

NATIONAL COMPANY LAW TRIBUNAL
NEW DELHI BENCH
NEW DELHI

C. P. NO.

CA. NO. 16/82/2016

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 23.01.2017**

NAME OF THE COMPANY: M/s. Alcatel-Lucent India Limited

SECTION OF THE COMPANIES ACT: 621A

<u>S.NO.</u>	<u>NAME</u>	<u>DESIGNATION</u>	<u>REPRESENTATION</u>	<u>SIGNATURE</u>
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Present: Mr. Anuj Kumar, Advocate for petitioner.

ORDER

The petitioner has filed the present application u/s 621A of the Companies Act 1956 for the offence u/s 149(1) r.w Section 172 of the Companies Act, 2013. The said petition has been routed through the office of the RoC along with their comments. The company's turnover being more than Rs.300 crore as per the Financials for the year ending 31.03.2014, was required to have one woman director on its Board. Compliance period was one year in terms of Section 149(2) of the Act. The penalty for non compliance is provided for in Section 172.

Contd/-.....

2. As per requirement of Section 172 of the Companies Act, 2013:

“ If a company contravenes any of the provisions of this Chapter and for which no specific punishment is provided therein, the company and every officer of the company who is in default shall be punishable with fine which shall not be less than fifty thousand rupees but which may extend to five lakh rupees.

3. The period of default is stated to be for one year from 01.04.2014 to 10.12.2015. It is submitted by the petitioners that the said violation had occurred without any malafide intentions and pray for compounding the offence. The company has now appointed a Woman Director and therefore put an end to their default.

4. The RoC has therefore recommended the imposition of the maximum fine on the Company and each of its five defaulting officers as under:-

Name of Defaulter	Amount (in Rs.) approx*
M/s. Alcatel-Lucent India Pvt. Ltd.	5,00,000/-
Mr. Sandeep Gulati	5,00,000/-
Mr. Hitesh Mehra	5,00,000/-
Mr. Srinivasan Sundararajan	5,00,000/-
Mr. Ram Kari Georges Thomas	5,00,000/-
Mr. Sandeep Gulati	5,00,000/-

5. Given the facts of the case, there is no legal impediment in compounding of this offence. Since the default was rectified on 23.03.2015 by appointing a Woman Director, the petitioner/applicants' prayer for compounding can be granted. This Bench deems it sufficient to impose a fine of Rs. 75,000/- each on the Company and its defaulting Directors.

6. Subject to the remittance of the aforesaid fine within 15 days, the offence shall stand compounded. 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 be consigned to Record Room.

Sd -

(Ina Malhotra)
Member Judicial