

Appearance before NCLT



Adv. Nipun Singhvi

Founding Partner

B.Com.(Hons.), BCCD, LLB, LLM(Corporate Laws),CS, FCA, Certified IFRS,
Certified Forensic Accountant, Certified Con. Bank Audit, Qualified
Independent Director (Ministry of Corporate Affairs)

NCLT : Whether Court or Tribunal?



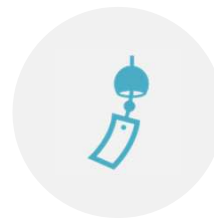
NCLT is formed
under Companies
Act,2013



Powers under
NCLT Rules,2016



Companies
Act,2013 –
12.09.2013



NCLT came in
01.06.2016

NCLT : Technical and Judicial Member

- Mandatory or Optional
- Madras Bar Association Vs. Union of India
- Nipun P Singhvi Vs. Union of India
- NGT Bar Association Vs Union of India



- Jurisdiction
- Court is Civil and Criminal ?
- Procedure CPC, CrPC
- NCLT Rules, 2016

NCLT : Non –obedience of order

- Contempt of Court Act, 1971
- Section 425 Co's Act, 2013

6 months
imprisonment : Civil
confinement

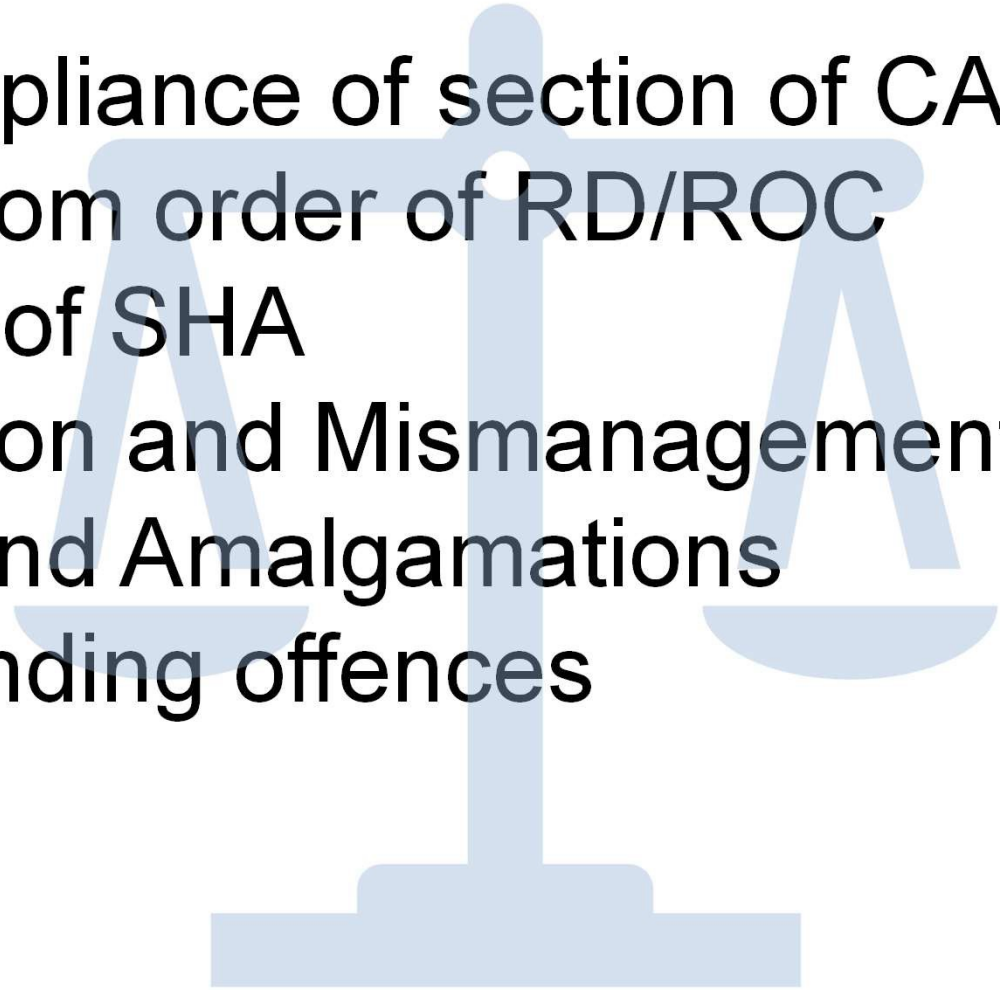


S.NO.	Name Of Bench	Location	Territorial Jurisdiction of the Bench
1	(a) National Company Law Tribunal, Principal Bench. (b) National Company Law Tribunal, New Delhi Bench.	New Delhi	(1) Union territory of Delhi.
2	(a) National Company Law Tribunal, Ahmedabad Bench.	Ahmedabad	(1) State of Gujarat (2) Union Territory of Dadra and Nagar Haveli (3) Union Territory of Daman and Diu
3	National Company Law Tribunal, Allahabad Bench.	Allahabad	(1) State of Uttar Pradesh. (2) State of Uttarakhand.
4	National Company Law Tribunal, Amaravati Bench.	Hyderabad	(1) State of Andhra Pradesh
5	National Company Law Tribunal, Bengaluru Bench.	Bengaluru	(1) State of Karnataka.
6	National Company Law Tribunal, Chandigarh Bench.	Chandigarh	(1) State of Himachal Pradesh. (2) State of Jammu and Kashmir. (3) State of Punjab. (4) Union territory of Chandigarh. (5) State of Haryana.
7	National Company Law Tribunal, Chennai Bench.	Chennai	(1) State of Tamil Nadu. (2) Union territory of Puducherry.
8.	National Company Law Tribunal, Cuttack Bench.	Cuttack	(1) State of Chhattisgarh. (2) State of Odisha.

S.N O.	Name Of Bench	Location	Territorial Jurisdiction of the Bench
10	National Company Law Tribunal, Hyderabad Bench.	Hyderabad	(1) State of Telangana.
11	National Company Law Tribunal, Indore Bench.	Ahmedabad	(1) State of Madhya Pradesh
12	National Company Law Tribunal, Jaipur Bench.	Jaipur	(1) State of Rajasthan.
13	National Company Law Tribunal, Kochi Bench.	Kochi	(1) State of Kerala (2) Union Territory of Laksha
14	National Company Law Tribunal, Kolkata Bench.	Kolkata Bench	(1) State of Bihar. (2) State of Jharkhand. (3) State of West Bengal. (4) Union territory of Andaman and Nicobar Islands.
15	National Company Law Tribunal, Mumbai Bench.	Mumbai Bench	(1) State of Goa. (2) State of Maharashtra.

Practise Area – Companies Act

- Non-compliance of section of CA
- Appeal from order of RD/ROC
- Violation of SHA
- Oppression and Mismanagement
- Merger and Amalgamations
- Compounding offences



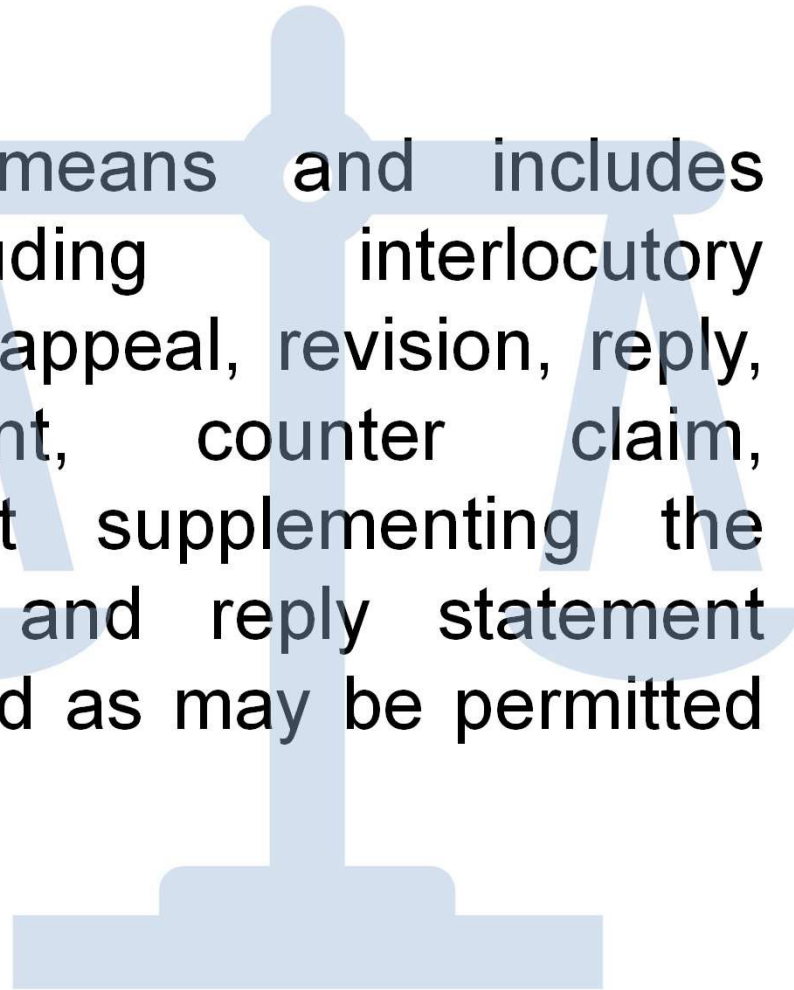
Practise Area – IBC



- Representing
 - Operational creditor
 - Financial Creditor
 - Corporate Debtor
- Assisting IRP/RP/Liquidator team
- Claims collation and assisting
- Authorised Representative

NCLT Rules

(19) “plea **lings**” means and includes application including interlocutory application, petition, appeal, revision, reply, rejoinder, statement, counter claim, additional statement supplementing the original application and reply statement under these rules and as may be permitted by the Tribunal;



S.No.	Section CA'13	Nature of application / petition	Fees
1.	Sec. 7 (7)	Application to Tribunal where company has been incorporated by furnishing false or incorrect info or by any fraudulent action.	5,000/-
2.	Sec. 55 (3)	Application for issue further redeemable preferenceshares.	5,000/-
3.	Sec. 58 (3)	Appeal against refusal of registration of shares.	1,000/-
4.	Sec. 59	Appeal for rectification of register of member.	1,000/-
5.	Sec. 62 (4)	Appeal against order of Govt. fixing terms and conditions for conversion of debentures and shares.	5,000/-
6.	Sec. 71 (9)	Petition by Debenture-trustees.	2,000/-
7.	Sec. 71 (10)	Application in the event of failure of redeeming of debentures.	1,000/-
8.	Sec. 73 (4)	Application by deposition for repayment of deposit or interest.	500/-
9.	Sec. 74 (2)	Application to allow further time as considered reasonable to the company to repay deposits.	5,000/-
10.	Sec. 97 (1)	Application for calling of Annual General meeting.	1,000/-
11.	Sec. 98 (1)	Application for calling of general meeting of company other than annual general meeting	1,000/-
12.	Sec. 119 (4)	Petition to pass an order directing immediate inspection of minute's books or directing a copy thereof be sent forthwith to persons requiring it	500/-

15.	Sec. 130 (1)	Application for re-opening of books of account, if made by any person other than Central Government, Income Tax authorities, SEBI or any other statutory regulatory body or authority.	5,000/-
16.	Sec. 131 (1)	Application by company for voluntary revision of financial statement on Board's report.	5,000/-
17.	Sec. 140 (4)	Application for not sending the copy of representation of auditor to the members.	1,000/-
18.	Sec. 140 (5)	Application by any other person concerned for change of auditors.	2,000/-
19.	Sec. 169 (4)	Application for not sending copies of representation	1,000/-
20.	Sec. 213	Application to Tribunal for investigation into company affairs.	5,000/-
21.	Sec. 218 (1)	Application for approval for action proposed against employee.	1,000/-
22.	Sec. 222 (1)	Application for imposition of restrictions on securities.	2,500/-
23.	Sec. 241 (1)	Application in cases of oppression and mismanagement.	10,000/-
24.	Sec. 242 (4)	Application for regulating the conduct of company.	2,500/-
25.	Sec. 243 (1) (b)	Application for appointment as Managing Director	5,000/-
26.	Sec. 244 (1)	Application for waiver of requirement specified in clause (a) or (b) of Sec. 244(1)	2,500/-
27.	Sec 252	Revival of Companies when struck off by ROC	1,000/-
28.	Sec 245	Class action suits	5000/-
29.	Sec. 441	Application for compounding of certain offences.	1,000/-
30.	Sec 421	Appeals to NCLAT	5,000/-
31.		Application under any other provisions specifically not mentioned herein above	1,000/-

FORMS OF NCLT

FORMS	PARTICULARS	RULES
NCLT 1	Petition/Application attachments Or IA alongwith	Rule 34
NCLT 2	Notice of Admission	Rules 34
NCLT 3	Notice of Motion	Rule 34
NCLT 3A	Advertisement dealing Petition	Rule 35
NCLT 3B	Individual Notice of Petition/ Application to Creditors, Members etc	Rule 68
NCLT 3C	Lodging of Caveat	Rule 25
NCLT 4	Memorandum of Caveat	
NCLT 5	Notice to Opposite Party	Rule 37
NCLT 6	General Affidavit Verifying Petition	Rule 34
NCLT 7	Affidavit by way of Evidence	Rule 39
NCLT 8	Application for Execution of Orders	Order 21, Rule 11
NCLT 9	General Form if no specific form given	

FORMS	PARTICULARS	RULE
NCLT 10	Application for registration of intern of authorised representative	Rule 46
NCLT 11	Application u/s 71(9), 74(10), 73(4) or u/s 74(2) & 76(2)	
NCLT 12	Memorandum of Appearance	Rule 45
NCLT 13	Public Notice of Petition u/s 245	Rule 87
NCLT 14	Affidavit of illiterate, visually challenged person	Rule 128
NCLT 15	Application for production of documents, form of summons	Rule 131
NCLT 16	Form recording of Depositions	Rule 140
NCLT 17	Certificate of Discharge	Rule 142
NCLT 18	Register of Appeals	



Respondent
Defendant

Petitioner/
Applicant





Sir?

Lordship ?

My Honour ?

Ask for time in case you are not prepared

Brief and can take adjournment

Sorry/ Tender Apology in case you are not aware



- Finger pointing
- Ask for Copy of case laws referred
- Liberty to file written submissions





- Cause list
 - Mentioning
 - Pagination
 - Notarized
- Plaint
- Reply
- Rejoinder
- Sur-rejoinder



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