

NATIONAL COMPANY LAW TRIBUNAL
NEW DELHI BENCH
NEW DELHI

C. P. NO .16/31/15
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 24.01.2017**

NAME OF THE COMPANY: M/s Vaishnavi Corporate Communications Private Limited
Section 125 of Companies Act , 1956

SECTION OF THE COMPANIES ACT: 621A

S.NO. NAME DESIGNATION REPRESENTATION SIGNATURE

Present: Mr. Jasmeet Singh, Ms. Deepmala Indore, Ms. Arti Prasad and Mr.
Urmila Jeet Kaur, Advocates for SFIO

Ms. Manju Vohra, Company Secretary.

ORDER

The petitioners have filed this application u/s 621A of the Companies Act, 1956 praying for compounding of the offence u/s 125 of the Companies Act. The said petition has been routed through the office of the RoC along with their comments. The company had obtained a loan during the financial year 2006-2011 to purchase 17 vehicle loans (secured) in the forms of hypothecation. The loan was satisfied without registering the mortgage as a charge over the property as per requirement of Section 125 r/w Section 141 of this Act.

Contd/-.....



2. The period of default is stated to be from 2006-2007 to 2011-2012. The loan has been paid off and the mortgage redeemed.

3. The aforesaid offence is punishable u/s 142 of the Companies Act, 1956 whereby the Company and every officer who is in default is punishable with a fine which may extend to Rs.5000/- for every day during which the default continues. The RoC has therefore recommended the imposition of the maximum fine in terms of Section 142 of the Companies Act, 1956 as under:

Name of Defaulter	Amount (in Rs.)*
M/s. Vaishnavi Corporate Communications Pvt. Ltd.	14,03,500/-
Ms. Nira Radia	14,03,500/-
Ms. Karuna Menon	14,03,500/-
Mr. Satish Kumar Narula	14,03,500/-
Mr. Manoj Warriar	14,03,500/-
Ms. Manju Vohra	14,03,500/-
Ms. Bharti Dey	14,03,500/-
Mr. Rohit Dubey	14,03,500/-



Mr. Rajiv Mohan	14,03,500/-
Mr. Sanjay Saddy	14,03,500/-
Mr. Vidhal Bhushan Mehta	14,03,500/-

4. Keeping in view that the charge already stands redeemed, the offence no longer subsists. It is stated that failure to adhere to the statutory requirement of intimating the same to the RoC in the relevant forms was inadvertent. It is clear that there was no intention to cheat as the petitioner company has liquidated the entire liability and secured the company's asset. The omission therefore appears to be inadvertent. It would therefore be adequate to impose a fine of Rs.18,000/- each on the company and its directors.

5. Notice of this petition was also served on the SFIO. They have not been able to satisfy this Bench that the aforesaid compounding on account of non compliance would in any way hamper any alleged investigation of the affairs of the company. The compounding is on account of non adherence to the technicalities of statutory compliances, which were inadvertently not adhered to. Further, such compounding of a default, which has otherwise been since rectified, cannot in any manner prejudice the alleged investigations or prosecutions by the SFIO.

6. Subject to the remittance of the aforesaid fine within 15 days, 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.


(Ina Malhotra)
Member Judicial