

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

C.P. No.80 of 2003

Date of Decision: 02.02.2015

M/s Rishab Food Product Limited

...Petitioner

Versus

Smt. Raj Bala Saroha & others

.....Respondents

CORAM: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Nitin Jain, Advocate with OL.

Mr. Anand Chhibbar, Sr. Advocate with
Ms. Harpriya Khanika, Advocate for respondent No.10.

RAJESH BINDAL, J.

A complaint has been filed by the Official Liquidator under Section 454(5) of the Company Act, 1956 for taking action against the Managing Director of the Company (In Liquidation) for not submitting statement of affairs of the company within the stipulated time, without any reasonable cause. It is not in dispute that during the pendency of the present petition, requisite information has been furnished, however, there is inordinate delay in the process for which respondent No.10, who was the Managing Director of the company (In liquidation) and the person responsible, needs to be punished. The penalty as per Section 454 (5) can be imprisonment and fine upto ₹ 1000 per day.

Considering the fact that the information has been furnished, however, there is a delay in submitting the statement of affairs, in my opinion, the ends of justice will be met in case a penalty of ₹ 2 lacs is imposed on respondent No.10 in lump sum, to be deposited with the Official Liquidator within 1 month, which shall be credited in the Common Pool Fund Account.

The petition is disposed of accordingly.

(Rajesh Bindal)
Judge

02.02.2015

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