

BEFORE THE NATIONAL COMPANY LAW TRIBUNAL, MUMBAI BENCH
COMPANY APPLICATION NO. 18/621A/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. Jayaswal Neco Industries Limited** having its Registered Office F-8, MIDC Industrial Area, Hingna Rd, Nagpur – 440-016.

PRESENT FOR THE APPLICANT: -

Ajay Kumar – Practicing Company Secretary

Date of Hearing: 25.01.2017

ORDER

Applicants in Default: -

1. Shri Basant Lall Shaw – Director

Section Violated:-

Section 217 (3) of the Companies Act, 1956.

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 inspection of books of accounts and other records etc. of the Company under Sec 209A of the Companies Act, 1956 was conducted by the Ministry of Corporate Affairs, Govt of India, New Delhi vide their letter No. 4/8/200/-CL-II dated 04.02.2008. On Inspection, the Auditors have made qualified remarks to the auditor's report on the Balance Sheet and Profit & Loss account in respect of which Directors have not offered their explanations in the Directors report as required as under Sec 217(3) of the Companies Act, 1956. The period of default was for the year 2005, 2006 and 2007. The Registrar of Companies, Mumbai forwarded the compounding application vide his letter No. ROC/JTA/621A/16154/199 dated 24.08.2016 and the same has been treated as Company Application No. 18/441/NCLT/MB/MAH/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 217 (3) of the Companies Act, 1956, merited consideration.

3. Having regard to the facts and circumstances of the case, the offence committed under Section 217 (3) of the Companies Act, 1956, as stated and explained above in first para is compounded against the director of the Company, on payment of Rs. 20,000/-. 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 director of the Company named above have remitted total amount of Rs. 20,000/- through Demand Draft No. 129881 dated 30.01.2017 drawn on State Bank of India 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)(d) of the Companies Act, 1956 read with Section 441 (3) (c) (d) of the Companies Act, 2013.

Ordered Accordingly,

Dated this November 6 ,2017

Sd/-

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

Sd/-

V.NALLASENAPATHY
Member (Technical)