

BEFORE THE NATIONAL COMPANY LAW TRIBUNAL, MUMBAI BENCH
COMPANY APPLICATION NO. 326/441/NCLT/MB/2015
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. Ganga Care Hospital Ltd** having its Registered Office at 4th Floor, Ashirwad Commercial Complex ,34/2, Ramdaspath, Nagpur – 440010, Maharashtra.

PRESENT FOR THE APPLICANT: -

R.Venkata Ramana – Practicing Company Secretary

Date of Hearing: 30.09.2017

ORDER

Applicants in Default: -

Dr . Varun Chandraprakash Bhargava - Whole Time Director

Section Violated; -

Section 211(7) of Sec 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 on scrutiny of the Balance Sheet of the company as on 31.03.2011, the ROC Mumbai has alleged that, the published Balance Sheet of the Company as at 31.03.2010 and 31.03.2011 did not give mandatory particulars with regard to annual accounts of the Company for the financial Years 2010-2011 because the same were not made as per the specifications mentioned under Part II of schedule VI in so far as pertains to quantitative details of turnover etc. As per the law, the Company is supposed to disclose the names of the bodies corporate in which investments were made, whether under the same management or not, number of shares, the book value and market value, nature of investment i.e. whether trade or non-trade and since these mandatory information was not disclosed in the published Balance Sheet in the RoC Office, the company has violated the provisions of S. 211 r.w. Part II of the Schedule VI of the Companies Act, 1956.

Since the applicants have violated the provision under Section 211(7) of the Companies Act, 1956, the Registrar of Companies, Mumbai forwarded the compounding application vide his letter No. ROC/VTA/621A/97 dated 06.10.2015 and the same has been treated as Company Application No. 326/441/NCLT/MB/MAH/2015.

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(7) of the Companies Act, 1956, merited consideration.

3. Having regard to the facts and circumstances of the case, the offence committed under Section 211(7) of the Companies Act, 1956, as stated and explained above in first para is compounded against the Company and its director, on payment of Rs. 5,000/- by M/s. Ganga Care Hospital Ltd (Company and Rs 5,000/- by Dr Varun C Bhargava (Whole Time Director). 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 and its director named above have remitted total amount of Rs. 10,000/- through Demand Draft Nos. 420096 and 420097 both dated 04.10.2016 and drawn on Andhra 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 July 12, 2017

Sd/-

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

Sd/-

V.NALLASENAPATHY
Member (Technical)