

**BEFORE THE NATIONAL COMPANY LAW TRIBUNAL, MUMBAI BENCH**  
**TRANSFER COMPANY APPLICATION NO. 55/621A1CLBIMB/2016**  
**PRESENT: B. S.V. PRAKASH KUMAR, MEMBER(JUDICIAL)**

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

And

In the matter of **M/s. Jal Mahal Resorts Pvt. Ltd.**, having its Registered Office at 619, Panchratna, Mama Parmanand Marg, Opera House, Mumbai – 400 004.

**PRESENT FOR THE APPLICANT:-**

Pramod S. Shah – Practicing Company Secretary & Harshika Bhadracha – Practicing Company Secretary.

**Date of Hearing:** 16.05.2016

**ORDER**

**Applicant in Default:-**

Mr. Sandeep Kothari - Director, Mr. Navrattan Kothari – Director, Mr. Suhas R. Merchant – Director and Mr. Prakash Chand Kothari – Director

**Section Violated :-**

Section 211 r. w. Sch. VI of the Companies Act, 1956

**Nature of Violation :-**

1. As per the submission made in the Report of ROC, Mumbai and as per the submissions made in the Compounding Application, it is observed that provided that where the Board exercises any power under clause (f) or clause(g), it shall within thirty days of the exercise of such powers, file with the Registrar a return in the Prescribed form”.

In our opinion following are the defaulting period:

Sl. no	Name of the Parties	Date of Appointment	Date of Registration	Defaulting Period
1.	Navrattan Kothari	10th November, 2004	Not Applicable	FY 2012-13
2.	Suhas Ratilal Merchant	13th November, 2006	Not Applicable	FY 2012-13
3.	Prakash Chand Kothari	09th, January, 2012	Not Applicable	FY 2012-13
4.	The Company	Not Applicable	Not Applicable	FY 2012-13

The Applicants would like to state that Management of the Company has taken serious note of the Show Cause Notice received from the ROC, Mumbai for violation of section 211 of the Act. The Registrar of Companies, Mumbai forwarded the compounding application vide his letter No.ROC/STA/621A/184 dated 11/04/2015 and the same has been treated as Company Application No. 55/621A/CLB/MB/2016.

2. The undersigned, the then Presiding Officer, of 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 at the time of hearing and noted that application for compounding of offence committed under Section 211 r. w. Sch. VI of the Companies Act, 1956, merited consideration.

3. Accordingly, the offence committed under section 211 r. w. Sch. VI of the Companies Act, 1956 as stated and explained above has been ordered on 16.05.2016 to be compounded against the four Directors of the Company on payment of Rs.10,000/- by each.

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 applicants above named have remitted the total compounding fees of Rs.40,000/- 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 under section 211 r. w. Sch. VI of the Companies Act, 1956 by the four Directors of the Company named above, is hereby compounded.

7. Therefore, Registrar of Companies, Mumbai is hereby directed to take further action as provided under section 621A(3)(c)(d) of the Companies Act, 1956.

Ordered Accordingly

Sd/-

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

Dated this: July 11, 2017