

NATIONAL COMPANY LAW TRIBUNAL
NEW DELHI BENCH
NEW DELHI

C. P. NO.
CA. NO. 16/135/16

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 07.11.2016**

NAME OF THE COMPANY: M/s. Today Power Pvt. Ltd.

SECTION OF THE COMPANIES ACT: 621A

<u>S.NO.</u>	<u>NAME</u>	<u>DESIGNATION</u>	<u>REPRESENTATION</u>	<u>SIGNATURE</u>
1.	Miss TANNYA	BARANWAL, Adv.	}	Tannya for Today Power Pvt
2.	Mr. SUMESH	DHAWAN, Adv.		

ORDER

This petition has been filed u/s 621A of the Companies Act, 1956 praying for compounding of the offence u/s 159 and 220 of the Companies Act. The said petition which has been routed through the office of the RoC along with their comments, prays for compounding the offence of delaying the filing of the Annual Returns and the Balance Sheets with the office of the Registrar of Companies within the period required under the Statute.

2. As per the provision of Section 159 of the Companies Act, 1956:

"Every company having a share capital shall, within sixty days from the day on which each of the annual general meetings referred to in section 166 is held, prepare and file with the Registrar a return containing the particulars specified in Part I of Schedule V, as they stood on that day."

Contd/-.....



3. The petitioner's offence relates to 3years i.e from 01.12.2011 to 09.11.2015, 01.12.2012 to 08.11.2015 & 01.12.2013 to 07.11.2015. However, the default has been rectified on 10.11.2015 by filing of E Form-23AC & 23ACA with RoC.

4. The aforesaid offences are punishable u/s 162 and 220(3) of the Companies Act, whereby the Company and every officer who is in default is punishable with a fine which may extend upto Rs.500/- per day till the default is made good. The RoC has recommended the maximum fine in terms of Section 162 and 220(3) of the Companies Act, 1956 which tantamounts to Rs.32,63,000/- on the Company and its two defaulting officers.

5. The company which was incorporated on 30.05.2008 has a paid up capital of Rs.108,92,00,000/-. Though it was incumbent on the Directors to follow all statutory rules and regulations, there is no legal impediment in compounding of these offences. This Bench however deems it sufficient to impose a fine of Rs.1,50,000/- on each of the defaulting parties for the offences of Section 159 & 220(3) of the Act. Accordingly, fine is imposed as under:

For	Amount (Rs.)
M/s. Today Power Pvt. Ltd.	1,50,000/-
Mr. Gulshan Kumar Gambhir	1,50,000/-
Mr. Ranvir Gambhir	1,50,000/-

6. Fine imposed on the Directors shall be paid from their individual accounts.

7. Subject to the remittance of the aforesaid fine within 30 days, the offence shall stand compounded. Copy of the order be sent to the office of the RoC. Compliance Report be placed on record.



8. Petition stands disposed off in terms of the above.

Sd-

(Ina Malhotra)
Member Judicial