NATIONAL COMPANY LAW TRIBUNAL
NEW DELHI BENCH
NEW DELHI

C. P. NO. 16/27/2015
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 20.09.2016

NAME OF THE COMPANY: M/s. Vaishnavi Advisory Services Pvt Ltd.

SECTION OF THE COMPANIES ACT: 621A

S.NO.	NAME	DESIGNATION	REPRESENTATION	SIGNATURE
1.	Sanjay Kumar Chaubey	Law Consultant/Adv.	SFIO	
2.	Jasmeet Singh	CGSC		
3.	Astha Sharma	Adv	SFIO	
4.	Rohit Khurana	Adv	Company	

ORDER

Vide this common order, a number of compounding application are taken up for consideration.

2. Ms. Astha Sharma and Mr. Sanjay Kumar Chaubey, Advocates who appear for the office of the Serious Fraud Investigation vehemently oppose the present petitions for compounding of the offences which arise out of non compliance of several statutory requirements, inter alia, under sections 211, 215, 217 & 297 etc of the Indian Companies Act, 1956. It is submitted by Ms. Astha Sharma, Counsel for the SFIO, that these

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offences cannot be compounded as the default has not been made good. However Ms. Astha Sharma is unable to assist this Bench in which of the cases the default has not been made good.

3. The second resistance to the prayer for compounding by Mr. Sanjay Kumar Chaubey, Advocate is that the various investigations and prosecutions are pending. While initiation of prosecution is not an impediment for compounding the aforesaid offences, pendency of investigation would come in the way. There is no actual assistance in this respect also. The record suggest that defaults have been made good and the prosecution initiated. Accordingly, it is directed that a senior officer of the SFIO who is supervising the investigation of these be present in court on the next date of hearing, along with his affidavit raising relevant objections case wise and specifically addressing the following queries:

1. Whether the investigations are pending in respect of the offences for which compounding is prayed for? If so, for how long have the investigations been pending?

2. If the compounding application cannot be entertained for want of completion of investigation, how long is the investigation likely to linger?

3. What are the facts that give rise to the inference that the default was deliberate and wilful and whether there is any material evidence that the same gives rise to a financial fraud.

4. The answer to the aforesaid questions are required to be addressed to put a finality to the petitions as there is otherwise no legal impediment in compounding them. At present except for vehement opposition, there is no merit to show that the discretion of this Bench should not be exercised.

5. Ld. Counsel for the petitioner is also directed to argue out his case as to why the objections of the SFIO are not sustainable for the purpose of compounding.

6. To come up on 29.09.2016.

Ina Malhotra

(Ina Malhotra)
Member Judicial