

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL**

**NEW DELHI**

**COMPANY APPEAL (AT) No. 101 to 105 OF 2017**

**In the matter of:**

**Subhinder Singh Prem                      ...                      Appellant**

**Vs**

**UoI (through Registrar of Companies  
NCT of Delhi & Haryana)                      ....                      Respondents**

**Present:**

**For Appellant:        Mr Sanjiv Sen, Sr. Advocate, Mr Rakesh  
Kumar and Mr. Dev Roy, Advocates**

**For Respondents:- Mr Nawal Kishore Jha, Senior Panel  
Counsel UoI alongwith Mr Rakesh Kumar Tiwari, RoC, NCT  
of Delhi & Haryana.**

**ORDER**

**09.05.2017-** After commencement of Section 441 of the Companies Act, 2013 (w.e.f. 1.6.2016) the question which arises for consideration is whether in view of Section 434 (1) (a) of the Companies Act, 2013, the Tribunal is required to exercise its power under Section 621-A of the Companies Act, 1956 or Section 441 of the Companies Act, 2013.

If Section 441 is applicable then question will arise as to whether the punishment which was required to be imposed on the Appellants in terms of the provisions of the Companies Act, 1956 can be imposed in view of sub-section (6) of Section 441 of the Companies Act, 2013 which stipulates punishment in terms of Companies Act, 2013.

Ld. Counsels for the parties prays for and allowed time to look into the matter. Post the matter on 11th May, 2017.

**(Justice S. J. Mukhopadhaya)  
Chairperson**

**(Mr. Balvinder Singh)  
Member (Technical)**