

Nature of Violation:

3. The Default was in relation to delay in filing the Annual Returns for the Financial Years 31st March 2011, 31st March 2012, 31st March 2013, 31st March 2014 and 31st March 2015.

4. Section 159 of the 1956 Act and Section 92(4) of the 2013 Act requires the company to file Annual Return in Schedule V and Form MGT-7 respectively with the Registrar of Companies ("ROC") within sixty days from the date on which the annual general meeting is held. The said documents can however be filed beyond the stipulated time on payment of delayed fees or additional fees as prescribed under Section 403 of the 2013 Act. There were delays in holding annual general meetings for which the Petitioners are making a separate compounding application. Due to inadvertence and also due to delay in holding the annual general meetings in few years, the Company was able to file the annual returns in the prescribed forms beyond the stipulated time provided under the Act. The Company has already paid the delayed additional fees levied by the Registrar of Companies.

1	Document	Date of filing	Challan No.	Delay in the forms	Whether delayed fees paid
1	Form 2018 for 31 st March 2011	06.09.2012	P88775515	Nine (9) Months Six (6) days	Yes
2.	Form 20B for 31 st March 2012	30.07.2015	Q58230616	Two (2) years Six (6) Months	Yes

3.	Form 20B for 31 st March 2013	31.07.2015	Q58250549	One (1) Year One (1) Month and Two days	Yes
4.	Form 20B for 31 st March 2014	31.07.2015	Q58252651	One (1) Month and Thirteen days	Yes
5	Form MGT-7 for 31 st March 2015	07.12.2016	G28655041	Ten (10) Months and Nine days	Yes

5. The Company has thereby violated the provisions of Section 92(4) of the Companies Act, 2013.
6. The Registrar of Companies, Mumbai forwarded the compounding application vide his letter No. ROC/621A/441/STA/J/193271/2018/127 dated 09.04.2018 and the same is accompanied to the Company Petition No. 59/441/NCLT/MB/2017.
5. We have gone through the Petition of the Petitioners and the report submitted by the Registrar of Companies, Mumbai and also the submissions made by the Ld. Counsel for the Petitioners at the time of hearing and noted that petition made by the petitioners for compounding of offence committed under Section 92 of the Companies Act 2013.
7. Having regard to the facts and circumstances of the case, the offence committed under Section 92 of the Companies Act, 2013, as stated and explained above in first para is compounded against the Petitioners, on

payment of fine imposed u/s 92 (5) of the Companies Act, 2013 to Rs. 50,000/- by the Company and Rs.10,000/- each by Directors. The remittance shall be made to the "Bharatkhoosh" account in favour of "Pay and Accounts Officer, Ministry of Corporate Affairs, Mumbai". The directors should pay the penalty from their respective personal accounts. The Registrar of Companies, Mumbai is hereby directed to take further action as provided under Section 621A(3)(c)(d) of the Companies Act, 1956 read with Section 441 (3)(c) (d) of the Companies Act, 2013. The RoC shall give effect of this Order only after perusal of the Compliance report of compounding fine imposed.

5. Accordingly, the Company Petition (C.P.:59(MB)/2017) is hereby **allowed**.

Sd/-
PRABHAT KUMAR
MEMBER (TECHNICAL)
/NP/

Sd/-
JUSTICE VIRENDRASINGH BISHT
MEMBER (JUDICIAL)