

NATIONAL COMPANY LAW TRIBUNAL
NEW DELHI BENCH
NEW DELHI

C.P.No.16/04/2017
CA.Nos.
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 12.01.2017**

NAME OF THE COMPANY: M/s. ICF Consulting Services India Pvt. Ltd.

SECTION OF THE COMPANIES ACT: 441

<u>S.NO.</u>	<u>NAME</u>	<u>DESIGNATION</u>	<u>REPRESENTATION</u>	<u>SIGNATURE</u>
---------------------	--------------------	---------------------------	------------------------------	-------------------------

Present: Ms. Rekha Mittal, Company Secretary.

ORDER

The petitioner company, which was incorporated on 09.12.2010, filed its Annual Returns for the year ending 2010-11 to 2012-13 with the RoC, but during an internal review of the documents, realized that information relating to the shareholding structure and date of appointment of directors was not in line with the information as they stood on the date of the AGM. They therefore filed the revised annual return for the said years, resulting in non compliance of the statutory requirement u/s 159, 210 & 220 of the Companies Act, 1956.

2. The period of default is stated to be for 1811, 1382 & 1023 days for the F.Y.2010-11, 2011-12 and 2012-13 respectively. It is submitted that the fine applicable till the notification of the Companies Act was one u/s 162(1) of the Companies Act 1956 which could extend to Rs.500/- for

Contd/-.....



each day's delay, while after notification of the Companies Act, 2013, i.e. w.e.f. 01.04.2014, the offence attracted a minimum fine of Rs.50,000/- but which could extend to Rs.5lacs as per the provisions of Section 92(5) of the Companies Act, 2013. Accordingly, the office of the RoC has calculated and recommended the imposition of the maximum fine on the petitioner company as Rs.21,08,000/-.

3. As per the report, prosecution has not been initiated. The petitioner submits that the said omission was inadvertent and not on account of any malafide intentions. It was also their first default and did not cause prejudice to the interest of its members or other stakeholders, nor did it impact the financial strength of the company. The company has filed Annual Return (Form 20B) on 12.09.2016 for the financial year 31.03.2011 and 31.03.2012 and on 19.09.2016 for Financial year 31.03.2013.

4. Given the facts of the case, it would be sufficient to impose a fine of Rs. 2.5 Lakhs on the petitioner company. Accordingly, the fine is imposed as under:

Name of the Applicants	Penalty
M/s. ICF Consulting Services Pvt. Ltd.	2.5 Lakhs

5. Subject to the remittance of the aforesaid fine within two weeks, the offence shall stand compounded. Upon compliance, the Bench Officer shall communicate the same to the office of the RoC for taking appropriate steps.

6. Petition stands disposed off in terms of the above and consigned to Record Room.


(Ina Malhotra)
Member Judicial