

Fines, Penalty and Imprisonment Provisions under Company Act 2013



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S.No	Section	Nature Of Default	Penalty	Person to be held responsible for offence	Imprisonment	Person to be Imprisoned
1	4(5)	Reservation of name of company incorporation by submitting wrong or incorrect information.	1L	That Person	No	No
2	8(11)	Contravention of Provisions of Company Formation with Charitable Objects	10 lac - 1 Cr	Company	Max 3 yr	Directors and Person in default
			25k - 25 L	Director and Person in Default		
3	11(2)	Contravention of Provisions of Commencement Of Business	Max 5K	Company	No	No
			1000 per day	Director and Person in Default		
4	12(8)	Any default made in complying with the requirements of Registered Office of Company	1000 every day to the extent to 1L	Company Director and Person in Default	No	No
5	15(2)	Any default made in complying with the requirements of Alteration of MOA and AOA of Company	One thousand rupees for every copy of the memorandum or articles issued without such alteration.	Company	No	No
6	16(3)	Default in Provisions of Rectification of Name of Company	1000 per day	Company	No	No
			5000k - 1 L	Director and Person in Default		

7	17(2)	Any default made in complying with the requirements of Sending MOA and AOA to members on request	1000 every day to the extent to 1L	Company	No	No
8	26(9)	Contravention of Provisions in Issuing of Prospectus	50k - 3L	Company Director and Person in Default	Max 3 y	Person in Default
9	40(5)	Default in Provisions of Securities to be dealt with in stock exchanges in case of public offer.	5L- 50 L	Company	Max 1 y	Person in Default
			50 k - 5 l	Director and Person in Default		
10	33(3)	Any default is made in complying with the requirements of issuing application form for securities without issuing abridged prospectus	50K	Company	NO	NO
11	39(5)	Any default is made in allotment of Securities	1000 Rs per day upto 1L	Company and Officer Person in Default	NO	NO
12	42(10)	If a company makes an offer or accepts monies in contravention of procedure of offer or invitation for subscription of securities on private placement,	Amount involved in the offer or invitation or two crore rupees, whichever is higher	Company	NO	NO
13	46(5)	Issue of Duplicate share certificates with the intention to defraud	5 times of face value - 10 times of face value or 10 Cr (higher)	company	sec 447	Person in Default
14	48(5)	Contravention in Provisions of Variation of Shareholders rights	25k- 5L	Company Director and Person in Default	6 Months	Every Officer of Company in Default
15	53(3)	Default in issue of Shares at a discount	1L-5L	Company and Every Person in Default	6 Months	Officer of Company in Default
16	56(6)	Contravention of Provisions of Transfer and transmission of Securities	25k- 5L	Company	No	No
			10k-1L	Every Officer in Default		
17	57	Deceitful personation Of share holder	1L-5L	Any Person	1y-3Y	Person deceitfully personates

18	58(6)	Refusal of registration and appeal against refusal	1L-5L	Any Person	1y-3Y	Any Person
19	59(5)	Contravention of the order of Tribunal for Rectification of register of members	1L-5L	Company	1y	Directors and Officer in default
			1L-3L	Every officer of the company		
20	60(2)	Falsification in Publication of authorized, subscribed and paid-up capital	10K for each default	Company	No	No
			5k for each default	Every Officer in Default		
21	64(2)	Contravention in Provisions of Notice to be given to Registrar for alteration of share capital.	1000 per day to be extend 5 L	Company and every officer of the company	No	No
22	66(11)	Contravention of Provisions of Reduction of share capital by company	5L-25L	Company	No	No
23	67(5)	Restriction on Purchase by company or giving loan for purchase of its share(Buy Back)	1L-25L	Company and any officer of the company	3Y	Officer of Company in Default
24	68(11)	Contravention of Power of Company to purchase its own securities	1L-3L	Company and any officer of the company	3Y	Officer of Company in Default
25	71(11)	Non Compliance of order of Tribunal on appeal for protecting the security of debenture holders stake.	2L-5L	Officer of Company	3Y	Officer of Company in Default
26	74(3)	For failure to repay deposit and interest. Thereon within allotted limit	1Cr-10Cr 25L- 2Cr	Company and any officer of the company	7Y	Officer of Company in Default
27	86	Contravention of Provisions on Charge Registration	1L-10L	Company	6 months	Officer of Company in Default
			25K-1L	any officer of the company		
28	88(5)	Default in maintenance of Register of Security Holder	50k - 3L which may extent to 1000 Rs per day in Continuation of default	Company and every officer of the company who is in default	NO	NO

29	89(5)	Contravention in Declaration with respect of beneficial interest in any share.	50k which may extent to 1000 Rs per day in Continuation of default	Any person	NO	NO
30	89(7)	Company fail to file the return of declaration after entering it in register within 30 days with ROC	500 to 1000 Rs per day	Company	NO	NO
31	91(1)	If the register of members or of debenture-holders or of other security holders is closed without giving or improper notice	5K every day upto 1 L	Company and every officer of the company	NO	NO
32	92(5)	Non Filing of Annual Return	50k-5L	Company and every officer of the company	6 months	Officer of Company in Default
33	92(6)	Wrong Certification of Annual Return By CS in practice	50k-5L	Company Secretary	No	No
34	94(4)	Refusal from inspection of documents by Company	Rs 1000 per day upto 1L	Company and every officer of company	No	No
35	99	Default in proceedings of AGM/EGM (Sec 96 to 98)	1L and 5000 per day if default cont.	Any Person	No	No
36	102(5)	Contravention of Provisions regarding statement annexed to notice for calling of GM	50K or 5 Times of benefit accruing to promoter key managerial person	every promoter, director, manager or other key managerial personnel	No	No
37	105(3)	Contravention of Provisions regarding appointment of Proxies	5k	Every officer	No	No
38	105(5)	Proxies (Naming the proxy in Invitation)	1l	Every officer	No	No
39	111(5)	Default in Circulation of Resolution	25K	Company and every officer of the company		
40	117(2)	Contravention of Provisions of Filling of Resolution	5L-25L	Company	No	No
			1L-5L	any officer of the company including Liquidator		

41	118(11)	Default in proceeding of GM	25K	Every officer in Default	No	No
42	118(12)	Punishment for tampering the minutes	25K-1L	Every person	2y	Every person
43	119(3)	Refusal of inspection of minute books of General meeting	25K	Company	No	No
			5K	Every Officer in Default		
44	121(3)	Non submission of Annual report to Roc within 30 days	1L-5L	Company	No	No
			25K-1l	every E40officer of the company		
45	124(7)	Default in Provisions of Unpaid Dividend	5L-25L	Company	No	No
			1L-5L	every officer of the company		
46	127	Failure in dividend distribution	18% int p.a 1000 per day	Company and Director	2Y	Director
47	128(6)	Default in compliance of Provisions regarding books of Accounts (sec 128)	50K to 5L	Director. Finance Officer CEO etc	1Y	Director. Finance Officer CEO etc
48	129(7)	Non Compliance of Provisions of Financial statement	50K to 5L	Director. Finance Officer CEO etc	1Y	Director. Finance Officer CEO etc
49	132(4)	Where Professional misconduct if proved while inspecting books of A/cs by NFRA	(1)1L but extendable to 5 times of fees received in case of individual (2)10L and 10 times in case of firm (3)Debarring the member of the firm from practice for 6 months to 10 years	Professional	No	No
50	134(8)	Contravention regarding Financial statement &,Board's report, etc	50K - 25L	Company	3y	Officer of Company in Default
			50K - 5L	Director officer in Default		
51	136(3)	Any Contravention regarding copies of audited financial statement ask by any member	25 K	Company	No	No
			5K	Any Person in default		

			1000 per day upto 10 L	Company		
52	137(3)	Default in Provisions of Filling of Books of Accounts to ROC	1L-5L	Director and Officer in Default	6m	Officer of Company in Default
53	140(3)	Non Submission of resignation of auditor to RO)	50K-5L	Auditor	No	No
54	143(15)	Default in Provisions of Duties of Auditor	1L-25L	Auditor CWA CS	No	No
		Default of Provisions regarding auditors appointment ,removal ,duties, rendering of services etc (Sec 139 to 146)	50k-5L	Company		
55	147(1)		10K-1L	officer in Default	1y	officer in Default
		Default in Provisions of 139,143,144,145 (	25K-5L	Company		
56	147(2)	Appointment , Power, Duties of auditor and Audit report)	1L-25L	Auditor	1y	Auditor
57	157(2)	Default in Provisions of DIN No	25k-1L	Company and Officer in Default	No	No
58	159	Default in Provisions of appointment of Directors ,application for allotment of DIN and more than one DIN	max 50K and 500 rs per day	Director and Indivuaial	6 M	Director and Indivuaial
59	165(6)	Default in Provisions of Appointment of Director	5K-25K	Director	No	No
60	166(7)	Default in Provisions of Duties of Directors	1L-5L	Director	No	No
61	167(2)	Punishment if a person Function As Director after Vacant his office	1L-5L	Director	6M	Director
62	172	Contravention of APPOINTMENT AND QUALIFICATIONS OF DIRECTORS (Ch-11)	50K- 5L	Every concern person in ch xi	n	n
63	173(4)	Failure in Duty to give for Notice of Board Meeting	25K	Every officer in Default	n	n
64	178(8)	Default in Provisions of	1L-5L	Company	6M	Officer in

		Audit Committee , Nomination and Remuneration , Committee and Stakeholders Relationship Committee	25K-1L	officer in Default		Default
65	182(4)	Contravention of Provisions of Contribution to political party by Company	Five times amount Contribute	Company Officer in Default	6M	Officer in Default
66	184(4)	Disclosure of his Interest in contract or arrangement by Director at BM	50K-5L	Director	1Y	Director
67	185(2)	Default in Provisions of Loan to Director	5L-25L	Company and Concern Director	6M	Company and Concern Director
68	186(13)	Contravention of Provisions of Loan and investment by Company	25K-5L	Company Officer in Default	2Y	Company Officer in Default
69	187(4)	Default in Provisions of Investments of company to be held in its own name.	25K-25L	Company	6M	Company Officer in Default
			25K-1L	Officer in Default		
70	188(5)(i)	Contravention of Provisions regarding Related Party Transaction	25k-5L	Company	1Y	Director or Employee of listed Company only
71	189(6)	Failure to maintain Register of contracts or arrangements in which directors are interested.	25K	Director	no	No
72	190(3)	Contravention of Provisions regarding employment Contract with Director	25K	Company	no	No
			5K	officer in Default		
73	191(5)	Default in Provisions of Payment to Director for loss of office etc in connection with transfer of undertaking, property or shares.	25K-1L	Director	No	No
74	194(2)	Default in Provisions of Forward Dealing in Securities	1L-5L	Key managerial person	2Y	Key Managerial Person and Director
75	195(2)	Punishment for Insider trading	5L-25L	Any person	5y	Any Person\

76	197(15)	Default in Provisions of Overall Managerial remuneration	1L-5L	Any person	No	No
77	203(5)	Default in Provisions of Appointment of KMP	1L-5L	Company	No	no
			50K and 1000 very day	Director and KMP		
78	204(4)	Default in Provisions of Secretarial Audit	1L-5L	Company and every officer in default	No	no
INSPECTION, INQUIRY AND INVESTIGATION						
79	206(7)	failure of company to furnish books of A/c in front of ROC	1L and 500 very Day	Company Director and KMP	No	No
80	207(4)(i)	Disobey of Provisions of Inspection by Director or every person in default	25k-1L	Director and Office Defaulter	1y	Director and Office Defaulter
81	217(6)	If Company or Every officer in default disobey Direction of Inspector	25k-1L	Company and Office Defaulter	1y	Director and Office Defaulter
82	217(8)	Any disobey by company or another person in front of inspector	25k-1L	Any Person	1y	Any Person
83	221(2)	Contravention of order of tribunal regarding freezing of assets of company	1L-25L	Company	3Y	Officer in Default
			50K-5L	Officer in Default		
84	222(2)	Contravention of prescribe restriction upon securities by Tribunal	1L-25L	Company	6M	Officer in Default
			25K-5L	Officer in Default		
85	229(3)	Penalty for furnishing false statement, mutilation, destruction of documents during inspection	Not less than amt involve in fraud to 3 times than fraud amt	Any person	6M to 10 y	Any person
86	232(8)	Default in Provisions of Merger and Amalgamation	1L-25L	Company	1Y	Officer in Default
			1L-3L	Officer in Default		
87	238(3)	Issue of circular for transfer of shares of transferor co. without registration to ROC by Director	25K-5L	Director		
88	242(8)	Alteration of MOA or AOA	1L-25L	Company	6M	officer in

		by company where tribunal has already altered	50K-1L	Officer in Default		Default
89	243(2)	MD, Director act as a MD or Director after termination of agreement by tribunal	5L	Any person	6M	officer in Default
90	245(7)	Failure to follow the order of tribunal regarding Class Action	5L-25L 25K-1L	Company Officer in Default	3Y	officer in Default
91	247	Default in Provisions by registered valuer	25K-1L	Valuer	No	No
92		Default in Provisions of Defraud by valuer to Company	1L-5L	Valuer		
93	249(2)	Violation by Company in filing application for removing its name from registrar	1L	Company		
94	267	Violation of Ch- XIX (REVIVAL AND REHABILITATION OF SICK COMPANIES)	10L	Any person	7Y	Any Person
Winding up by the Tribunal						
95	274(4)	Violation for filing Statement of affair	25K-5L	Company and officer in Default	6M	Company and officer in Default
96	284(2)	Promoters, directors, fail to discharge his liability during liquidation	50K	Any person	6M	Any person
97	302(4)	Company liquidator default in filing copy of order by tribunal to ROC	5K every day	Liquidator		
98	305(4)	Default in Provisions of Voluntary Winding Up of Company	50K-5L	Director	1Y-3Y	Director
99	306(5)	Default in Provisions of meeting of Creditor	50K-2L	Company and Director	6M	Director
100	307(2)	Default in Provisions of Publication of resolution to wind up voluntarily.	5000 VERY DAY	Company and officer in Default	No	No
101	312(2)	Default in Provisions of Notice of appointment of Company Liquidator to be given to Registrar.	500 Very Day	Company and officer in Default	No	No
102	314(5)	Fail to File Audited Quarterly Statement by liquidator	5K every day	Liquidator	No	No

103	314(8)	Default in Provisions of Powers and duties of Company Liquidator in voluntary winding up	10L	Liquidator	No	No
104	316(2)	Default in Provisions of Company Liquidator to submit report on progress of winding up	10L	Liquidator	No	No
105	318(8)	Violation of final meeting and dissolution of Company	1L	Liquidator	No	No
106	336(1)(i)	Company doesn't follow procedure of Winding Up	1L-3L	Company and officer in Default	1Y-3Y	Officer in Default
107	336(2)	Offences by officers of companies in liquidation	3L-5L	Company and officer in Default	3Y-5Y	Officer in Default
108	337	Penalty for frauds by officers	1L-3L	officer in Default	1Y-3Y	Officer in Default
109	338(1)	Liability where proper accounts not kept. during winding up	1L-3L	officer in Default	1Y-3Y	Officer in Default
110	342(6)	Fail or neglect to give assistance to Prosecution of delinquent officers and Members of company	25K-1L	Any Person	No	No
111	344(2)	Default in Provisions of Statement that company is in liquidation.	50K- 3L	Company and officer in Default	No	No
112	347(4)	Contravention of rules made by CG regarding disposal of books	25k-1L	officer in Default and member	No	No
113	348(6)	Failure to File particular of Company to ROC	5K every day	Liquidator	No	No
114	348(7)	Violation in audited balance Sheet During liquidation by liquidator	1L	Company Liquidator	6M	Company Liquidator
115	350(2)	If any Company Liquidator at any time retains for more than ten days a sum exceeding five thousand rupees of company	12% int p.a on excess amt	Company Liquidator	No	No
116	352(8)	Any liquidator retaining any money which should have been paid by him into the Company Liquidation Dividend and Undistributed Assets Account	12% p.a	Company Liquidator	No	No

117	356(2)	Filling of notice of tribunal stating dissolution of company as void to Roc	10K every day	Liquidator or person in default	no	No
118	392	Contravention of Provisions of Ch- Companies Incorporation Outside India	1L-3L and 50K every day in continuation of default 1L-5L	Company Every Officer in Default	3Y	Every Officer in Default
119	405(4)	Company fail to comply order of CG to furnish information or statistics.	25K-3L	Company and officer in Default	6M	Company and officer in Default
120	441(5)	violation of Provisions for Compounding of certain offences.	5L by RD	Company		
MISCELLANEOUS						
121	447	punishment for fraud	Not less than amt involve in fraud to 3 times of fraud amt	Any person	6M to 10 y	Any person
122	448	Punishment for false statement	Not less than amt involve in fraud to 3 times of fraud amt	Any person	6M to 10 y	Any person
123	449	Punishment for false evidence.	10L	Any person	3Y to 7 Y	Any person
124	450	Punishment where no specific penalty or punishment is provided	10k and 1K every day	Any person	No	No
125	451	Punishment in case of repeated default within a period of 3 year	Twice of Fine	Company and Every Officer in Default	No	No
126	452(2)	Punishment for wrongful withholding of property	1L-5L	Any person	Max 2 Y	Any person
127	453	Punishment for improper use of "Limited" or "Private Limited". word	500-2000 every day	Any person	No	No
128	454(8)(ii)	Non compliance of Adjudication of penalties within 90 days	25K-5L	Company	6M	Every Person in default
			25K-1L	Every Person in default		

129	464(1)	Prohibition of association or partnership exceeding 100 persons(for profit)	1L	Partnership/ Such Association	No	No
130	469(3)	Contravention of rules made by Central Government	5000 and 500 per day if fault continue	Any Person	No	No