

BEFORE THE NATIONAL COMPANY LAW TRIBUNAL, MUMBAI BENCH

COMPANY APPLICATION NO. 107/621/NCLT/MB/2012

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. SHCIL SERVICES Ltd.**, having its Registered Office at Shcil Huse, P-51, T.T.C. Industrial Area, MIDC, Mahape, Navi Mumbai - 400020.

PRESENT FOR THE APPLICANT: -

M.S. BHARDWAJ (MSB LEGAL)

Date of Hearing: 06.03.2017

ORDER

Applicants in Default: -

1. Mr. R.H. Mewawala (former Director),
2. Mr. L. Viswanathan (former Director),
3. Mr. Manoj Borkar (former Director),
4. Mr. J Viswanathan (former Director).

Section Violated: -

Section 139 (6) of the Companies Act, 2013.

1. Nature of Violation: -

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, from 2/2/2002 to 11/11/2006 the Company had not maintained the minutes as per the provisions of the section 193(1), 193(1A) and 193(2) of the Companies Act, 1956 i.e. date and place of the minutes signed is not indicated, serial number of the minute's pages not shown, later on numbered with pencil. The date of default commences from 2/2/2002 to 11/11/2006. Hence the company has violated the section 193(1), 193(1A) and 193(2) of the Companies Act, 1956 and the said default is punishable with the fine which may extend to ₹ 500/-. The Registrar of Companies, Mumbai forwarded the compounding application vide his letter No. ROC/STA/621A/107 dated 2nd Feb. 2012 and the same has been treated as Company Application No. 107/621a/NCLT/MB/2012.

2. We have gone through the application 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 193 (6) of the Companies Act, 1956, merited consideration.
3. Having regard to the facts and circumstances of the case, the offence committed under Section 139 (6) of the Companies Act, 1956 as stated and explained above in first para is

compounded against the Company and its former four directors on payment of ₹ 2,500/- by each defaulter. Since the former four directors named above have remitted total amount of ₹ 10,000/- through Demand Draft Nos. 008858,008857 & 008865, all dated 17.03.2017, and another dated 21.03.2017 to the Registry 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 June 23, 2017

Sd/-

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

Sd/-

V. NALLASENAPATHY
Member (Technical)