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Company Application No. 300 of 2022  
and  
C.P. No. 276 of 2010

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**K.KUMARESH BABU, J.**

The present application has been filed seeking to take cognizance of the offence under Section 454(5-A) of the Companies Act, 1956, by the respondents 1 to 4 in relation to their failure to file the statement of affairs before the complainant and also for a further direction to respondents 1 to 4 to submit their statement of affairs with the complainant.

2. Notice had been ordered to respondents by proceedings of this Court dated 26.08.2022. Thereafter on 16.02.2023, fresh notice was directed to be issued to the second and third accused and service was awaited for the fourth accused. But however, it was recorded that the first respondent has passed away. Thereafter on 23.06.2023, the complainant was permitted to serve notice by effecting paper publication. A paper publication had also been effected and the same had also been filed before the Court.



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3. In such circumstances, it is deemed that the accused 2 to 4 had been served with proper notice of this application. In spite of the paper publication, the accused 2 to 4 had neither chosen to appear in person or through counsel. Evidence has also been recorded on behalf of the complainant and Exhibits P1 to P4 had been marked. Notice dated 05.09.2014 calling upon the accused to submit their statement of affairs have been marked as Exhibit P1. The service of notice to the accused has also been marked as Exhibit P2.

4. It is the case of the complainant that the accused have failed to submit their statement of affairs pursuant to the notice under Exhibit P1. The accused have also not responded to the court notice in the present application. There is also no record on the file of this Court that such statement of affairs had been filed by the accused. Hence, they are liable to be punished as per the provision 456-A of the Companies Act, 1956. Since there has been no appearance on the side of the accused and no reason have also been placed before this Court for non-submission of statement of affairs, I find them guilty of committing the offence under Section 454 (5-A) and they are liable to be punished. Since the first



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accused had died, the application against him is dismissed as abated, the accused 2 to 4 are imposed with the punishment of a fine of Rs.5,00,000/- each and such fine shall be paid to the credit of the Company Application on or before 04.10.2024. Failing which, the accused 2 to 4 shall be apprehended with the help of the police and produced before this Court on 18.10.2024.

5. Post the matter under the caption 'for reporting compliance' on 18.10.2024.

09.08.2024

*Maya*



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