19.05.2025
Item No.6.
Ct. No.446.
ssd

CRR/1622/2011
M/S DIGVIJAY FINLEASE LTD & ORS.
VS
STATE OF WEST BENGAL & ANR.
IA NO: CRAN/1/2011(Old No:CRAN/1329/2011), CRAN/2/2011(Old No:CRAN/2030/2011)

Mr. Somopriyo Chowdhury,
Mr. Rajshree Kajaria
..for the Petitioners.

It is submitted by the learned Advocate on behalf of the petitioners that in this matter certain typographical errors have come up which are to be rectified in the judgment dated 08.05.2025.

It is pointed out that at page 2 in paragraph 1 of the judgment "C-9492" is to be replaced as "C-9498" and "Section 301 (4) read with section 301 (1)" is to be replaced as "Section 629(A) read with section 108". At page 3 in paragraph 2 of the said judgment "Section 301 (4) of the Companies Act 1956 read with section 301 (1)" is to be replaced as "Section 629(A) of the Companies Act 1956 read with section 108".

It is submitted by the learned advocate that the contravention of the provisions as mentioned in paragraph 3 is typed same as of CRR 1049 of 2011. The contraventions in connection with this CRR

1622 of 2011 as mentioned in paragraph 6 of the complaint is to be inserted.

On careful perusal of paragraph 6 of the complaint Case No.C-9498 of 2006 it appears those are as follows:

"As per minute book of the Board of Directors dated 30.9.1997 at paragraph 6, 5.11.1997 at paragraph 5 and 20.2.1998 at paragraph 3 of the company have received the equity shares of 15 companies and three companies share with joint names of the persons as mentioned at the running page 43 thereof.

There the companies share still not received as same has been mentioned in the audited balance-sheet at 31st March, 2003.

In this connection, the audited balance-sheet as on 31st March, 1998 the book value and the market value of the shares have been shown of Rs.6,56,72,888/- and Rs.7,34,74,769/- + unquoted investment value.

In this connection, the Director of the Company has not been paid the stamp duties payment for obtaining and received the shares after transferred in the companies name to the State of Gujarat or the concerned State and consequently the accused rendered themselves liable for punishment as provided under Section 629(A) read with section 108 of the Act."

This paragraph is to be inserted.

At page 4 in paragraph 4 of the said judgment "Section 301 (4)" is to be replaced as "Section 629A read with section 108 of the Companies Act 1956". At page 4 in paragraph 5 of the said judgment "Section 301 (4)" is to be replaced as "Section 629A read with section 108 of the Companies Act 1956" and the very next line "Section 301 (4)" is to be replaced as "Section 629A read with section 108 of the Companies Act 1956". At page 6 at paragraph 9 "Section 301 (4)" is to be replaced as "Section 629A" and "Section 301(1)" is to be replaced as "Section 108". At page 8 in paragraph 12 of the said judgment "Form No.29" is to be replaced as "Form No.32" and "with effect from 13.08.2004" is to be replaced as "30.03.2004" and "30.01.2004" is to be replaced as "13.08.2004". At page 9 at paragraph 14 "Petitioner No.2 and 4" is to be replaced as "Petitioner No.3 and 4". At page 10 at the same paragraph "Section 301" is to be replaced as "Section 108". At page 13 at paragraph 20 "Section 141" is to be replaced as "Section 629A read with Section 108" and at paragraph 22 "C-9492" is to be replaced as "C-9498".

It is submitted by the learned advocate that inadvertently error in part of paragraph 10 is typed same as of CRR 1049 of 2011 which needs to be corrected.

On perusal it transpires that inadvertently an error and typographical mistake has taken place. Therefore, it is necessary that the said part be incorporated after correcting the said error apparent.

At page 6 of paragraph 10 there is an inadvertent typographical mistake and error in incorporating the contravention as mentioned in the copy of the complaint annexed with the revisional application at paragraph 6 which is to be replaced from "Pursuant to Section 301 of the Act every company shall keep ....neutral will have to be entered".

On perusal it transpires that inadvertent typographical mistake and error has taken place.

Therefore, it is necessary that the said part be incorporated after correcting the said error apparent.

> "629A. Penalty where no specific penalty is provided elsewhere in the Act. – If a Company or any other person contravenes any provision of this Act for which no punishment is provided elsewhere in this Act or any condition, limitation or restriction subject to which any approval sanction, consent, confirmation, recognition, direction or exemption in relation to any matter has been accorded, given or granted, the company and every officer of the company who is in default or such other person shall be punishable with fine which may extend to [five thousand

> rupees], and where the contravention is a continuing one, with a further fine which may extend to [five thousand rupees] for every day after the first during which the contravention continues.

This paragraph is to be inserted.

This order shall form part of the judgment dated 08.05.2025.

The other portion of the judgment dated 08.05.2025 shall remain unchanged.

(CHAITALI CHATTERJEE (DAS), J.)