

BEFORE THE NATIONAL COMPANY LAW TRIBUNAL, MUMBAI BENCH

COMPANY APPLICATION NO. 359/441/621A/NCLT/MB/2015

PRESENT: B.S.V. PRAKASH KUMAR, MEMBER (JUDICIAL) AND  
V. NALLASENAPATHY MEMBER (TECHNICAL)

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

In the matter of **M/s. Uttam Foma Techno Cast Private Limited**, having its Registered Office at 609, 6<sup>th</sup> Floor, East Court, Phoenix Market City, Nagar Road, Viman Nagar, Pune, Maharashtra- 411014.

**PRESENT FOR THE APPLICANT: -**

Rajesh Garg - Practising Company Secretary for the Applicants.

Date of Hearing: 09.11.2016

**ORDER**

**Applicants in Default: -**

- 1) M/s. Uttam Foma Techno Cast Private Limited (Company),
- 2) Mr. Rajan Adlakha (Director),
- 3) Mr. Alessandro Montini (Director)
- 4) Mr. Vipen Kumar Khetar(Director)
- 5) Mr. Kashi Lal Gulati ( Ex- Alternative Director )

**Section Violated; -**

Section 96 of the Companies Act, 2013.

**Nature of Violation; -**

1. As per the submission made in the Report of Registrar of Companies, Pune and from the submissions made in the Compounding Application it is observed that, the company had violated the S. 96 of the Companies Act, 2013. The fine is provided u/S. 99 of the Act, 2013 and it read as if any default is made in holding a meeting of the company in accordance with section 96, the company and every officer of the company who is in default shall be punishable with fine which may extend to one lakh rupees and in case of continuing default, with a further fine which may extend to five thousand rupees for every day during which such default continues.  
Accordingly, the applicants have, violated the provision under Section 96 of the Companies Act, 2013. The Registrar of Companies, Pune forwarded the compounding application vide his letter No. ROC/STA/621A/2015/1361 dated 26.11.2015 and the same has been treated as Company Application No. 359/621A/NCLT/MB/MAH/2015.
2. We have gone through the application of the applicants and the report submitted by the Registrar of Companies, Pune and also the submissions made by Authorised Representative for applicants at the time of hearing and noted that application made by the applicants for compounding of offence committed under Section 96 of the Companies Act, 2013, merited consideration.
3. Having regard to the facts and circumstances of the case, the offence committed under Section 96 of the Companies Act, 2013, as stated and explained above in first para and the same is compounded against the Company and its four



payment of Rs. 25,000/- by Company and Rs. 10,000 by its four Directors. The remittance shall be made by way of Demand Draft drawn in favour of "Pay and Accounts Officer, Ministry of Corporate Affairs, Mumbai". Since the Company and its four directors named above have remitted total amount of Rs.65,000/- through

Demand Draft No	Demand Draft Date	Amount	Drawn On
460953	15.11.2016	10,000/-	Deutsche Bank
868316	03.12.2016	25,000/-	State Bank Of India
868327	05.12.2016	10,000/-	State Bank Of India
868328	05.12.2016	10,000/-	State Bank Of India
868329	05.12.2016	10,000/-	State Bank Of India

to the registry of this Bench towards compounding fees, the Registrar of Companies, Pune is hereby directed to take further action as provided under Section 621A(3)(c)(d) of the Companies Act, 1956 read with Section 441 (3) (c) (d) of the Companies Act, 2013.

4. Ordered Accordingly,

Sd/-

**B. S.V. PRAKASH KUMAR**  
Member (Judicial)

Sd/-

**V.NALLASENAPATHY**  
Member (Technical)

Dated this **August 31** , 2017