

**NATIONAL COMPANY LAW TRIBUNAL**  
**NEW DELHI BENCH**  
**NEW DELHI**

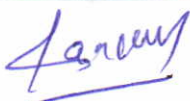
**C. P. NO. 16/117/16**  
**CA. NO.**

**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 22.09.2016**

**NAME OF THE COMPANY:** Shaibal Sinha

**SECTION OF THE COMPANIES ACT:** 621A

<b>S.NO.</b>	<b>NAME</b>	<b>DESIGNATION</b>	<b>REPRESENTATION</b>	<b>SIGNATURE</b>
1.	Sanjay Kumar	Partner Company Secretary	dukhari Rajendra Kumar	

**ORDER**

The petitioner has filed the present application u/s 621A of the Companies Act 1956 for the offence u/s 266C of the Companies Act, 1956 which corresponds to Section 155 of the New Act. The petitioner had inadvertently applied twice for the Director's Identification No. and possessed DIN Nos. 00082504 and 03323156.

2. It is submitted that the petitioner did not have malafide intention in applying for the two DINs on 23.05.2006 and 19.11.2010. He is on the Board of Directors in many companies, both in India and abroad and has used both the DIN(s). The petitioner suo moto filed form RD-1 vide SRN- C61064853 dated 12.08.2015 along with DIR-5 and other documents for cancellation of additional DIN 03323156.

Conrd/-.....

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3. The offence is punishable u/s 266G of the Companies Act 1956 which provides for an imposition of a fine which may extend to Rs.500/- for each day's default.

4. Accordingly, the office of the RoC has calculated and recommended the imposition of the maximum fine of Rs.9,18,500/- on the petitioner for a continuing default from 19.11.2010 to 31.05.2016.


5. As per the report, prosecution has not been initiated. The petitioner admits his mistake, but submits that no one would be prejudiced by his surrender of the DIN. He has therefore prayed for compounding of the offence.

6. Given the facts of the case, though the offence is serious in nature, there is no legal impediment in compounding the offence. I therefore deem it just and fit to impose a fine of Rs.3.5lakhs.

7. Subject to the remittance of the aforesaid fine within two weeks the offence shall stand compounded. The petitioner is permitted to surrender DIN no.03323156 upon payment of fine. Steps be taken thereafter by the office of the RoC to approve his pending form RD-1 vide SRN C61064853 dated August 12, 2015, if there is no other legal impediment. All data relating to the Directorship of the petitioner shall stand migrated to his original DIN No. 00082504.

8. Copy of the order be sent to the office of the RoC. Compliance Report be placed on record.

9. Petition stands disposed off in terms of the above and consigned to Record Room.

  
(Ina Malhotra)  
Member Judicial