

NATIONAL COMPANY LAW TRIBUNAL
NEW DELHI BENCH
NEW DELHI

C. P. NO. 16/221/13
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 15.02.2017**

NAME OF THE COMPANY: M/s.Madhusudan Auto Ltd.

SECTION OF THE COMPANIES ACT: 621A

S.NO.	NAME	DESIGNATION	REPRESENTATION	SIGNATURE
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Present: Mr. Ashutosh Sharma, PCS

ORDER

The petitioners have filed this application u/s 441 of the Companies Act, 2013 praying for compounding of the offence u/s 297 (1) of the Companies Act, 1956. The said petition has been routed through the office of the RoC along with their comments. The company did not obtain prior approval of the Central Government for carrying out Related Parties transactions with their associate Company M/s. Best Koki Automotive Pvt. Ltd., for providing various services in the field of production, vendor development, purchase, finance and account, information technologies, human resources, administration etc by passing the Board Resolution.

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2. The period of default is stated to be from 01.04.2009 to 30.04.2013. It is submitted that the defaults have been put to an end.
3. The aforesaid offence is punishable u/s 629A of the Companies Act, 1956 whereby the Company and every officer who is in default is punishable with a fine which may extend to Rs.5000/- and where the contravention is a continuing one, with a further fine which may extend to Rs.500 for every day after the first during which the contravention continues. The RoC has therefore recommended the imposition of the maximum fine in terms of Section 629A of the Companies Act, 1956 which tantamounts to Rs. 7,49,000/- on the Company and on each of the petitioners.
4. Given the facts of the case that the default has been rectified, and there is no legal impediment in compounding of this offence, the prayer made in the petition can be granted. This Bench deems it sufficient to impose a composite fine of Rs. 50,000/- on the company and each of the defaulting petitioners. Accordingly, fine is imposed as under:

Name of Defaulter	Amount (in Rs.)*
M/s. Madhusudan Auto Ltd.	50,000/-
Mr. Surinder Kumar Jain	50,000/-



Mr. Nitesh Jain	50,000/-
Mr. Nitin Jain	50,000/-
Mr. Anand Kumar Sahoo	50,000/-

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

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(Ina Malhotra)
Member Judicial