

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

**C. P. NO. 16/97/13**  
**CA.NO**

**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 14.02.2017**

**NAME OF THE COMPANY: M/s. QH Talbros Ltd.**

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

**S.NO.      NAME      DESIGNATION      REPRESENTATION      SIGNATURE**

**Present:**      Mr. Sanjay Grover, Practicing Company Secretary

**ORDER**

The present petition u/s 621A of the Companies Act 1956 which was filed in 2012 on behalf of Shri Vijay Dhawan for compounding of certain statutory defaults has been listed now before this Bench along with comments of the RoC.

2. As per facts, M/s. S.N.Dhawan & Co. was engaged as Statutory Auditors for the Company M/s. QH Talbros Ltd. The petitioner, being a Chartered Accountant by profession, was entrusted with the Account of Talbros Ltd and had signed the Balance Sheets. During inspection certain anomalies as well as non disclosures were detected for the F.Y. 2006-07 to 2008-09 giving rise to the defaults u/s 227 of the Companies Act 1956 read with Accounting Standards and Schedule VI. The defaults have since been made good.

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3. It is also submitted by the petitioner, Shri Vijay Dhawan, that the non-compliances as stated in the Show Cause Notice were technical in nature and occurred due to inadvertence without any malafide intention. It is also submitted that the defaults are not of such nature that would prejudice the interest of members, creditors or others dealing with the company, nor did it affect public interest. Attention of the Bench is also drawn to the prayer made by the company and other officials for compounding of the same offence which was allowed vide order dated 18.10.2012 by the erstwhile Company Law Board. The petitioner's application which was perhaps misplaced, could not be taken up alongwith those of the other applicants.

4. The offence is punishable u/s 233 of the Companies Act, 1956 which provides for an imposition of a fine which may extend to Rs.10,000/-. Accordingly, the office of the RoC has calculated and recommended the imposition of the maximum fine of Rs.40,000/- on the petitioner for a continuing default from 2006-10.

5. Given the facts of the case as there is no legal impediment in compounding, I deem it sufficient to impose a composite fine of Rs.10,000/- on the petitioner for the entire period of default.

6. Subject to the remittance of the aforesaid fine within two weeks the offence shall stand compounded. Copy of the order be sent to the office of the RoC. Compliance Report be placed on record.

7. Petition stands disposed off in terms of the above and consigned to Record Room.

5 d/-  
**(Ina Malhotra)**  
**Member Judicial**