

IN THE NATIONAL COMPANY LAW TRIBUNAL : NEW DELHI

COURT-III

CP-73/441/ND/18

In the matter of
Stryker India Pvt. Ltd

....PETITIONER

SECTION :
Under Section 441

Order delivered on 06.3.2018

Coram :
R. VARADHARAJAN,
Hon'ble Member (Judicial)

(V.K. Subburaj)
Hon'ble Member (Tech.)

For the Petitioner /applicant : Mr. Alok Kumar Tripathi, PCS
For the Respondent/Corporate Debtor :

ORDER

Learned authorized representative for the petitioner is present. It is represented by the Ld. AR for the petitioner that the instant petition has been filed for compounding the offence under Section 441 of the Companies Act, 2013 for the offence committed under Section 297 of the Companies Act, 1956. Perusal of the compounding of offence application shows that the application relates to period of default committed in relation to the financial year 2011-2012 & 2013-2014. It is further represented by the Ld. Counsel for the petitioner that during the year 2012-2013, approval has been obtained from the Regional Director in relation to the transaction under the provisions of Section 297 of the Companies Act, 1956. The report as filed by the ROC in relation to compounding under Section 441 of the Companies Act, 2013 shows

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the maximum fine payable as against each of the defaulters in each of the contract is shown as Rs.1,87,000/- and the fine prescribed is below the compounding jurisdiction of this Tribunal if each of the contract and default is taken separately. Hence, Ld. Counsel for the petitioner is required to satisfy this Tribunal as to the maintainability of this petition before this Tribunal and not before the Regional Director taking into consideration the provisions of Section 441 (1) (b) of the Companies Act, 2013. For this purpose, 10 days time is granted.

List on 26.3.2018.

- Sol -

(V.K. SUBBURAJ)
MEMBER (TECHNICAL)

- Sol -

(R. VARADHARAJAN)
MEMBER (JUDICIAL)

Surjit
06.3.2018