

**BEFORE THE NATIONAL COMPANY LAW TRIBUNAL
BENGALURU BENCH
T.P.NO. 172/2016**

C.A. 221/621A/CB/2015

***PRESENT: SHRI RATAKONDA MURALI, MEMBER JUDICIAL
SHRI. ASHOK KUMAR MISHRA, MEMBER TECHNICAL***

**IN THE MATTER OF COMPANIES ACT, 1956
UNDER SECTION 621A AND SECTION 266C READ WITH SECTION
266G OF THE COMPANIES ACT, 1956.**

**AND
IN THE MATTER OF M/S NIKKO SOLAR PRIVATE LIMITED**

C.A. 221/621A/CB/2015 IN T.P.NO. 172/2016

**Ms. Shruthika Prakash – Director
D/o Prakash Krishna Chandra,
C6, Swapnalok, 28 Aga Abbas Ali road,
Ulsoor,
Bangalore-560042.**

- **APPLICANT**

PARTIES PRESENT: Ms. Pallavi Sridhar, # 82, 3rd Floor, S.T.Bed, 4th
Block, Koramangala, Bangalore-560034., Counsel
and Authorised representative for the Applicant.

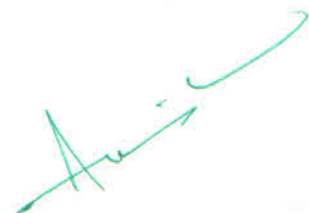
Heard on: 27/10/2016, 18/11/2016 and 28/11/2016

ORDER

The Petition is filed on behalf of Applicant under Sec.621A of the Companies Act 1956 and under Section 266C read with Section 266G of the Companies Act 1956. Originally the Compounding petition was filed before the Registrar of Companies, Karnataka at Bangalore on 10th June 2015. Consequent upon the establishment of National Company Law Tribunal Bench at Bengaluru, the said case was transferred to this Tribunal on abolition of Company Law Board, Southern Region, Chennai Bench and numbered as T.P.No. 172/2016. This petition is filed by the Petitioner with a prayer to record compounding of the offence. Contents of the Company Petition are briefly stated hereunder:

It is averred in the Company petition that, Ms. Shruthika Prakash, is said to be in possession of multiple Director Identification Number (DIN) and the details of the same are as follows:-

- a) DIN: 2600461 approved on 27/03/2009
- b) DIN: 3134297 approved on 05/07/2010

It is stated that, the Applicant petitioner was unaware of the existence of a Duplicate DIN/Multiple Din. She came to know about the existence of Multiple DIN when a Show Cause Notice was issued to her by the Regional Director (Northern Region) vide No. SCN/Multiple DIN/RDNR/2015/170 dated 21/04/2015.

It is further stated that, she was Director of the Company M/s Nikko Solar Private Limited and that she immediately filed e-form RD-1 along with Form DIR-5 and other prescribed attachments and up loaded the same vide SRN No. C53628202 dated 21/05/2015 to the Registrar of Companies, Karnataka at Bangalore for surrender and cancellation of the duplicate DIN: 3134297.

It is further stated that Applicant/Director did not use the DIN No. 3134297 for any purpose except for tendering resignation from the Board of Director of M/s Heritage Golf Private Limited. It is stated that, the violation occurred due to ignorance and that after knowing she took step to surrender and for cancellation of DIN No. 3134297. Therefore, this application for compounding the violation of Section 266C of the Companies Act, 1956 which is punishable under section 266G.

Section 266 (C) which reads as follows:

“Prohibition to obtain more than one Director Identification Number – No individual, who had already been allotted a Director Identification Number under section 266B, shall apply, obtain or possess another Director Identification Number.”

Section 266G which reads as follows:-

“If any individual or director, referred to in section 266A or section 266C or section 266D or a company referred to in section 266E, contravenes any of the provisions of those sections, every such individual or director or the company, as the case may be, who or which, is in default, shall be punishable with fine which may extend to five thousand rupees and where the contravention is a continuing one, with a further fine which may extend to five hundred rupees for every day after the first during which the contravention continues”.

We have received report from the Registrar of Companies, Karnataka at Bengaluru vide No. ROCB/AHN/CO 80129/2015 dated 14th July 2015. It is stated in the report that, Applicant Ms. Shruthika Prakash committed the violation of provisions of section 266C of the Act by obtaining more than one Director Identification Number (DIN). It is also stated that, default was made good and DIN No. 2600461 is alone in existence and other DINs either lapsed or rejected. He also stated that, there was delay of 1748 days in rectifying the default.

The Counsel for Applicant has filed the affidavit of the Applicant in which she has stated that, since she came to learn about the existence of duplicate DIN, she filed Form DIR-5 on 21st May 2015 and the Duplicate DIN No. 3134297 was cancelled. Counsel also stated that, it is evident from the portals of the website of Ministry of Corporate Affairs. The Applicant has filed Board Resolution for cancellation of the Duplicate DIN No.3134297 of the Applicant. The Applicant petitioner has filed copy of the Show Cause Notice.

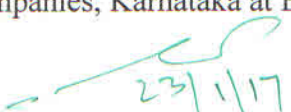
We have heard the Counsel for the Applicant on 27/10/2016, 18/11/2016 and 28/11/2016, who urged that Applicant had applied for cancelling of Duplicate DIN and it was cancelled and the Applicant at present is having only one DIN. The Counsel for Applicant further contended that due to ignorance only, this had occurred and there was no willful default.

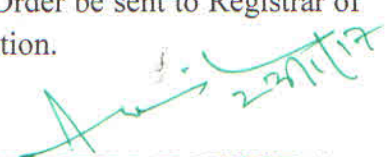
Considering the submissions of the Counsel for the Applicant and after going through the contents of the Petition, report of the Registrar of Companies, Karnataka at Bangalore, the violation can be compounded by levying compounding fee on the Applicant as stated hereunder:-

Sl. No.	Particulars	Violation of Sec.266C of the Companies Act, 1956	Delay of 1748 days	Total Rs.	Grand Total Rs.
1	Applicant - Director	Rs. 2,000/-	1748 x 20/-	34,960/-	36,960/-

In pursuant to our Order dated 07/12/2016 mentioned herein above, the Applicant have paid the compounding fee by depositing Demand Draft bearing No. 000592 dated 13/01/2017 for Rs. 36,960/- (Rupees Thirty Six Thousand Nine Hundred Sixty only) of HDFC Bank, Koramangala 4th Block, Bangalore-560034 drawn in favour of "Pay and Accounts Officer, Ministry of Corporate Affairs, payable at Chennai".

As the compounding fee has been remitted by the Applicant, the offence stated in the petition is compounded. A copy of this Order be sent to Registrar of Companies, Karnataka at Bangalore for appropriate action.


(RATAKONDA MURALI)
MEMBER, JUDICIAL


(ASHOK KUMAR MISHRA)
MEMBER, TECHNICAL

DATED THIS THE 23rd DAY OF JANUARY 2017