

NATIONAL COMPANY LAW TRIBUNAL
NEW DELHI BENCH
NEW DELHI

C. P. NO.
CA. NO. 16/176/2015

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. Pradeep Jain

SECTION OF THE COMPANIES ACT: 621A

S.NO.	NAME	DESIGNATION	REPRESENTATION	SIGNATURE
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Present- 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 petitioner had inadvertently applied twice for the Director's Identification No. and possessed DIN Nos. 01887874 and 02696194.

2. It is submitted that the petitioner did not have any malafide intention in applying for two DINs 01887874 and 02696194.on 17.11.2007 and 01.07.2009 respectively. As per the RoC, the default has

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been made good and the petitioner has submitted the application to surrender the DIN on 21.05.2015 in physical mode, but as per the procedure advised in show cause notice to file online Form RD-1 it should be filed by the company and signed by the authorized signatory of the company.

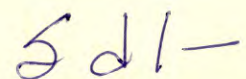
3. The offence of having more than one Identification Number is punishable u/s 266G of the Companies Act 1956 which provides for an imposition of a fine which may extend to Rs.500/- for each day's default. Accordingly, the office of the RoC has calculated and recommended the imposition of the maximum fine of Rs.1077000/- on the petitioner for a continuing default from 01.07.2009 t 21.05.2015.

4. As per the report, prosecution has not been initiated. The petitioner admits his mistake, and submits that no one would be prejudiced by his surrender of the DINs as he has never used it. 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 35000/-.

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

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



(Ina Malhotra)
Member Judicial