

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI
Company Appeal (AT) No. 341 of 2019

IN THE MATTER OF:

Abhi-Asmi International Pvt. Ltd. & Anr. ...Appellants

Vs

Registrar of Companies & Anr.Respondents

With

Company Appeal (AT) No. 342 of 2019

IN THE MATTER OF:

Apramey Infrastructure Pvt. Ltd. & Anr. ...Appellants

Vs

Registrar of Companies & Anr.Respondents

Present:

For Appellant: Present but appearance not marked.

For Respondent:

ORDER

21.11.2019: After hearing learned counsel for the Appellants for a while we are of the considered opinion that having regard to the circumstances brought to the notice of the National Company Law Tribunal, Principal Bench, New Delhi (hereinafter referred to as 'Tribunal') warranting remission in penalty and culminating in imposing only 1/5th of the maximum penalty prescribed by the statute as compounded penalty which was proportionate to the level of contravention in the form of statutory non-compliance and other contraventions attracting penalty, there is no scope for intervention in this appeal. Prayer for imposition of 'notional penalty' is accordingly rejected.

2. However, without interfering on the merit, we take notice of the submission made on behalf of the Appellants that in computing the amount of penalty levied upon the Appellants, the Tribunal has erred in calculating it properly. If it be so, the Appellants shall be at liberty to approach the Tribunal for seeking rectification. Any mathematical error in computing the penalty imposed can be corrected by the Tribunal provided the Appellants approach the Tribunal within one week of passing of this order. In order to enable the Appellants to seek such rectification, the time provided for compliance of the direction of the Tribunal shall stand extended by two weeks.

3. With these observations both the appeals are disposed of.

[Justice Bansi Lal Bhat]
Member (Judicial)

[Justice Venugopal M.]
Member (Judicial)

am/gc