

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

C. P. NO. 16/38/2016

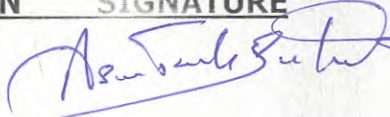
CA. NO.

**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 21.11.2016**

**NAME OF THE COMPANY:** M/s. Crystal Crop Protection Pvt. Ltd.

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

<b>S.NO.</b>	<b>NAME</b>	<b>DESIGNATION</b>	<b>REPRESENTATION</b>	<b>SIGNATURE</b>
1.	ASHUTOSH GUPTA	Adv.	Applicant	

**ORDER**

This application has been filed seeking certain corrections in order dated 30.05.2016 passed by Ld. Predecessor of the erstwhile Company Law Board.

2. The petitioner had filed an application u/s 621A of the Companies Act, 1956 praying for compounding of the offence u/s 217 of the Companies Act for the financial year 2011-12, 2012-13 & 2013-14. By the impugned order dated 30.05.2016, compounding had been permitted by imposing a fine of Rs.10,000 per year on each of the directors in charge and responsible for the affairs of the company during the relevant years. Accordingly, fine had been imposed as under:

MD	: Rs.10,000 x 3(Years)	= Rs.30,000/-
4Directors	: Rs.10,000 x 4 Dirs.	
	: Rs.40,000 x 3 (Years)	= Rs.1,20,000/-
3Ex-Directors	: Rs. 10,000 x 3 Dirs.	
	: Rs.30,000 x 3(Years)	= Rs. 90,000/-
Total		= Rs. 2,40,000/-

Contd/-.....

3. The applicant submits that the directors in charge responsible during the three years were as under:-

S.No.	Name of the applicants/director	Period of default
1.	Nand Kishore Aggarwal	2011-12, 2012-13 2013-14
2.	Ankur Aggarwal	2011-12, 2012-13 2013-14
3.	Mahender Singh Malik	2011-12 2012-13
4.	Joginder Singh	2011-12, 2012-13 2013-14
5.	Arvind Kumar Tyagi	2011-12, 2012-13 2013-14
6.	Dhanpal Arvind Jhaveri	2011-12, 2012-13 2013-14
7.	Ram Singh	2011-12
8.	Bhupal Singh Jaggi	2011-12
9.	Sharad Venkta	2013-14

4. He therefore submits that the total fine attracted for compounding offence was not against four directors but five as detailed above. Accordingly, the fine payable by each of the directors in charge during the relevant years would be liable to pay the fine as under:-

S.No.	Name of the applicants/director	Period of default	Amount of penalty as per order dated 30.05.2016 (in INR)
1.	Nand Kishore Aggarwal	2011-12, 2012-13 2013-14	30,000
2.	Ankur Aggarwal	2011-12, 2012-13 2013-14	30,000



3.	Mahender Singh Malik	2011-12 2012-13	20,000
4.	Joginder Singh	2011-12, 2012-13 2013-14	30,000
5.	Arvind Kumar Tyagi	2011-12, 2012-13 2013-14	30,000
6.	Dhanpal Arvind Jhaveri	2011-12, 2012-13 2013-14	30,000
7.	Ram Singh	2011-12	10,000
8.	Bhupal Singh Jaggi	2011-12	10,000
9.	Sharad Venkta	2013-14	10,000
Total			2,00,000/-

5. It is therefore pointed out that the total fine payable is Rs.2 Lakhs and not Rs.2.4 Lakhs as calculated in terms of the Directions. The submissions made the petitioner appear to be correct. The prayer is therefore allowed. The fine attracted for compounding the offence therefore stands amended to a total of Rs.2 Lakhs which has already been paid.

6. Compliance Report be verified and communicated to the office of the RoC.

7. Application disposed off.

Sd-

(Ina Malhotra)  
Member Judicial