

File No. 10/36/2001-CLB
GOVERNMENT OF INDIA
COMPANY LAW BOARD
Paryavaran Bhawan, 3rd Floor, B-Block, C.G.O. Complex, Lodhi Road,
New Delhi - 110 003

Dated: 25/09/2013

ORDER

In exercise of the powers conferred by sub-section (4B) and sub-section (6) of Section 10(E) of the Companies Act, 1956 (1 of 1956) read with Regulation 4 of the Company Law Board Regulations, 1991 and Ministry of Corporate Affairs, companies (removal of Difficulties) order, 2013 dated 20.09.2013 notified under sub-section (1) of section 470 of the Companies Act, 2013, the Board, hereby, makes the following Regulations further to amend the Company Law Board Regulations 1991, namely:-

1. In CHAPTER I of the Company Law Board Regulations, 1991, (hereinafter referred to as the said regulations),-

(a) In Definitions, in definition 2 (1) (a), for the expression "Act" means the Companies Act, 1956 (1 of 1956), the following expressions shall be substituted namely:-

" "Act" means the Companies Act, 1956 (1 of 1956) and Companies Act, 2013 (1 of 2013) as applicable."

2. In CHAPTER II of the said Regulations,

(a) In Regulation 4, for sub-regulation (3), the following sub-regulation shall be substituted namely:-

"It shall be lawful for the Chairman to provide that matters falling under sections 43, 49, 58A, 58AA, 79, 80A, 111 and/or 111A (petitions received and registered in CLB upto 11.09.2013), 113, 117, 117C, 118, 144, 163, 167, 186, 196, 219, 225, 235, 237B, 247, 284, 304, 307, 614, 621A and all matters arising under Chapter VI (prevention of oppression and mismanagement) of the Companies Act, 1956, section 45QA of the R.B.I. Act, 1934 and sections 24, 58 and 59 (petitions received and registered in CLB on or after 12.09.2013) of the Companies Act, 2013 shall be dealt by Regional Benches, namely, New Delhi Bench, Chennai Bench, Kolkata Bench and Mumbai Bench, consisting of one or more Members."

(b) In Regulation 14 of the said regulations,

(i) for sub-regulation (2), the following sub-regulation shall be substituted namely:-

"The petitioner/applicant shall serve an advance notice with a copy of the petition, reference or application on the respondent(s) and shall produce evidence of such service at the time of presentation of such petition, reference or application in CLB."

- (ii) for sub-regulation (3), the following sub-regulation shall be substituted namely:-

“The Petitioner shall serve a copy of the reference or petition other than a petition under section 49, 79, 80A, 111 and/or 111A (petitions received and registered in CLB upto 11.09.2013), 113, 118, 144, 163, 188, 196, 219, 225, 284, 304 and 307 of the Companies Act, 1956 and under sections 58 and 59 (petitions received and registered in CLB on or after 12.09.2013) of the Companies Act, 2013, upon the concerned Registrar of Companies having jurisdiction over the company and shall attach to and present with his petition, reference, an acknowledgement from the office of the Registrar of Companies receiving a copy of the petition or reference so served.”

- (c) In Regulation 15 of the said regulations,

- (i) for sub-regulation (2), the following sub-regulation shall be substituted namely:-

“Every petition or application shall be presented in CLB after giving two clear working days advance notice for mentioning (excluding the date of such presentation) and accompanied by evidence of such advance notice having been served on the respondent(s). If, on scrutiny, the petition or application is found to be in order, it shall be duly registered and given a serial number.”

- (ii) after sub-regulation (2), the following proviso shall be inserted namely:-

“Provided that in an exceptional situation of urgency, the above notice period may be dispensed with by the order of the Bench.”

- (d) In Regulation 18 of the said regulations,

- (i) for sub-regulation (1), the following sub-regulation shall be substituted namely:-

“A petition shall be accompanied by documents as prescribed in Annexure III and shall be accompanied by an index of documents, brief of synopsis within two pages and date of events within two pages.”

3. In CHAPTER IV of the said Regulations,

- (a) In Annexure II, in Form No. 1, for the expression “in the matter of Companies Act, 1956, the following expression shall be substituted namely:-

“In the matter of Companies Act, 1956/ The Companies Act, 2013”

(b) In Annexure III of the said Regulations, against serial number 9, for the expressions 111 [or 111A], the following expression shall be substituted namely:-

“111 [or 111A] of the Companies Act, 1956 and 58 [or 59] of the Companies Act, 2013.”

4. This order shall come into force with immediate effect.

By Order of the Company Law Board



(P. K. Malhotra)

Secretary, Company Law Board
Telephone: 24363451

1. P.A. to Hon'ble Chairman, Company Law Board, New Delhi.
2. Hon'ble Members, Company Law Board, New Delhi Bench, Kolkata Bench, Mumbai Bench and Chennai Bench.
3. Bench Officers, Company Law Board, Principal Bench, New Delhi Bench/Kolkata Bench/Mumbai Bench/Chennai Bench.
4. All Regional Directors/ All Registrars of Companies/ All Official Liquidator.
5. Sr. PPS to Secretary, Ministry of Corporate Affairs, New Delhi.
6. PS to Shri Amardeep Singh Bhatia, Joint Secretary, MCA.
7. Shri B. N. Harish, Director Inspection & Investigation, MCA.
8. Shri N. K. Dua, Deputy Director, MCA.
9. Secretary, DGIR, New Delhi.
10. Secretary, Competition Commission of India, New Delhi.
11. Director, S.F.I.O, New Delhi.
12. CLB, web site/ Notice Board.
13. The Institute of Chartered Accountants of India, ITO, New Delhi.
14. The Institute of Company Secretaries of India, ICSI, House 22, Institutional Area, Lodhi Road, New Delhi - 110003.
15. Corporate Law Adviser, 158, Basant Enclave, Palam Road, New Delhi-110057.
16. Taxman Allied Services Ltd., 59/32, New Rohtak Road, Delhi.
17. The All India Reporter Pvt. Ltd., 31-D 'B' Block, Delhi High Court, New Delhi.
18. Bar councils New Delhi/Kolkata.