

BEFORE THE NATIONAL COMPANY LAW TRIBUNAL, MUMBAI BENCH
TRANSFER COMPANY APPLICATION NO. 50/621A/CLB/MB/2016
PRESENT: B.S.V. PRAKASH KUMAR, MEMBER (JUDICIAL) AND
V. NALLASENAPATHY MEMBER (TECHNICAL)

In the matter of Section 621A of the Companies Act, 1956, r. w. Section 441 of the Companies Act, 2013.

In the matter of **M/s. Thakur Infra Projects Pvt. Ltd.**, having its Registered Office at House No. 1221, At & Po: Jasai, Jasai Naka, Taluka Uran, Navi Mumbai, Raigad – 410 702.

PRESENT FOR THE APPLICANTS: -

Mr. Roy Jacob, Practising Company Secretary for the for the Applicants.

Date of Hearing: 26.08.2016

ORDER

Applicants in Default: -

M/s. Thakur Infra Projects Pvt. Ltd. (Company), Mr. Paresh Ram Thakur (Managing Director).

Section Violated; -

Section 220 of the Companies Act, 1956.

Nature of Violation; -

1. As per the submission made in the Report of Registrar of Companies, Mumbai and from the Compounding Application it is observed that the Company has filed Balance sheet and profit and loss account of the company for the financial year 2010-11 together with the Directors' and Auditors' report thereon with Registrar of Companies on 04.03.2014. That a compliant under Sections 220(3) of the Companies Act, 1956 is purported to have been filed before the Hon'ble Addl. Chief Metropolitan Magistrate 37th Court, Espalanade, Mumbai, inter-alia charging the Company for non-compliance of Section 220 the Act, which was due to be filed with Registrar of Companies on or before 29.10.2011.

Accordingly, the applicants have, violated the provision under Section 220 of the Companies Act, 1956. The Registrar of Companies, Mumbai forwarded the compounding application vide his letter No. ROC/STA/621A/170 dated 04.03.2016 and the same has been treated as Company Application No. 50/621A/CLB/MB/MAH/2016.

2. We have gone through the application of the applicants and the report submitted by the Registrar of Companies, Mumbai 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 220 of the Companies Act, 1956, merited consideration.

3. Having regard to the facts and circumstances of the case, the offence committed under Section 220 of the Companies Act, 1956, as stated and explained above in first para is compounded against the Company and its Managing director on payment of Rs. 1,00,000/- by the Company and Rs. 50,000/- by Mr. Paresh Ram Thakur (Managing Director). 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 director named above have remitted total amount of Rs. 1,50,000/- through Demand Draft No. 815925 & 815926 dated 19.09.2016 drawn on Bank of India to this Bench towards compounding fees, the Registrar of Companies, Mumbai 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.

Ordered Accordingly,

Sd/-
B. S.V. PRAKASH KUMAR
Member (Judicial)

Dated this January 25, 2017

Sd/-
V. NALLASENAPATHY
Member (Technical)