

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

**C. P. NO.**  
**CA. NO. 16/47/2017**

**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 09.05.2017**

**NAME OF THE COMPANY: M/s. Ansal Properties And Infrastructure Ltd**

**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. Arjun Pitti, FCA

**ORDER**

The petitioners have filed this application u/s 441 of the Companies Act, 2013 praying for compounding of the offence u/s 209(1) (d) of the Companies Act 2013. The said petition has been routed through the office of the RoC along with their comments, bringing it to the notice of the Tribunal that an inspection of the records of the petitioner revealed that the cost records did not give a true and fair view of the cost of operation, cost of Sales and margin of all production/ activities of the Company. It is submitted that as per section 209(1)(d) of the Companies Act, 1956, in the case of a company engaged in

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production, processing, manufacturing or mining activities, such particulars relating to utilization of material or labour or other items of cost as may be prescribed, the Central government mandates that it shall include such particulars in the books. These rules have also been made applicable on all companies engaged in construction and development of Real estate.

2. The period of default is stated to be for the year 2013-2014. It is submitted by the petitioners that the said violation had occurred due to inadvertence and without any malafide intention and having realized their mistake have taken suo moto steps for compounding the offence.

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. The RoC has therefore recommended the imposition of the maximum fine of Rs. 10,000/- in terms of Section 209(5) of the Companies Act, 1956 on the Company and each of its three defaulting officers.

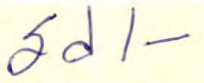
4. It is submitted that the company has made good the default by filling SRN S31196876.

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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:

<b>For</b>	<b>Amount</b>
Mr. Sushil Ansal	Rs. 5000/-
Mr. Anil Kumar	Rs. 5000/-
Mr. Pranav Ansal	Rs. 5000/-
Mr. Prabhu Nath Mishra	Rs. 5000/-
Mr. Amitav Ganguly	Rs. 5000/-

6. Fine imposed on the Directors/officers shall be paid out of their personal accounts.
7. 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.
8. Petition stands disposed off in terms of the above.

  
**(Ina Malhotra)**  
**Member Judicial**