

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL**  
**NEW DELHI**

**Company Appeal (AT) No. 07 of 2018**

**IN THE MATTER OF:**

**Blogmint Digital Pvt. Ltd. & Ors.**

**...Appellants**

**Versus**

**ROC, NCT of Delhi & Haryana**

**...Respondent**

**Present:**

**For Appellant :                    Mr. Pawan Sharma and Ms. Arpita Yadav, Advocates**

**O R D E R**

**12.01.2018**        The appellant(s) preferred petition under Section 441 of the Companies Act, 2013 praying for compounding of the offences under Sections 92, 96 and 129 of the Companies Act, 2013. The said petition was routed through the office of the Registrar of Companies along with their comments and the ROC recommended the fine as per the provisions of law as follows :

“4.     ... Accordingly ROC has recommended the fine as under:

***U/s 92(5) of the Companies Act, 2013***

| <i>S. No.</i> | <i>Name of Applicant</i>                | <i>Fine u/s 92(5)</i> | <i>Default Period</i>                   | <i>Amount</i>     |
|---------------|-----------------------------------------|-----------------------|-----------------------------------------|-------------------|
| 1.            | <i>Blogmint Digital Private Limited</i> | 92(5)                 | <i>28.02.2017<br/>To<br/>12.09.2017</i> | <i>5,00,000/-</i> |
| 2.            | <i>Mr. Deepak Mittal</i>                | 92(5)                 | <i>28.02.2017<br/>To<br/>12.09.2017</i> | <i>5,00,000/-</i> |

**Company Appeal (AT) No. 07 of 2018**

|    |                            |       |                                |            |
|----|----------------------------|-------|--------------------------------|------------|
| 3. | <i>Mr. Raman Mittal</i>    | 92(5) | 28.02.2017<br>To<br>12.09.2017 | 5,00,000/- |
| 4. | <i>Mr. Irfan Ejaz Khan</i> | 92(5) | 28.02.2017<br>To<br>12.09.2017 | 5,00,000/- |

***U/s 99 of the Companies Act, 2013***

| <i>S. No.</i> | <i>Name of Applicant</i>                | <i>Fine u/s 99</i> | <i>Default Period</i>          | <i>Amount</i> |
|---------------|-----------------------------------------|--------------------|--------------------------------|---------------|
| 1.            | <i>Blogmint Digital Private Limited</i> | 99                 | 30.12.2016<br>To<br>07.09.2017 | 13,50,000/-   |
| 2.            | <i>Mr. Deepak Mittal</i>                | 99                 | 30.12.2016<br>To<br>07.09.2017 | 13,50,000/-   |
| 3.            | <i>Mr. Raman Mittal</i>                 | 99                 | 30.12.2016<br>To<br>07.09.2017 | 13,50,000/-   |
| 4.            | <i>Mr. Irfan Ejaz Khan</i>              | 99                 | 30.12.2016<br>To<br>07.09.2017 | 13,50,000/-   |

***U/s 129 of the Companies Act, 2013***

| <i>S. No.</i> | <i>Name of Applicant</i>   | <i>Fine u/s 129(7)</i> | <i>Default Period</i> | <i>Amount</i> |
|---------------|----------------------------|------------------------|-----------------------|---------------|
| 1.            | <i>Mr. Deepak Mittal</i>   | 129(7)                 | 2015-16               | 5,00,000/-    |
| 2.            | <i>Mr. Raman Mittal</i>    | 129(7)                 | 2015-16               | 5,00,000/-    |
| 3.            | <i>Mr. Irfan Ejaz Khan</i> | 129(7)                 | 2015-16               | 5,00,000/-    |

2. The total amount recommended by the office of the RoC for the three defaults thereby comes to Rs.23.5 lakhs on each of the appellant/Directors and Rs. 18.5 lakhs on the company. As the default has been made good, the National Company Law Tribunal by the impugned order dated 15<sup>th</sup> November, 2017 compounded the offence and brought down the fine as under:

| S. No. | Name of Applicant                       | Fine U/s 92(5) | Fine U/s 99 | Fine U/s 129 | Total      |
|--------|-----------------------------------------|----------------|-------------|--------------|------------|
| 1.     | <i>Blogmint Digital Private Limited</i> | 1,00,000       | 2,50,000    |              | 3,50,000/- |
| 2.     | <i>Mr. Deepak Mittal</i>                | 1,00,000       | 2,50,000    | 1,00,000     | 4,50,000/- |
| 3.     | <i>Mr. Raman Mittal</i>                 | 1,00,000       | 2,50,000    | 1,00,000     | 4,50,000/- |
| 4.     | <i>Mr. Irfan Ejaz Khan</i>              | 1,00,000       | 2,50,000    | 1,00,000     | 4,50,000/- |

3. Learned counsel appearing on behalf of the appellant(s) submits that the Tribunal has not looked into the circumstances in which the defaults were committed. He highlighted the circumstances and submitted that the Directors are not whole time Directors and not recipient of any remuneration of the company except one. The Directors have acted in accordance with law and also filed provisional financial statement under Section 137 of the Companies Act, 2013.

4. We have heard the learned counsel for the appellant(s) and perused the record. On consideration of the merit, we find as some of the Directors are not regular Director, for three defaults the Tribunal has reduced total amount of fine

of Rs. 23.5 lakhs to Rs. 4.5 lakhs. Further, as the Company is a start-up company and the Tribunal has taken a lenient view and brought down the fine from Rs. 18.5 Lakhs to Rs. 3.5 Lakhs.

5. We find no merit in the appeal. The appeal is accordingly dismissed. No cost.

[Justice S.J. Mukhopadhaya]  
Chairperson

[ Justice Bansi Lal Bhat ]  
Member (Judicial)

/ns/uk