Cases where penalty can be imposed under Companies Act 2013

Section	Particulars	Who is liable	Amount of penalty (Rs.)
4(5)(ii)	Furnishing wrong or incorrect information while applying for reservation of name	Person making application	UptoRs.1 lac
11(2)	Commencing business without submitting declaration about having minimum share capital	Company	UptoRs.5,000/-
12(8)	Default in complying with provisions relating to intimation and display of registered office of company and display of name of company	Company and every officer who is in default	Rs.1,000/- per day (Max.1 lac)
15(2)	Default in noting of alteration in Memorandum & Articles in every copy of memorandum and Articles	--do--	Rs.1,000/- (for every copy of Memorandum or Articles)
17(2)	Default in sending copies of memorandum & articles to a member within 7 days on payment of fees	--do--	Rs.1,000/- per day of default or Rs.1 lac, whichever is less
33(3)	Issuing application forms for securities without abridged prospectus, and not sending full prospectus on request	Company	Rs.50,000/- for each default
39(5)	Not refunding allotment money within 30 days if minimum subscription not received and not filing return of allotment within 30 days	Company and every officer who is in default	Rs.1,000/- per day of default or Rs.1 lac, whichever is less
42(10)	Default in provisions relating to private placement of securities	Company, promoters and directors	Upto amount involved in offer or invitation or Rs.2 crores, whichever is higher.
60(2)	Default in provision relating to publication of authorized capital alongwith subscribed and paid up capital	Company	Rs.10,000/- for each default
		Officer in default	Rs.5,000/- for each default
64(2)	Intimate alteration of Capital	Company & officer In default	Rs.1,000/- per day of default or Rs.5 lac, whichever is less
66(11)	Deposits	company	Rs. 5 lakh to 25 lakh.
		Officer	Sec 447
86	Charges	Company	Rs. 1 lakh to 10 lakh
		Officer	Imprisonment upto 6 months and/or fine of Rs. 25000/- to 1 lakh
91(2)	Default in provision relating to closure of register of members and debenture holders	Company and every officer who is in default	Rs.5,000/- per day (Max.1 lac) during which register is closed.
92(5)	Annual Return	Company	Rs. 50,000 to Rs 5,00,000
		Officer	Rs. 50,000 to Rs 5,00,000 and/or imprisonment of 6 mths
94(4)	Default in keeping register of members and copies of annual returns at registered office and allowing its inspection	Company and every officer who is in default	Rs.1,000/- per day (Max. Rs.1 lac) for each default
111(5)	Default in circulation of members resolution	Company and every officer who is in default	Rs.25,000/-
117(2)	Filing of resolutions	Company	Rs. 5 Lakh to 25 Lakh
		Officer	Rs. 1 Lakh to 5 Lakh
118(11)	Default in provisions relating to maintenance of minutes of general meetings and Board meetings	Company	Rs.25,000/-
		Officer who is in default	Rs.5,000/-

119(3)	Default in allowing inspection of minutes of general meeting or resolution passed by postal ballot	Company	Rs.25,000/-
		Officer who is in default	Rs.5,000/-
136(3)	Default in sending copies of audited financial statement to members and its inspection	Company	Rs.25,000/-
		Officer who is in default	Rs.5,000/-
140(3)	Retirement of Auditor	Auditor	Rs. 50,000/- to Rs. 5 Lakh
157(2)	Intimation of DIN	Company/Officer	Rs. 25,000/- to Rs. 1 lakh
173(4)	Default in giving required notice of Board meeting	Every person whose duty is	Rs.25,000/-
184(4)	Disclosure of Interest	Director	Rs. 50000 to Rs. 100000 and/or Imprisonment Upto 1 year
189(6)	Default in keeping register of contracts or arrangements in which directors are interested and disclosure by directors of their interest	Every director	Rs.25,000/-
190(3)	Default in keeping contract of service with MD and WTD and allowing its inspection	Company	Rs.25,000/- for each default
		Officer who is in default	Rs.5,000/- for each default
352(8)(a)	Company Liquidator retaining money without depositing it in Company Liquidation Dividend and Undistributed Assets Account	Liquidator	Such amount as may be determined by ROC.

This isn't the complete list, but for sure to make us aware of the stringent provisions of Companies Act, 2013.

Note:

Concept of levy of penalties by adjudicating officers has been introduced for the first time in company law in Companies Act 2013. As per Companies (Adjudication of Penalties) Rules 2014 adjudicating officers (not below the rank of Registrar) can levy penalty after issuing show cause notice and hearing in person, if required. Appeal against such order can be filed with the Regional Director.

It may be noted that penalty is different from fine. Only Special Court can take cognizance of offence under the Act and can order for fine/imprisonment.

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