

NATIONAL COMPANY LAW TRIBUNAL
NEW DELHI BENCH
NEW DELHI

C. P. NO.

CA. NO. 16/150/2015

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 16.05.2017**

NAME OF THE COMPANY: Sh. Nagesh Jain

SECTION OF THE COMPANIES ACT: 621A

S.NO.	NAME	DESIGNATION	REPRESENTATION	SIGNATURE
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Present- Mr. Anil Kumar Nandwani, FCS

Mr. Manish Raj, C.P, RoC, Delhi

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 allegations ~~against~~ are of having applied twice for the Director's Identification No. and possessing DIN Nos. 00173329 and 03144816.

2. It is submitted that the petitioner did not have any malafide intention in applying for two DINs 00173329 and 03144816 on

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19.05.2006 and 27.07.2010 respectively. On being issued a show cause notice, he took immediate steps and filed form RD-1 vide SRN-C52952660 dated 05.08.2015 along with DIR-5 and other documents for cancellation of DIN 03144816.

3. The offence of having more than one Identification Number 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. Accordingly, the office of the RoC has calculated and recommended the imposition of the maximum fine for a continuing default from 27.07.2010 to 14.05.2015.

4. As per the report, prosecution has not been initiated. The petitioner admits his mistake, and submits that the same was done inadvertently and that no one would be prejudiced by his surrender of the DIN as he has never used it. He further submits that he has applied for surrender of DIN by filing e-form RD-1 with DIR-5. He therefore prays for compounding of the offence.

5. 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 25000/- for the default which continued for about 5 years.

6. Subject to the remittance of the aforesaid fine within two weeks the offence shall stand compounded and his surrender of DIN no. 03144816 shall be accepted. Steps be taken thereafter by the office of the RoC to approve his pending form RD-1 vide SRN C52952660 dated 05.08.2015, if there is no other legal impediment. All data relating to the Directorship of the petitioner shall stand migrated to her DIN Nos. 00173329

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

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

Sd/-

(Ina Malhotra)
Member Judicial