

THE OFFICES OF THE COMPANY LAW BOARD BENCHES (DESTRUCTION OF RECORDS) RULES, 1980¹

In exercise of the powers conferred by section 3 of the Destruction of Records Act, 1917 (5 of 1917), the Central Government hereby makes the following rules, namely:

1. Short title and commencement.—(1) These rules may be called **The Offices of the Company Law Board Benches (Destruction of Records) Rules, 1980**.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.—In these rules, unless the context otherwise requires,—

- (a) 'Act' means the Companies Act, 1956 (1 of 1956);
- ¹(b) 'application' means an application, by which an inter-locutory proceeding is commenced before the bench;
- *[(c) 'bench' means a Bench of the Company Law Board formed under sub-section (4B) of section 10E, of the Act;]
- *[(d) 'bench-officer' means an officer notified by the Company Law Board for the purpose of—
 - (i) receiving, examining and processing petitions and applications; and
 - (ii) performing such other functions as may be entrusted to him under these rules and the rules for the destruction of office records connected with accounts;]
- (e) 'company' has the same meaning assigned to it in the Act and includes a foreign company within the meaning of section 591;
- (f) 'member' means a Member of the Company Law Board;
- *[(g) 'petition' means a petition, application, appeal or complaint in pursuance of which any proceeding, not being an interlocutory proceeding, is commenced before the bench.]

3. Preservation of records.—The records specified in column (2) of the Table in relation to the subject matters specified therein shall be preserved for the periods specified in the column (3) of the table.

*[TABLE

Sl. No.	Subject	Period of preservation
1.	2	3
1.	Petitions, applications and references under the Act and under the Securities Contracts (Regulation) Act, 1956 and the Monopolies and Restrictive Trade Practice Act, 1969	5 years after final disposal of the case
2.	Duplicate copies of petitions, applications and references referred to in serial number 1	1 year after final disposal of the case
3.	Register of petition	Permanently
4.	Register of applications	5 years
5.	Register of miscellaneous files	3 years
6.	(i) Register of fees (ii) Register of copying charges and inspection	1 year after completion of audit

1. Notification F. No. 2380-CL-V, dated 12-9-1980.

* Subs. by Amendment Rules, 1992, vide GSR No. 336(E), dated 18-3-1992 (w.e.f. 18-3-1992).

(1)	(2)	(3)
7.	Minutes of the Company Law Board hearings	12 years
8.	Judgments and Orders	Permanently].

4. Destruction of records.—The records referred to in Rule 3 may be destroyed after the expiry of the periods of their preservation as specified in that rule and no such record shall be destroyed except after obtaining the previous orders in writing of the member of bench.

5. Record of documents destroyed to be maintained.—The bench officer shall maintain a register in the form set out in the Appendix annexed hereto, wherein he shall enter brief particulars of the records destroyed and shall certify under his own hand therein the date and mode of destruction which has been approved by the member.

6. Application of other rules not barred.—The provisions of these rules shall be in addition to, and not in derogation of, the rules for the destruction of office records connected with accounts (contained in Appendix 17 to the Compilation of the General Financial Rules).

APPENDIX

Particulars of documents, as referred to in the table below Rule 3

<i>No. of the file or document destroyed</i>	<i>Subject to which the document refers</i>	<i>Description of documents destroyed</i>	<i>Date and mode of destruction with initials of the Members</i>
1	2	3	4