

BEFORE THE NATIONAL COMPANY LAW TRIBUNAL, MUMBAI BENCH  
COMPANY APPLICATION NO. 180/621A/CLB/MB/2015

PRESENT: B.S.V. PRAKASH KUMAR, MEMBER (JUDICIAL)

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

And

In the matter of M/s Multi Commodity Exchange India Ltd., having its Registered Office at Exchange Square, Chakala, Suren Road, Andheri (E), Mumbai-400093

**PRESENT FOR THE APPLICANT: -**

R Murlimohan – Practicing Company Secretary

**Date of Hearing:** 19.05.2016

**Applicants in Default: -**

- 1) M/s. Multi Commodity Exchange Ltd.

**Section Violated; -**

Section 372A(5) of the Companies Act, 1956.

**1. Nature of Violation: -**

- 1) As per the submission made in the report of the RoC, Mumbai and as per the submissions made in the Compounding Application, it is observed that, the Books of account of the Company were inspected by Officers of the Central Government under Section 209-A of the Act and during the course of inspection, it was noticed from the Annual Report that the company had made huge investments from time to time in mutual funds for the last three years. In spite of this, the details of the same has not been entered into the investments Register maintained under sub-sec. (5) of sec. 372A of the Act. Hence, the company has violated the provisions of section 372A (5) of the company's act, 1956. Thus the company and Officers in default are liable for penal for violation of provision of Section 372A (5) of the Act. Every officer of the company who is in default shall be punishable with fine which may extend to five hundred rupees for every day and after the first day during which the default continues.
2. The undersigned, then the Presiding Officer of the erstwhile Company Law Board had gone through the application and the report submitted by the Registrar of Companies, Mumbai and also the submissions made by the authorised representative of the Company at the time of hearing and noted that application for compounding of offence committed under S 372A (5) of the Companies Act, 1956, merited consideration.
3. Accordingly, the offence committed under the said section and explained above has been ordered on 19.05.2016 to be compounded against the Company on payment of ₹ 5,50,000/-.

4. Subsequently, vide Notification No. A-45011/14/2016-Ad. IV dated 01.06.2016, issued by the Ministry of Corporate Affairs, New Delhi, the Central Government has constituted the National Company Law Tribunal and dissolved the erstwhile Company Law Board w.e.f. 01.06.2016.
5. The applicant above named have remitted the total compounding fees of ₹ 5,50,000/- by 3 (three) Demand Drafts of drawn on i) ICICI Bank bearing no. 009240 dated 07.06.2016, ii) Axis Bank bearing Nos. 0424392 dated 01.06.2016, , and iii ) Axis Bank bearing Nos. 0424365 dated 01.06.2016 with the newly constituted office of the National Company Law Tribunal, Mumbai Bench i.e. after dissolution of the Company Law Board.
6. Having regard to the facts and circumstances of the case, the offence committed Section 372A (5) of the Companies Act, by the Company is hereby compounded.
7. Therefore, Registrar of Companies, Mumbai is hereby directed to take further action as provided under S. 621 A (3) (c) (d) of the Companies Act, 1956.

Ordered Accordingly,

Dated this May , 10 2017

Sd/-  
**B. S. V. PRAKASH KUMAR**  
Member (Judicial)