

NATIONAL COMPANY LAW TRIBUNAL
NEW DELHI BENCH
NEW DELHI

C. P. NO. 16/132/2016
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 30.09.2016**

NAME OF THE COMPANY: Sh. Anuj Puri

SECTION OF THE COMPANIES ACT: 621A

S.NO.	NAME	DESIGNATION	REPRESENTATION	SIGNATURE
1.	SHAFIQ AHMED	ADV.	PETITIONER	

ORDER

The petitioner has filed the present application u/s 621A of the Companies Act 1956 for the offence u/s 266C of the Companies Act, 1956 which corresponds to Section 155 of the 2013 Act. As per averments, the petitioner had inadvertently applied twice for the Director's Identification No. and possessed DIN Nos. 00182138 and 00048386.

2. It is submitted that the petitioner did not have any malafide intentions in applying for the two DINs, and on realization of the error suo moto filed form RD-1 with the office of the Regional Director Northern Region vide SRN- G02194728 dated 29.04.2016 along with DIR-5 and other documents for cancellation of the additional DIN 00182138.

Contd/-.....

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3. The offence is punishable u/s 266G of the Companies Act 1956 which provides for an imposition of a fine which may extend to Rs.500/- for each day's default. Accordingly, the office of the RoC has calculated and recommended the imposition of the maximum fine of Rs.18,13,500/- on the petitioner for a continuing default from 13.09.2006 to 29.04.2016.


4. As per the report, prosecution has not been initiated. The petitioner admits his mistake, but submits that no one was prejudiced by his inadvertent error or would be by surrender of additional DIN. He has therefore prayed for compounding of the offence.

5. Given the facts of the case, though the offence is serious in nature, there is no legal impediment in compounding the offence. I therefore deem it just and fit to impose a fine of Rs.5,00,000/-

6. Subject to the remittance of the aforesaid fine within two weeks, the offence shall stand compounded. The petitioner is permitted to surrender DIN no.00182138 upon payment of fine. Steps be taken thereafter by the office of the RoC to approve his pending form RD-1 vide SRN- G02194728 dated 29.04.2016, if there is no other legal impediment. All data relating to the Directorship of the petitioner shall stand migrated to and merged with his original DIN No. 00048386.

8. Copy of the order be sent to the office of the RoC. Compliance Report be placed on record.

9. Petition stands disposed off in terms of the above. Be consigned to Record Room.


(Ina Malhotra)
Member Judicial