

MENTIONING

COMPANY LAW BOARD
NEW DELHI BENCH
NEW DELHI

CP NO. 171/621A/MB/2015

CA NO.

PRESENT: CHIEF JUSTICE M. M. KUMAR
CHAIRMAN

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING OF NEW DELHI BENCH OF THE
COMPANY LAW BOARD ON 19.04.2016

NAME OF THE COMPANY: **M/s. Knoll Healthcare Pvt. Ltd.**

SECTION OF THE COMPANIES ACT: 621A of the Companies Act 1956.

<u>S.NO.</u>	<u>NAME</u>	<u>DESIGNATION</u>	<u>REPRESENTATION</u>	<u>SIGNATURE</u>
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Ms. Liza Sahni, Company Secretary

ORDER

This is an application preferred by the Directors of M/s Knoll Healthcare Pvt. Ltd. with a prayer for compounding the default punishable with fine u/s 146(4) of the Companies Act, 1956 The maximum amount of fine provided by section 146(4) of the Companies Act is Rs.500/- for every day during which the default has continued.

The Petitioners Mr. Vikas Kumar Goel and Mr. Sunil Kumar Goel are the directors in M/s Knoll Healthcare Pvt. Ltd. which has its registered office at Asmita Residency Shop No.3, Plot No.76, sector 44A, Near Palm Beach Road, Seawoods, Nerul Navi Mumbai-400706. A show cause notice was issued to them by the office of the Registrar of Companies vide letter dated 15.02.2012 for their failure to send information regarding the address of the registered office or any change therein. The address of registered office or any change was required to be sent within 30 days of the date of the incorporation of the company or from the date of the change. An intimation should have been sent to Registrar who in turn was to enter

the change in the record. It is not disputed that an office letter dated 19.9.2011 was sent to the registered office of the company which was returned with remarks of the postal authorities "addresses not known". Thereafter the letter was again sent on the address recorded in the annual returns. It was again returned with the same remarks by the postal authorities.

The factum of issuance of show cause notice came to the knowledge of both the directors when they filed application for shifting of registered office from one state to another. Therefore there is obvious violation of section 146(2) of the Companies Act, (section 12 read with section 441 of the Companies Act, 2013) which is punishable u/s 146(4) as already noticed in the preceding paras.

I have heard Ms Liza Sahni learned Company Secretary. She has argued that there was no intention to conceal any information regarding change of the registered office from the State of Maharashtra to NCT of Delhi. She has also pointed out that this is the first time that such a lapse has occurred at the hands of the directors and they undertake not to repeat such lapse. She has prayed for compassion and a lenient view.

After hearing learned Company Secretary I am of the view that a lenient view is warranted. The lapse has continued for a period of 1295 days and inflicting maximum fine may be excessive. It is a small company having paid up capital of Rs.50,00,000/-.

Keeping in view the facts and circumstances of this case I feel that end of the justice would be met if the fine of Rs.100/- per day for 1295 days is imposed on each of the individual director. Accordingly the fine is imposed which works out to be Rs.1,29,500/- which is payable by each of the directors. The amount be deposited at the earliest and intimation in that regard be given to the Bench Officer.

The petition is stands disposed of.


(CHIEF JUSTICE M.M. KUMAR)
CHAIRMAN

Dated: 19.4.2016
(Vidya Shastri)