



राष्ट्रीय कम्पनी विधि अधिकरण / NATIONAL COMPANY LAW TRIBUNAL

छठा तल, ब्लॉक-3,
सी. जी. ओ. कम्प्लेक्स, लोधी रोड,
6th Floor, Block-3,
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दिनांक / Dated: 17th May 2017

NOTICE

Government of India vide Notification No. GSR 1119 (E) dated 07th December, 2016 has notified Companies (Transfer of Proceedings) Rules, 2016. Through these rules all matters relating to winding up and amalgamation has been transferred from High Courts to National Company Law Tribunal.

Rule 5 of the aforesaid Rules, 2016 states that –

“All petitions relating to winding up under clause (e) of section 433 of the Companies Act, 1956 filed on the ground of inability to pay its debts pending before a High Court and where the petition has not been served on the respondent as required under rule 26 of the Company (Court) Rules, 1959 shall be transferred to the Bench of the Tribunal established under sub-section (4) of section 419 of the Companies Act, 2013 and exercising territorial jurisdiction and such petition shall be treated as an application under section 7,8 or 9 of the Insolvency and Bankruptcy Code, 2016, as the case may be, and dealt with in accordance with Part II of the Code.

Provided that the petitioner shall submit all information forming part of the records transferred in accordance with Rule 7, required for admission of the petition under section 7, 8 or 9 of the Code, as the case may be, including details of the proposed insolvency professional to the Tribunal within 60 days from the date of notification, failing which the petition shall abate.”

The time for compliance of rule 5 of the Companies (Transfer of Proceedings) Rules, 2016 has been **extended to six months** from 15th December 2016 vide Notification No. GSR 175(E) dated 28th February, 2017 to **six months** from 15th December 2016.

In accordance with the aforesaid notifications, the period of **six months** shall elapse on 14th June, 2017.

Therefore, all concerned are hereby informed to comply with the provisions of the above mentioned notifications dated 07th December, 2016 and dated 28th February, 2017 failing which all matters related to section 433(e) of the Companies Act, 1956 transferred from various High Courts to National Company Law Tribunal shall abate.

The office of NCLT and registry shall remain open to accept the filing during the vacation i.e. month of June, 2017.


(Shiv Ram Bairwa)
Registrar