

**NATIONAL COMPANY LAW TRIBUNAL**  
**NEW DELHI BENCH**  
**NEW DELHI**

**C.P.No.**  
**CA.Nos. 16/88/2016**  
**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 30.06.2017**

**NAME OF THE COMPANY:** Metro Buildtech Private Limited

**SECTION OF THE COMPANIES ACT:** 621A

<b><u>S.NO.</u></b>	<b><u>NAME</u></b>	<b><u>DESIGNATION</u></b>	<b><u>REPRESENTATION</u></b>	<b><u>SIGNATURE</u></b>
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**Present:** Mr. Kamal Kant Jha, Senior Panel Counsel for RoC  
Mr. Manish Raj, Company Prosecutor, RoC Delhi  
Ms. Rekha Mittal, Company Secretary.

**ORDER**

The petitioners have filed this application u/s 621A of the Companies Act, 1956 praying for compounding of the offence u/s 209(1) of the Companies Act 1956. The said petition has been routed through the office of the RoC along with their comments. It is submitted that during a technical scrutiny carried by the office of the Regional Director, it was observed that the company had not maintained proper books of accounts in respect of reflecting, correct sales, expenses incurred by the company and the income received by it. These



transactions raised serious doubts on the true and fair affairs of the company and the Profit and Loss Account prepared by the company.

2. The period of default is stated to be from 31.03.2011 to 31.03.2013.

3. The aforesaid offence is punishable u/s 209(5) of the Companies Act, 1956 whereby if any of the persons referred to in sub-section (6) fails to take all reasonable steps to secure compliance by the company with the requirements of this section, or has by his own wilful act been the cause of any default by the company there under, he shall, in respect of each offence, be punishable with imprisonment for a term which may extend upto six months or with fine upto Rs.10,000/-, or with both.

4. As per the report of the RoC, the default has not been made good. The maximum fine which is recommended by the office of the RoC is Rs. 10,000/- for each year's default on each of the applicants, which aggregates to Rs. 30,000/- on each for default of 3 years.

5. In Court however, the Ld. PCS appearing on behalf of petitioner submitted that there has no violation of the aforesaid provision inasmuch as the said requirement was inapplicable in their case. It is the petitioner's case that given the nature of their business, keeping the stock record was not possible. The Auditors had duly explained the same in their report.

6. Given this argument that in fact there was no default, notice was issued to the office of the RoC to explain why the petitioners were allegedly under the

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threat of prosecution when they maintain that no wrong had been done. Pursuant to the notice, Ld. Company Prosecutor appeared and maintained their stand that violations had been detected for which prosecution shall lie.

In the circumstances, Ld. PCS was granted liberty to withdraw and contest the prosecution as and when initiated, but at this stage she submits that she withdraws her objections and prays for compounding of the offence.

7. Having accepted their default, this application is allowed, and the petitioner/applicants' prayer is being considered. Accordingly, this Bench deems it sufficient to impose an aggregate fine of Rs. 5000/- on each of the defaulting parties as a single default has a cascading effect of attracting several violations, each required to be compounded. Accordingly, fine is imposed as under:

For	Amount
Mr. Rajinder Kumar Goyal	5000/-
Mr. Aakash Deep Goyal	5000/-
Mrs. Salochna Goyal	5000/-

8. Fine imposed on the Directors/officers shall be paid out of their personal accounts.



9. Subject to the remittance of the aforesaid fine within 30 days, the offence shall stand compounded. Copy of the order be sent to the office of the RoC. Compliance Report be placed on record.

10. Petition stands disposed off in terms of the above.

Idi-

**(Ina Malhotra)**

**Member Judicial**