROC, therefore, they uploaded the unsigned version to resolve the attachment size issue and filed the form.” However, the reply of the company seems unsatisfactory and also, the company has accepted the non-compliance made by the company w.r.t the provisions of Section 134(1) r.w. 134(6) of the Companies Act, 2013. Thus, it is concluded that the company and its directors/officers have contravened the above-said provisions of the Act and therefore they are liable for penalty u/s. 134(8) of the Companies Act, 2013.

Section 134(8):- “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.”.

5. As per clause 85 of section 2 of the Companies Act, 2013, *small company means a company whose paid up capital and turnover shall not exceed rupees four crore and rupees forty crore respectively.* As per MCA portal, paid up capital of the company- Sonasuman Constech Engineers Private Limited is Rs. 500,000.00 and the turnover of the company is Rs. 1,18,05,571.02/- as per financial year 2018-2019. Therefore, the benefits of small company are extended to this company while adjudicating penalty.

ORDER

6. Therefore, having considered the facts and circumstances of the case, and after taking into account the factors above, I hereby impose a penalty on Company, and its Directors as per table Below under section 134(8) of the Act for failure in compliance of section 134(1) r.w. 134(6) of the Companies Act, 2013.

Nature of Default	Violation of Section of the Companies Act, 2013	Company/Officers to whom penalty imposed	No. of days in default/Period of default	Penalty for default (Rs.) as per Section 134(8) of the Act	Total Penalty	Penalty imposed (Rs.) As per Section 446B of the Act
Non-signing of Financial statements by the directors	Sections 134(1) r.w. 134(6)	On company	FY 2017-18, FY 2018-19 and FY 2019-20	Rs. 300,000	Rs. 300,000 * 3 no. of years= Rs. 900,000	Rs. 450,000
		On Ms. Nayana Thakur	FY 2017-18, FY 2018-19 and FY 2019-20	Rs. 50,000	Rs. 50,000 * 3 no. of years= Rs. 150,000	Rs. 75,000
		On Shri Suresh Kumar Yadav	FY 2017-18, FY 2018-19 and FY 2019-20	Rs. 50,000	Rs. 50,000 * 3 no. of years= Rs. 150,000	Rs. 75,000
		On Shri Manoj Kumar Jha	FY 2017-18, FY 2018-19 and FY 2019-20	Rs. 50,000	Rs. 50,000 * 3 no. of years= Rs. 150,000	Rs. 75,000
		On Shri Swatantra Kumar	FY 2017-18, FY 2018-19 and FY 2019-20	Rs. 50,000	Rs. 50,000 * 3 no. of years= Rs. 150,000	Rs. 75,000

7. The noticee shall pay the amount of penalty individually for the company and its directors (out of own pocket) by way of e-payment (available on Ministry 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.
8. Appeal against this order may be filled in writing with the Regional Director (ER), Ministry of Corporate Affairs, Kolkata, within a period of 60 (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 this order {Section 454(5) and 454(6) of the Act read with Companies (Adjudication of Penalties) Rules, 2014}.

9. Your attention is also invited to section 454(8) of the Act in the event of non-compliance of this order.

10. This order may also be treated as an intimation under section 20 of the Companies Act, 2013.



(K. C. Meena)

Adjudicating Officer &
Registrar of Companies-Cum-
Official Liquidator, Patna.

To,

1. Sonasuman Constech Engineers Private Limited,
C/o. Shailendra Jha,
Flat No.502, Block-A4, Trivantpuram City,
Patna, Bihar, 801105, India.
2. Ms. Nayana Thakur,
Flat no. 302, Punit Vihar Apartment,
IAS Colony, Rupaspur, Danapur,
Patna, 801503, Bihar, India.
3. Shri Suresh Kumar Yadav,
Ward No. -07, Gangapur,
Madhubani, 847403, Bihar, India.
4. Shri Manoj Kumar Jha,
Gram - Prasad, Post – Banki,
Patna, 847408, Bihar, India.
5. Shri Swatantra Kumar,
S/o. Shrinarsayan Yadav,
Biharouna, Behrauna,
Darbhanga, 847101, Bihar, India.

Copy to:-

The Regional Director (ER),
Ministry of Corporate Affairs,
234/4 A.J.C. Bose Road, 2nd MSO Building,
2nd Floor, Kolkata 700020, for information please.