

**IN THE NATIONAL COMPANY LAW TRIBUNAL  
AT NEW DELHI**

**Date of Pronouncement: 10<sup>th</sup> Febrauray,2017**

**Company Petition No. 16/21/2017**

**And**

**Company Petition No. 16/22/2017**

**In the matter of**

The Companies Act, 1956 under section 621A

**And**

**In the matter of**

Mr. Sorabh Jain, Cost Accountant of M/s. Martin and Harris Laboratories Ltd.

**CORAM:**

**MS. INA MALHOTRA, MEMBER (JUDICIAL)**

**For Petitioner (s)**

Sh. H.L.Tiku, Senior Advocate with Mr. Rajnish Sinha  
and Mr. Arunina Bose, Advocates.

**ORDER**

Vide this common order, I propose to dispose off two petitions for non compliance of the statutory requirement u/s 233B of the Companies Act for financial years 2012-13 & 2013-14. The petitioner Mr. Saurabh Jain is the proprietor of a Cost Accounting firm, M/s. Saurabh Jain & Associates and was appointed as Cost Accountants by M/s. Martin and Harris Laboratories Ltd. Due to certain non compliances by M/s. Martin and Harris Laboratories Ltd, the applicant as the Company's Cost Accountant is being prosecuted for the offence u/s 233B (11) of the Companies Act 1956 r/w Section 148 (8) (b) of the

*M/s. Martin and Harris Laboratories Ltd.*

Companies Act, 2013. Since the petitions are in respect of the same default, for two consecutive years, they are being consolidated for the purpose of compounding.

2. The said petitions have been routed through the office of the RoC along with their comments. The petitioner had conducted the cost audit of M/s. Martin and Harris Laboratories Ltd., for the F.Y ending 31.03.2013 and 31.03.2014 respectively but failed to upload Form1 as per statutory requirements, thereby violating the provisions of Section 233B of the Companies Act 1956.

3. It is submitted by the petitioner that the said violation had occurred inadvertently and without any malafide intention and for other reasons mentioned in his petition. On receipt of notice issued by the office of the RoC, he realized this omission and has taken steps for compounding the offence. The said default was rectified by uploading the required documents for the relevant period. Though the RoC has recommended a fine of Rs.5,00,000/- for each year's default, keeping in view that the omissions pertain to a period prior to 01.04.2014, I am inclined to entertain the same under the 1956 Act. The fine for this offence is provided for u/s 233B (11).

4. As the default has been made good, and the petitioner/applicant's prayer can be granted. This Bench however deems it sufficient to impose a fine of Rs.5000/- for each year's default. Accordingly, the fine imposed on the applicant is as under:-

<b>Name of Defaulter</b>	<b>Amount (in Rs.)* For F.Y.2012-13</b>	<b>Amount (in Rs.)* For F.Y.2013-14</b>
Mr. Sourabh Jain	5,000/-	5,000/-



5. 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.

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

5d/-  
(Ina Malhotra)  
Member Judicial