

BEFORE THE REGIONAL DIRECTOR (NORTHERN REGION)

Company Application No. RD(NR)/255/COMPOUNDING/2019/96/H01987114 / 8363-8367
&
Company Application No. RD(NR)/256/COMPOUNDING/2019/96/H01986645
&
Company Application No. RD(NR)/257/COMPOUNDING/2019/96/H02012607
&
Company Application No. RD(NR)/258/COMPOUNDING/2019/96/H01987114

16 SEP 2019

PRESENT: THE REGIONAL DIRECTOR (NR)

In the matter of the Companies Act, 2013 – Section 441

And

In the matter of M/s NEXTGEN TELESOLUTIONS PRIVATE LIMITED having its registered office at 48, 3rd Floor, Navjeevan Vihar, New Delhi – 110017

Application under section 441 of the Companies Act, 2013 for compounding of offence under Section 96 & 99 of the Companies Act, 2013.

1. M/s Nextgen Telesolutions Private Limited
Regd Off: 48, 3rd Floor, Navjeevan Vihar, New Delhi – 110017
2. Sh. Rajat Kakkar, Director of M/s Nextgen Telesolutions Private Limited
R/o Flat No. 301, 3rd Floor, Flora Apartments, Plot No. 363, 13th Road Khar (West), Mumbai, Maharashtra – 400052
3. Sh. Chandra Mohan, Director of M/s Nextgen Telesolutions Private Limited
R/o House No. 202, Sector – 36A, Chandigarh – 160 036
4. Sh. Taron Mohan, Director of M/s Nextgen Telesolutions Private Limited
R/o 3rd Floor, Flat 48, Navjeevan Vihar, New Delhi – 110 017

.....Applicants

Present on behalf of Parties:

Sh. Rajiv Kumar Adlakha, Practicing Company Secretary

.....For Applicants

Date of Hearing: 30.01.2019

ORDER

1. Four separate applications under section 441 of the Companies Act, 2013 for compounding of offence committed under Section 96 read with Section 99 of



the Companies Act, 2013 were filed by the following Applicants vide the following GNL-1:

S. No.	Applicants	GNL- 1 SRN	RD's File No.
1	M/s Nextgen Telesolutions Pvt Ltd	H01987114	258
2	Sh. Rajat Kakkar	H01987114	255
3	Sh. Chandra Mohan	H01986645	256
4	Sh. Taron Mohan	H02012607	257

2. Since all the 4 applications comprise of same cause of action and same offence committed, a common order is hereby issued for compounding of offence committed thereof u/s 96 of Companies Act, 2013.
3. The Applicants have filed separate compounding applications for the contravention of Section 96 read with Section 99 of the Companies Act, 2013 stating that the Financial Statement of the Company for the Financial Year 2016-17 couldn't be finalized before the stipulated time period i.e. 30.09.2017 due to non-availability of Mr. Taron Mohan in the town. The participation of the Mr. Taron Mohan was essential and critical for the finalization of the Financial Statements for the FY 2016-17. It was further stated in the applications that the applicant company twice approached Registrar of Companies, Delhi & Haryana to allow extension of time in holding its 8th AGM, firstly vide GNL-1 G53350393 dated 19.09.2017 (but failed to convene AGM thereafter) and then vide GNL-1 G62533484 dated 18.11.2017. These application seeking extension of time were allowed by ROC, however, the Company even then could not hold its 8th AGM within the time allowed by the ROC, Delhi. As per the application, the AGM was finally convened on 17.02.2018 with a delay of 49 days.
4. The Company further filed a joint application before Regional Director (NR) for compounding of the default committed u/s 96 of the Companies Act, 2013 but was rejected vide its order RD(NR)/129/COMP/2018/4406 dated 10.07.2018 with direction to file separate applications. Hence, the applicant has again approached Office of Regional Director (NR) for compounding of the aforesaid default by filing 4 separate applications.
5. On these compounding applications, the Registrar of Companies, NCT of Delhi & Haryana has submitted 4 separate reports all dated 07.01.2019 and reported that as per record, the default has been made good by convening the AGM on 17.02.2018 for the Financial Year 2016-17.
6. I, therefore, considering the submissions made by the Applicants and by virtue of the powers vested in me, hereby compound the offence under Section 96 read with Section 99 of the Companies Act, 2013, in respect of the applications for Financial Year 2016-17 on payment of compounding fee as mentioned below for the default:



S. No.	Applicant	Filed vide GNL	Compounding fee
1	M/s Nextgen Telesolutions Pvt Ltd	H01987114	Rs. 98,000/-
2	Sh. Rajat Kakkar	H01987114	Rs. 98,000/-
3	Sh. Chandra Mohan	H01986645	Rs. 98,000/-
4	Sh. Taron Mohan	H02012607	Rs. 98,000/-

7. Pursuant to this Forum's directions dated 30.01.2019, compounding fee in all the 4 applications has been paid by the Applicants as enumerated in the table below:

S. No.	Applicant	Compounding fee	Payment challan	Challan date
1	M/s Nextgen Telesolutions Pvt Ltd	Rs. 98,000/-	U43745934	03.04.2019
2	Sh. Rajat Kakkar	Rs. 98,000/-	U46991253	06.06.2019
3	Sh. Chandra Mohan	Rs. 98,000/-	U43746262	03.04.2019
4	Sh. Taron Mohan	Rs. 98,000/-	U43746569	03.04.2019

8. In view of the above and compounding fee having been paid by the Applicants, the above offence is hereby compounded in respect of all the Applicants.

Signed the 16 SEP 2019 day of September, 2019 at New Delhi

(DR. RAJ SINGH)
REGIONAL DIRECTOR (NR)

- M/s Nextgen Telesolutions Private Limited
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- Sh. Taron Mohan, Director of M/s Nextgen Telesolutions Private Limited
R/o 3rd Floor, Flat 48, Navjeevan Vihar, New Delhi – 110017
- Registrar of Companies, Delhi and Haryana

(DR. RAJ SINGH)
REGIONAL DIRECTOR (NR)

