

BEFORE THE NATIONAL COMPANY LAW TRIBUNAL, MUMBAI BENCH
TRANSFER COMPANY APPLICATION NO. 342/621A1CLBIMB/2015
PRESENT: B. S.V. PRAKASH KUMAR, MEMBER(JUDICIAL)

In the matter of section 621A Companies Act, 1956, read with Section 441 of the Companies Act, 2013

And

In the matter of **M/s. Ramkrishna Care Medical Sciences Pvt. Ltd.**, having its Registered Office at Budhapara, Raipur, Chhattisgarh – 492 001.

PRESENT FOR THE APPLICANT:-

R. Venkataraman - Practising Company Secretary

Date of Hearing: 17.05.2016

ORDER

Applicant in Default:-

Mr. Sandeep Dave – Managing Director of the Company.

Section Violated :-

Section 211 r.w. Schedule VI of the Companies Act, 1956

Nature of Violation :-

1. As per the submission made in the Report of ROC, Chhattisgarh and as per the submissions made in the Compounding Application, it is observed that the Company has suo-moto filed this application. The Company has failed to give a true and fair view of the view of the state of affairs of the company as at the end of financial year i.e. disclosures regarding quantitative details of turnover in the Profit and Loss account for the financial years 2007-2008, 2008-2009, 2009-10 and 2010-2011 were not made as per the Para 3(i)(a) and (ii)(d) of Part II of Schedule VI read with Section 211 of the Companies Act, 1956. The Registrar of Companies, Chhattisgarh forwarded the compounding application vide his letter No. No. ROC-C.G/621A/JTA/2015/1423 dated 23/10/2015 and the same has been treated as Company Application No. 342/621A/CLB/MB/2015.

2. The undersigned, the then Presiding Officer, of erstwhile Company Law Board had gone through the application and the report submitted by the Registrar of Companies, Chhattisgarh and also the submissions made by the Authorised Representative at the time of hearing and noted that application for compounding of offence committed under Section 211 r.w. Schedule VI of the Companies Act, 1956, merited consideration.

3. Accordingly, the offence committed under section 211 r.w. Schedule VI of the Companies Act, 1956 as stated and explained above has been ordered on 17.05.2016 to be compounded against the Managing Director of the Company on payment of Rs. 40,000/-.

4. Subsequently, vide Notification No. A-45011/14/2016-Ad. IV dated 01.06.2016, issued by the Ministry of Corporate Affairs, New Delhi, the Central Government has constituted the National Company Law Tribunal and dissolved the erstwhile Company Law Board w.e.f. 01.06.2016.

5. The applicants above named have remitted the total compounding fees of Rs.40,000/- with the newly constituted office of the National Company Law Tribunal, Mumbai Bench i.e. after dissolution of the Company Law Board.

6. Having regard to the facts and circumstances of the case, the offence committed under section 211 r.w. Schedule VI of the Companies Act, 1956 by the Company and its two Directors named above, is hereby compounded.

7. Therefore, Registrar of Companies, Chhattisgarh is hereby directed to take further action as provided under section 621A(3)(c)(d) of the Companies Act, 1956.

Ordered Accordingly

Sd/-

B.S.V. PRAKASH KUMAR

Member (Judicial)

Dated this : July 11, 2017