

**BEFORE THE NATIONAL COMPANY LAW TRIBUNAL, MUMBAI BENCH**  
**COMPANY APPLICATION NO. 57/441/NCLT/MB/2016**  
**PRESENT: B.S.V. PRAKASH KUMAR, MEMBER (JUDICIAL) AND**  
**V. NALLASENAPATHY MEMBER (TECHNICAL)**

In the matter of Section 621A of the Companies Act, 1956 read with Section 441 of the Companies Act, 2013.

In the matter of **M/s. CMS IT SERVICES PRIVATE LIMITED**, having its Registered Office at **CMS HOUSE , PLOT NO. 91, STREET NO. 7 MIDC, MAROL Mumbai – 400 093**

**PRESENT FOR THE APPLICANT: -**

Manish L. Ghia- Practising Company Secretary for the Applicants.

**Date of Hearing:** 15.12.2016

**ORDER**

**Applicants in Default: -**

- 1) M/s. CMS IT SERVICES PRIVATE LIMITED – Company,
- 2) Mr. Amit Dalmia, (Director),
- 3) Mrs. Raju Grover, (Director)
- 4) Mr. Mathew Cyriac, (Director)
- 5) Ms. Aarti Grover, (Director)
- 6) Mr. Amit Jain (Director)

**Section Violated: -**

Section 96 of the Companies Act, 2013.

**Nature of Violation: -**

1. As per the submission made in the Report of Registrar of Companies, Mumbai and from the submissions made in the Compounding Application it is observed that, the company had violated Sec 96 (1) of the Companies Act, 2013 , the company and every officers of the Company who is in default made in holding a meeting of the company in accordance with section 96 or section 97 or section 98 or in complying with any directions of the Tribunal, the company and every officer of the company who is in default shall be punishable with fine which may extend to one lakh rupees and in the case of a continuing default, with a further fine which may extend to five thousand rupees for every day during which such default continues.

Since the applicants have violated the provision under Section 96(1) of the Companies Act, 2013, the Registrar of Companies, Mumbai forwarded the compounding application vide his letter No. ROC/JTA/621A/258189/253 dated 10.11.2016 and the same has been treated as Company Application No. 57/441/NCLT/MB/2016.

2. We have gone through the application of the applicants and the report submitted by the Registrar of Companies, Mumbai and also the submissions made by Authorised Representative for applicants at the time of hearing and noted that application made by the applicants for compounding of offence committed under Section 96(1) of the Companies Act, 2013, merited consideration.

3. Having regard to the facts and circumstances of the case, the offence committed under Section 96(1) of the Companies Act, 2013, as stated and explained above in first para is compounded against the Company and its five directors, on payment of Rs.50,000/- by each defaulter. The remittance shall be made by way of Demand Draft drawn in favour of "Pay and Accounts Officer, Ministry of Corporate Affairs, Mumbai". Since the Company and its five directors named above have remitted total amount of Rs. 3,00,000/- as mentioned below:

Demand Draft No	Demand Draft Date	Amount	Drawn On
013193	20.12.2016	50,000/-	IDBI Bank
010006	20.12.2016	50,000/-	ICICI Bank
010007	20.12.2016	50,000/-	ICICI Bank
010008	20.12.2016	50,000/-	ICICI Bank
010009	20.12.2016	50,000/-	ICICI Bank
010010	20.12.2016	50,000/-	ICICI Bank

to the registry of this Bench towards compounding fees, the Registrar of Companies, Mumbai is hereby directed to take further action as provided under Section 621A (3) (c) of the Companies Act, 1956 read with Section 441 (3) (c) of the Companies Act, 2013.

Ordered Accordingly,

Sd/-

**B. S.V. PRAKASH KUMAR**  
Member (Judicial)

Sd/-

**V.NALLASENAPATHY**  
Member (Technical)

Dated this October 20, 2017