

NATIONAL COMPANY LAW TRIBUNAL
NEW DELHI BENCH
NEW DELHI

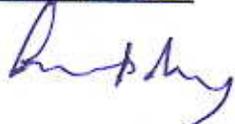
C. P. NO. 16/101/2016
CA. NO.

PRESENT: SMT. INA MALHOTRA
Hon'ble Member (J)

**ATTENDANCE-CUM-ORDER SHEET OF THE HEARING OF NEW DELHI BENCH OF
THE NATIONAL COMPANY LAW TRIBUNAL ON 26.09.2016**

NAME OF THE COMPANY: M/s. APC Credit Relity Pvt Ltd.

SECTION OF THE COMPANIES ACT: 621A

S.NO.	NAME	DESIGNATION	REPRESENTATION	SIGNATURE
1	SANDEEP ABRAHAM	PCS	COMPANY	

ORDER

The petitioner company, which was incorporated on 20.03.2008, has filed the present compounding application u/s 621A of the Companies Act, 1956 praying for compounding of the offence u/s 159 of the Companies Act. The said petition which has been routed through the office of the RoC along with their comments, prays for compounding the offence of delaying the filing Form 20B of the AGM with the office of the Registrar of Companies within the period required under the Statute. The statutory requirement is to file the same within 60 days of holding AGM which was held on 30.09.2013. The company filed the same on 21.11.2015, delaying it by 720 days.

2. As per the provisions of Section 159 of the Companies Act, 1956:

"Every company having a share capital shall, within sixty days from the day on which each of the annual general meetings referred to in section 166 is held, prepare and file with the Registrar a return containing the particulars specified in Part I of Schedule V, as they stood on that day."

Contd/-.....



3. The period of default is stated to be from 01.12.2013 to 20.11.2015. It is submitted by the petitioners that due to lack of legal expertise/advice regarding discharging of liability for regular compliances of various laws they could not comply with the provision of above said sections on time. It is also submitted that the offence is not of such a nature as to prejudice the interest of members, creditors or others dealing with the company, nor does it affect public interest.

4. The offence is punishable u/s 162 of the Companies Act, 1956 which provides for an imposition of a fine which may extend to Rs.500/- for each day's default. Accordingly the office of the RoC has recommended the imposition of a fine of Rs.3,60,000/- on each of the petitioners.

5. As per the report, prosecution has not been initiated. The petitioner submits that the said omission was inadvertent and not on account of any malafide intentions and they have suo moto filed for compounding of the offence.

6. Given the facts of the case as there is no legal impediment in compounding, I deem it sufficient to impose a fine of Rs.1 lakh on each of the petitioners i.e, the Company and its below mentioned two directors for the entire period of default. Accordingly, the fine is imposed as under:

Name of the Applicants	Penalty
M/s. APC Credit Rating Pvt Ltd.	Rs.1 lakh
Mr. Atasi Chatterjee	Rs.1 lakh
Mr. Priamvadha Mathan Kumar	Rs.1 lakh



7. Subject to the remittance of the aforesaid fine within two weeks the offence shall stand compounded. Copy of the order be sent to the office of the RoC. Compliance Report be placed on record.
8. Petition stands disposed off in terms of the above and consigned to Record Room.



(Ina Malhotra)
Member Judicial