

**NATIONAL COMPANY LAW TRIBUNAL**  
**NEW DELHI BENCH**  
**NEW DELHI**


**C. P. NO.**  
**CA. NO. 16/100/16**

**PRESENT: SMT. INA MALHOTRA**  
**Hon'ble Member (J)**

**ATTENDANCE-CUM-ORDER SHEET OF THE HEARING OF NEW DELHI BENCH OF  
THE NATIONAL COMPANY LAW TRIBUNAL ON 26.10.2016**

**NAME OF THE COMPANY:** M/s. Pigeon India Pvt. Ltd.

**SECTION OF THE COMPANIES ACT:** 621A

<b>S.NO.</b>	<b>NAME</b>	<b>DESIGNATION</b>	<b>REPRESENTATION</b>	<b>SIGNATURE</b>
1	B.S. Maury	PCS-7041	Pigeon India Pvt Ltd	

**ORDER**

This petition has been filed u/s 621A of the Companies Act, 1956 praying for compounding of the offence u/s 96 of the Companies Act 2013 for holding the AGM belatedly.

2. The petitioner's offence relates to the financial year ending 31.03.2015. The AGM which should have been held by 26.09.2015 could only be held on 3<sup>rd</sup> November, 2015 leading to a delay of 37 days, thereby, violating the requirements of Section 96 of the Companies Act, 2013. As per the report of the RoC, since section 96 of the Companies Act had not been notified at the time of receipt of the present petition, penalty was recommended by them under the provisions of section 168 of the Companies Act, 1956, whereby the Company and every officer who is in default is punishable with a fine which may extend upto Rs.50,000/-, with a further fine of Rs.2500/- per day for every day during which the default continues. The RoC has thus recommended the maximum

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fine in terms of Section 168 of the Companies Act, 1956 which tantamounts to Rs.1,42,500/- on the Company and each of the two defaulting officers.

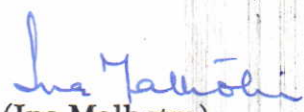
3. As per the petitioners as well as the report of the RoC, this was a first time offence. The default has been made good, albeit with a delay of 37 days for which they have filed an application seeking condonation of delay. Vide this application, which is duly supported by affidavits of the Directors, it is stated that the default was neither malafide nor deliberate. They had asked for extension of time for holding the AGM from RoC which was rejected. The applicants therefore pray that the delay of 37 days in holding the AGM be condoned and the offence compounded.

4. Given the facts of the case, the application for condonation of delay is allowed. Further there is no legal impediment in compounding this offence. Considering that the petitioners had suo moto filed the present application bringing their default to the notice of the authorities, this Bench deems it sufficient to impose a fine of Rs.25,000/- on each of the defaulting parties. Accordingly, fine is imposed as under:

For	Amount (Rs.)
M/s. Pigeon India Pvt. Ltd.	25,000/-
Mr. Atsushi Kawaguchi	25,000/-
Mr. Simple Bajaj	25,000/-

5. Subject to the remittance of the aforesaid fine within two weeks, the offence shall stand compounded. On receipt of compliance, the same be communicated to the RoC.

6. Petition disposed off in terms of the above.

  
(Ina Malhotra)  
Member Judicial