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NATIONAL COMPANY LAW TRIBUNAL
AHMEDABAD BENCH
AHMEDABAD

TP No. 181/621A/NCLT/AHM/2016 (New)
CA No. 74-A/621A/CLB/MB/2015 (Old)

Coram: **Present: Hon'ble Mr. BIKKI RAVEENDRA BABU**
MEMBER JUDICIAL

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING OF AHMEDABAD BENCH OF THE NATIONAL COMPANY LAW TRIBUNAL ON 16.03.2017

Name of the Company: Safal Buildcon Pvt. Ltd.

Section of the Companies Act: Section 210 of the Companies Act, 2013

S.NO.	NAME (CAPITAL LETTERS)	DESIGNATION	REPRESENTATION	SIGNATURE
1.				
2.				

ORDER

None present for both parties.

Order Pronounced in open Court vide separate sheet.

16/3/17

BIKKI RAVEENDRA BABU
MEMBER JUDICIAL

Dated this the 16th day of March, 2017.

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NATIONAL COMPANY LAW TRIBUNAL
AHMEDABAD BENCH
AHMEDABAD

T.P. No. 181/621A/NCLT/AHM/2016(New)
CA No.74-A/621A/CLB/MN/2015 (Old)

CORAM: SRI BIKKI RAVEENDRA BABU, MEMBER JUDICIAL

Date: 16th March, 2017

In the matter of:

Uday Hasmukhlal Vora
32/A, Basant Bahar Bunglow,
Nr purshottam Nagar bus stop, Bopal,
Ahmedabad-380058 : Petitioner.

Appearance:

Mr. Kamlesh M. Shah, learned PCS for the Petitioner.

FINAL ORDER

Pronounced on 16th day of March, 2017

1. The Director of M/s. Safal Buildcon Pvt.Ltd., filed this petition under Section 621A of the Companies Act for violation of Section 221 of the Companies Act, 1956.

2. As per the provisions of Section 210 (1) of the Companies Act, 1956, every company at its every Annual General Meeting shall lay before the company a balance sheet and profit and loss accounts at the end of every financial year.

3. M/s. Safal Buildcon Pvt.Ltd., hold Annual General Meeting for the year ended 31.3.2013 on 12.9.2014 in which the

annual account of the company for the year ended 31.3.2013 was approved by the shareholders. Hence, petitioner being the Director of M/s. Safal Buildcon Pvt.Ltd., contravened the provisions of Section 210 of the Companies Act. Petitioner admitted the said violation in his Petition filed before the Registrar of Companies on 9.1.2015.

4. The Registrar of Companies along with his Report forwarded the Petition to the Company Law Board. The Company Law Board registered the same as "CA No. 74 of 2015" but it was treated as "CA No. 74-A of 2015". The said matter was transferred to NCLT, Ahmedabad. It is renumbered as "TP No. 181 of 2016".

5. It is stated in the Petition that due to the disputes between the two groups in the Company, there was delay in holding the meetings and therefore the accounts were not adopted in time.

6. The Registrar of Companies, in his Report stated that the Company is not a vanishing company and the similar offence under Section 210 of the Companies Act was not compounded during the last 3 years by the petitioner. Registrar of Companies also stated that the application appears to be proper.

7. The date of default in this case is on 31.3.2013. This Petition was filed with the Registrar of Companies on 9.1.2015. Section 129 of the Companies Act, 2013 came into force on 1.4.2014. Whereas Section 441 of the Companies Act, 2013 came into force with effect from 1.6.2016. This Petition was filed on 9.1.2015, that means by the date of filing of this Petition Section 441 of the Companies Act had not come into force. Therefore, the violation in this case relates to the period prior into coming into force of Section 129 of the Companies Act. Therefore, the violation can be treated as

violation under Section 210 of the Companies Act, 1956 and it is compoundable under Section 621A of the Companies Act, 1956.

8. The Ministry of Corporate Affairs, by way of Notification dated 1st June, 2016 SO 1936-E, declared that the matters transferred from the Company Law Board to National Company Law Tribunal shall be disposed of in accordance with the provisions of Act 18 of 2013 or the Companies Act, 1956.

9. The punishment provided under Section 210 of the Companies Act is imprisonment for a term which may extend to six months or with fine which may extend to Ten Thousand rupees or with both.

10. Therefore, the Petitioner is directed to pay compounding fee of Rs. 10,000 [Ten Thousand] for compounding the offence under Section 210 of the Companies Act, 1956.

11. Hence, violation of Section 210 of the Companies Act, 1956, committed by the petitioners is compounded on payment of Rs. 10,000/-. The petitioner shall pay the sum of Rs. 10,000/- by way of Demand Draft drawn on Nationalised Bank in favour of Pay and Accounts Officer, Ministry of Corporate Affairs, Mumbai, within three weeks from the date of this order and file the original Demand Draft before the Registry of this Tribunal on or before 13.4.2017.

12. In case the petitioner fails to pay the amount as ordered above, the Registrar of Companies shall take appropriate action including prosecution of the petitioner as per applicable law under intimation to this Tribunal forthwith.

13. Petition is disposed of accordingly. Send copy of this order to the petitioners for compliance, and Registrar of Companies, Gujarat, Ahmedabad for reporting compliance of the order by the petitioners. List the matter on 17.4.2017.

16/3/17

BIKKI RAVEENDRA BABU
MEMBER JUDICIAL

Pronounced by me in open court on this the 16th day of March, 2017.

By RMR, PS.