

BEFORE THE NATIONAL COMPANY LAW TRIBUNAL, MUMBAI BENCH
COMPANY APPLICATION NO. 16/621A/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. Mr. Arbind Jayaswal – Managing Director
2. Mr. Ramesh Jayaswal – Joint Managing Director
3. Mr. Avinash Dinakar Karajgaonkar – Company Secretary

Section Violated:-

Section 211 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 and as per Accounting Standard- 16 Para 23 relating to Borrowing Cost, the financial statements should disclose

(a) The accounting policy adopted for borrowing costs.

(b) The amount of borrowing cost capitalized during the period.

Further, there was no information relating to borrowing cost in the Balance Sheet for the year ended 31/03/2005 and 31/03/2006. Hence, the company has violated the provisions of Sec 211 read with Accounting Standard – 16 of the Companies Act, 1956.

The Registrar of Companies, Mumbai forwarded the compounding application vide his letter No. ROC/JTA/621A/16154/197 dated 24.08.2016 and

the same has been treated as Company Application No. 16/441/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 211 of the Companies Act, 1956, merited consideration.

3. Having regard to the facts and circumstances of the case, the offence committed under Section 211 of the Companies Act, 1956, as stated and explained above in first para is compounded against the Company's two Directors and Company Secretary, on payment of Rs. 5,000/- 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's two Directors and Company Secretary named above have remitted total amount of Rs. 15,000/- as mentioned below:

Demand Draft No	Demand Draft Date	Amount	Drawn On
097328	30.01.2017	Rs . 5,000/-	Axis Bank
097336	30.01.2017	Rs . 5,000/-	Axis Bank
739137	30.01.2017	Rs . 5,000/-	PNB 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)(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)