

DRAFT FROMS I.R.O DRAFT RULES FOR CHAPTER XIX OF THE COMPANIES
ACT, 2013

Form No. A

Application for determination of sickness

[Pursuant to section 253 & rule 19.1]

**BEFORE THE NATIONAL COMPANY LAW TRIBUNAL,
SPECIAL BENCH AT...**

IN THE MATTER OF SECTION OF THE COMPANIES ACT, 2013,

AND

IN THE MATTER OF

(State the name and registered office address of the company)

AND

IN THE MATTER OF (Applicant)

(State the name and address of the applicant)

Details of application:

1. *This application is being filed by :-

- ☐ Secured creditor of the company
- ☐ Debtor company
- ☐ Central government
- ☐ Reserve Bank of India
- ☐ State government
- ☐ PFI/ SLI/ Scheduled bank

☐ Any other, specify

[tick whichever is applicable]*

2. Particulars of the applicant(s) (need not be stated where company is the applicant) [Full name, age, description, father's / husband's name, occupation, capacity, i.e. qua shareholder, qua depositor and complete address of the applicant(s)]
 3. Particulars of the company, whether applicant or not-
 - (a) Name of the company:
 - (b) CIN:
 - (c) Registered office address:
 - (d) E-mail id:
 4.
 - (a) Date of incorporation of company:
 - (b) Main business activities of the company:
 5.
 - (a) *Whether the company is listed:
☐ Yes
☐ No
 - (b) If yes, name of the stock exchange(s) where the company is listed:
- [* tick whichever is applicable]*
6. Name of the Regulatory Authority, if any, regulating the company:
 7. Facts of the case are:

- (a) In case of secured creditor(s),
 - (i) Total amount of outstanding debt of the company:
 - (ii) Amount demanded by the secured creditor:
 - (iii) Date of service of the first notice of demand (not later than 30 days):
- (b) In case of State Government, the details of the undertaking of the company situated in such State:
- (c) In case of PFI/ SLI/ Scheduled bank,
 - (i) Type of the financial assistance provided to the company:
 - (ii) Amount of such assistance:
- (d) Grounds for making this application:
- (e) Any other facts of the case:

8. Jurisdiction of the Bench.

The applicant declares that the subject-matter of the application is within the jurisdiction of the Bench

9. Relief sought.

In view of the facts mentioned in para above , the applicant prays for the following relief(s): (Specify below the relief(s) sought explaining the ground for relief(s) and the legal provisions (if any) relied upon)

10. Interim order, if any, prayed for.

Pending final decision on the application, the applicant seeks issue of the following interim order:

(Give here the nature of the interim order prayed for with reasons)

11. Particulars of Bank draft evidencing payment of fee for the application made:

(i) Branch of the Bank on which drawn:

(ii) Name of the issuing branch:

(iii) Demand Draft No. :

Date:

Amount (in Rs.):

12. List of enclosures

(See rule 7 and Annexure D of NCLT Rules under Chapter 27)

1.

2.

3.

4.

Signature of the applicant

FORM NO. B

Interlocutory application

[Pursuant to section 253 (2) & rule 19.1(3)]

**BEFORE THE NATIONAL COMPANY LAW TRIBUNAL
SPECIAL BENCH AT...**

Misc. Application No..... of

In

Original Petition No.of

XXX Applicant (Applicant/ Respondent)

Versus

YYY ...Respondent (Respondent / Applicant)

1. Brief facts leading to the application:

2. Interim order prayed of:

Signature of the Applicant

(Signature of the Authorized Representative)

Place:

Date:

Form No. C

**Notice to debtor Company of the petition / application for
determination of company as sick company.**

[Pursuant to section 253 (1) or 253 (2) & rule 19.1(4)]

To

Board of Directors

(Name of the debtor company)

.....

(sub: Notice of petition/ application filed under sub-section (1) or (2) of
section 253 of Companies Act, 2013)

Take notice that a petition/ application under section of the
Companies Act, 2013 dated..... is proposed to be presented by.....
(name of the applicant) on (Mention the date) before Bench,
Company Law Tribunal, for (state the purpose of the petition).

If you desire to support or oppose the petition/application, you should
give notice thereof in writing to the undersigned so as to reach him/ it not
later than days before the date fixed for the hearing of the petition,
and appear at the hearing in person or by your authorized representative.

Where such person seeks to oppose the petition/ application, the grounds
of opposition or a copy of the affidavit shall be furnished with such notice.

A copy of the petition/ application will be furnished by the undersigned to any person requiring the same on payment of the prescribed charges for the same.

Signature:

Name of the petitioner/ applicant
(& his authorized representative, if any)

Date:

Place:

FORM NO. D

[Pursuant to section 253 (7) & rule 19.(1) (7)]

**BEFORE THE NATIONAL COMPANY LAW TRIBUNAL
SPECIAL BENCH AT...**

IN THE MATTER OF-----LTD (give the name of the company)
(Company incorporated under Companies Act,.....)

Company Petition No..... 0/ 20

..... Petitioner

Before the Hon'ble _____

Dated

Order determining a debtor company a sick company

Upon the petition of..... presented on the day
of..... 20...., upon hearing Shri representative for the petitioner
Shri..... representative for the secured creditors or the Reserve Bank of
India or Central Government or State Government or Public Financial
Institution or State Level Institution or a scheduled bank, as the case may
be, supporting the petition, Shri representative for the secured
creditors opposing the petition, and Shri representative for the
debtor company, upon reading the said petition, the affidavit of A.B., filed

the day of..... 20...., verifying the said petition, the affidavit of x.y., filed theday of20....., the (state or union territory) gazette of the advertisement of the said petition, this Tribunal doth order:

*(1) That the said debtor company be determined as sick company by this Tribunal under the provisions of the Companies Act, 2013; and

** (2) That it is not practicable for the debtor company to make repayment of its debts referred to in section 253 (1) or it is practicable for the debtor company to make repayment of its debts referred to in section 253 (1) and the Tribunal hereby grants a period of days to the company to make payment of its debts subject to the following conditions:-

(here set out the conditions to be imposed by the Tribunal)

(3) That the petitioner/applicant do advertise within 14 days from this date, a notice in the Form no. F of the making of this order in one issue (each) of... (here enter the newspaper or newspapers in which the order is to be advertised); and

(4) That the cost of the said petition be taxed and paid out of the assets of the said debtor company.

Dated this day 20 .

(By the Tribunal)

Registrar

*Where the company ordered to be determined as a sick company is a Banking Company, or an Insurance Company, add at the end of clause (1) "and the Banking Companies Act, 1949' or 'and the Insurance Act, 1938", as the case may be.

Form No. E

[Pursuant to rule 19.1 (9)]

**BEFORE THE NATIONAL COMPANY LAW TRIBUNAL
SPECIAL BENCH AT...**

IN THE MATTER OF-----LTD (give the name of the company)

Petition No.....of 20.....

.....Petitioner

Company Petition No 20

..... Petitioner

Notice of order determining a company as sick company

By an order made by the Tribunal in the above matter dated the day of 20, it was ordered that the above named company be determined as a sick company under the provisions of the Companies Act, 2013.

Dated.....

Representative for the Petitioner

Form No. F

**Application for determination of measures for revival and
rehabilitation**

[Pursuant to section 254 (1) & rule 19.2(1)]

**BEFORE THE NATIONAL COMPANY LAW TRIBUNAL,
SPECIAL BENCH AT.....**

IN THE MATTER OF SECTION OF THE COMPANIES ACT, 2013,

AND

IN THE MATTER OF

(State the name and registered office address of the company)

AND

IN THE MATTER OF (Applicant)

(State the name and address of the applicant)

Details of application:

1. *This application is being filed by

- ☐ Secured creditor of the company
- ☐ Sick company

[tick whichever is applicable]*

2. Particulars of the applicant(s) (need not be stated where company is the applicant) [Full name, age, description, father's / husband's

name, occupation, capacity, i.e. qua shareholder, qua depositor and complete address of the applicant(s)]

3. Particulars of the company, whether applicant or not-
 - (a) Name of the company:
 - (b) CIN:
 - (c) Registered office address:
 - (d) E-mail id:
4.
 - (a) Date on which the application under section 253(1) was filed:
 - (b) Application under section 253(1) was filed by:
 - (c) Grounds for making such application:
 - (d) Date of passing order declaring the company as sick company:
5. Whether the draft scheme of revival and rehabilitation company has been filed or not:
6. (a) Brief particulars of the such scheme:
 - (i) Arrangement for required funds to restart or increase the production:
 - (ii) Arrangement for required funds for payment of dues:
 - (iii) If it is proposed to induct new promoter to revive the unit, give profile of the new promoters:
- (b) Prospective positive and incremental effect on the implementation of rehabilitation scheme:
7. Details of outstanding dues:

S. No.	Name of the creditor	Principal amount	Interest	Others, specify	Total
(1)	(2)	(3)	(4)	(5)	(6)

8. Where the financial assets of the sick company has been acquired by any securitisation or reconstruction company, date of obtaining consent of securitisation or reconstruction company:

9. Declaration

No measure has been taken under section 13 of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 by any secured creditor representing three-fourth in value:

10. Jurisdiction of the Bench.

The applicant declares that the subject-matter of the application is within the jurisdiction of the Bench

11. Relief sought.

In view of the facts mentioned in para above , the applicant prays for the following relief(s): (Specify below the relief(s) sought explaining the ground for relief(s) and the legal provisions (if any) relied upon)

12. Interim order, if any, prayed for.

Pending final decision on the application, the applicant seeks issue

of the following interim order:

(Give here the nature of the interim order prayed for with reasons)

13. Particulars of Bank draft evidencing payment of fee for the application made:

(i) Branch of the Bank on which drawn:

(ii) Name of the issuing branch:

(iii) Demand Draft No. :

Date:

Amount (in Rs.):

14. List of enclosures

Signature of the applicant

Form No. G

Scheme of revival and rehabilitation

[Pursuant to section 254 (2)(c) and rule 19.2 (2) (iv).]

The scheme for revival and rehabilitation shall, *inter alia*, include the following:

- (a) Details and background of the company
- (b) Details of the directors
- (c) Products manufactured
- (d) Shareholder pattern as on....
- (e) Reasons for sickness
- (f) Strategy to overcome the reasons for sickness and for revival
- (g) Availability of managerial and technical personnel (raw material, machinery, etc.)
- (h) Details of dues of secured creditors and settlement reached with them indicating the percentage at which they will be settled.
- (i) Details of dues of unsecured creditors and settlement reached with them indicating the percentage at which they will be settled.
- (j) Details of dues of workers and whether their written consent obtained for settlement.
- (k) Details of statutory dues and how they will be settled.
- (l) Projected financial position of the company

(m) Cost of the scheme

(n) Means of finance

(Also projected balance sheet and profit and loss A/c and projected cash flow statement attached.)

(o) Tenure for the implementation of the scheme

(p) Capital structure of the company (present and modified)

(q) Details of issue of shares, if any proposed by this scheme

(r) Proposed change of management, if any

(s) Sale of surplus assets, if any, proposed with details of the assets like machinery and extent of land and location

(t) In case the scheme involves amalgamation, basis of arriving at share exchange ratio

(u) Whether the consent of all agencies from whom relief is sought has been taken (mention the name of such agency and date of obtaining the consent also)

(v) Other terms and conditions

(w) Where any Techno-Economic Viability study was done, brief details of such study

(x) In case of modified scheme, details of implementation of the scheme so far.

Form No. H

[Pursuant to section 256(1)(b) & rule 19.3(1)(iii)]

**BEFORE THE NATIONAL COMPANY LAW TRIBUNAL
SPECIAL BENCH AT...**

IN THE MATTER OF-----LTD (give the name of the company)
(Company incorporated under Companies Act,.....)

Petition No.....of 20.....
.....Petitioner

Company Application No 20
..... Applicant.

Before the Hon'ble Mr. -----

Dated.....

Order appointing Interim Administrator

Upon the application of....., and upon hearing Shri.....,
representative for the applicant, and Shri ,
representative for the company and upon reading the petition and
affidavit filed the day of... 20.... , and the affidavit of the applicant herein
filed the day of... .20

This Tribunal doth appoint the Shri _____, resident of

_____to be interim administrator of the above named company subject to the following terms and conditions that is to say;

[Here describe the terms and conditions governing the appointment of the interim administrator]

And the Tribunal doth hereby limit and restrict the powers of the said interim administrator to the following acts, that is to say,

[Here describe the acts which the interim administrator is authorized to do.]

And the Tribunal doth order that the interim administrator do forthwith:-

- i. Call and convene a meeting of the creditors within forty five days from the date of the order.
- ii. Ascertain and submit a report in **Form No. J**, within sixty days from the date of the order whether it is possible to adopt certain measures for the revival and rehabilitation of the sick company.
- iii. Take steps to protect and preserve the assets of the sick company and for its proper management.
- iv. Take over the management of the company.
- v. Such other acts as the Tribunal may deem appropriate.

And that the costs of this application shall be costs in the petition.

Dated this day..... 20.....

(By the Tribunal)

Registrar

Note:-

1) Where an interim administrator has been directed to take over the

management of the company, the directors and the management of the company shall extend all possible assistance and cooperation to the interim administrator to manage the affairs of the company.

2) Where the Tribunal directs that the interim administrator has to take steps to protect and preserve assets of the sick company, the clause should be suitably modified, and the particulars of such properties or assets should be set out in a schedule to the order.

Form No. I

[Pursuant to rule 19.3(1)(iv)]

**BEFORE THE NATIONAL COMPANY LAW TRIBUNAL
SPECIAL BENCH AT...**

IN THE MATTER OF-----LTD (give the name of the company)

Petition No.....of 20.....

.....Petitioner

Company Petition No 20

..... Petitioner

**Notice of order of appointment of interim administrator of a sick
company**

By an order made by the Tribunal in the above matter dated the day
of 20, the undersigned has been appointed as interim
administrator of the above named sick company under the provisions of
the Companies Act, 2013.

Dated.....

By order of the Tribunal

The Interim Administrator

Form No. J

[Pursuant to section 256 (1) (b) & rule 19.3 (1)(vi)]

**BEFORE THE NATIONAL COMPANY LAW TRIBUNAL
SPECIAL BENCH AT...**

IN THE MATTER OF-----LTD (give the name of the sick company)
(Company incorporated under Companies Act,.....)

Petition No.....of 20.....

.....Petitioner

Report of the interim administrator under section 256 (1) (b)

The interim administrator in pursuance of section 256(1) (b) of the Companies Act, 2013, hereby submits his Report to the Tribunal as follows :

1. Introduction of the sick company
2. Description of the business
3. Capital structure of the company (present and modified)
4. Details of the directors
5. Products manufactured
6. Management Team
7. Market conditions – A preliminary Evaluation
8. Marketing Plans
9. Reasons for sickness
10. Details of dues of secured creditors and settlement reached with them indicating the percentage at which they will be settled.
11. Details of dues of unsecured creditors and settlement reached with

them indicating the percentage at which they will be settled.

12. Details of dues of workers and whether their written consent obtained for settlement.
13. Details of statutory dues and how they will be settled.
14. Projected financial position of the company
15. Examination of the critical risks and problems
16. Financial and Economic plans
17. Details of meetings of the committee of the creditors held under section 257
18. Names of the members of the committee of creditors
19. Decision of the meetings of the committee of creditors
20. Changes, if any, to be made in the draft scheme of revival and rehabilitation
21. Whether it is possible to revive and rehabilitate the sick company?
 - o Yes
 - o No
22. If Yes, steps/measures necessary for revival and rehabilitation of the sick company
23. Other matters or measures which the interim administrator may consider necessary for the purpose
24. Evaluation and conclusion

Dated this..... day of..... 20 ...

Interim Administrator

FORM NO. K

[Pursuant to section 256(1)(b) & rule 19.4(1)]

**BEFORE THE NATIONAL COMPANY LAW TRIBUNAL
SPECIAL BENCH AT...**

IN THE MATTER OF-----LTD (give the name of the sick company)

Company Petition No of 20 ...

Notice of meetings of creditors under section 256(1)(b)

Notice is hereby given that a meeting of the creditors of the above-named sick company will be held at.. ... (place) on day*, the day of.... .20 ... , at.. ... o'clock in the noon, to consider whether on the basis of the particulars and documents furnished with the application to the Tribunal made under section 254, the draft scheme, if any, filed along with such application or otherwise and any other material available, it is possible to revive and rehabilitate the sick company and such other matters (as the Interim Administrator consider necessary for the purpose).

Note :

1. To entitle a creditor to vote at the meeting of creditors aforesaid, his proof must be lodged with the Interim Administrator not later than..... o'clock in the noon, on the day of... .. 20 ...
2. Forms of proof and of general and special proxies can be had at the office of the Interim Administrator. Proxies should be lodged with the

Interim Administrator not later than o'clock on the day of... .. 20
...

Dated this day of 20 ...

Interim Administrator

[The draft scheme of revival and rehabilitation has not been filed (or has been filed and may be inspected at the office of the Interim Administrator during office hours on payment of the prescribed fee.)]

*The date fixed for the creditors' meeting should not be later than forty-five days from receipt of the order of the Tribunal appointing the interim administrator

Form No. L

[Pursuant to section 258(a) & rule 19.6(1)]

**BEFORE THE NATIONAL COMPANY LAW TRIBUNAL
SPECIAL BENCH AT...**

IN THE MATTER OF-----LTD (give the name of the company)

Company Petition No..... 0/ 20

..... - Petitioner

Before the Hon'ble Mr. _____

Dated

**Order for initiation of winding-up proceedings against the sick
company**

Upon the petition of..... presented on the day of..... 20...., upon hearing Shri representative for the petitioner, Shri..... representative for the creditors supporting the petition, Shri representative for the creditors opposing the petition, and Shri representative for the company, upon reading the said petition, the affidavit of A.B., filed the day of..... 20...., verifying the said petition, the affidavit of X.Y., filed theday of20....., and (here enter the newspapers), dated each containing the advertisement of the said petition, this Tribunal doth order:

(1) That it is not possible to revive and rehabilitate the above named sick company;

*(2) That the proceedings for winding up be initiated against the said company under the provisions of Chapter XX of the Companies Act, 2013;

** (3) That the interim administrator shall cause a sealed copy of this order to be served on the company by pre-paid registered post;

(4) That the petitioner do advertise within 14 days from this date a notice

in the prescribed form of the making of this order in one issue (each) of...
(here enter the newspaper or newspapers in which the order is to be advertised);

(5) That the said petitioner do serve a certified copy of this order on the Registrar of Companies not later than one month from this date; and

(6) That the cost of the said petition be taxed and paid out of the assets of the said company.

Dated this day of 20 .

(By the Tribunal)

Registrar

*Where the company ordered to be wound up is a Banking Company, or an Insurance Company, add at the end of clause (1) "and the Banking Companies Act, 1949' or 'and the Insurance Act, 1938", as the case may be.

** To be inserted only where the company is not the petitioner.

Note:-

1) Where an interim administrator has been directed to take over the management of the company, the directors and the management of the company shall extend all possible assistance and co-operation to the interim administrator to manage the affairs of the company.

2) Where the Tribunal directs that the interim administrator is to take steps to protect and preserve assets of the sick company the clause should be suitably modified, and the particulars of such properties or assets should be set out in a schedule to the order.

Form No. M

[Pursuant to section 258 (b) & rule 19.6(1)]

**BEFORE THE NATIONAL COMPANY LAW TRIBUNAL
SPECIAL BENCH AT...**

IN THE MATTER OF-----LTD (give the name of the company)

Petition No.....of 20.....

.....Petitioner

Company Application No 20

..... Applicant.

Before the Hon'ble Mr. -----

Dated

Order appointing Company Administrator

Upon the application of....., and upon hearing Shri....., representative for the applicant, and Shri....., representative for the company and upon reading the petition and affidavit filed the day of... 20...., and the affidavit of the applicant herein filed the day of... .20 and after satisfying itself to the effect that creditors representing three-fourths in value of the amount outstanding against the sick company, present and voting at their meeting dated, have resolved that by adopting certain measures the said company can be revived and rehabilitated;

This Tribunal doth appoint the Shri _____, resident of _____ to be company administrator of the above named company subject to the following terms and conditions that is to say;

[Here describe the terms and conditions governing the appointment of the company administrator]

And the Tribunal doth hereby limit and restrict the powers of the said company administrator to the following acts, that is to say,

[Here describe the acts which the company administrator is authorized to do.]

And the Tribunal doth order that the company administrator do forthwith:-

- (i) Prepare or cause to be prepared a scheme of revival and rehabilitation of the sick company after considering the draft scheme of revival and rehabilitation filed along with the application under section 254;
- (ii) Take over the assets or management of the company;
- (iii) With the approval of the Tribunal, engage the services of suitable expert or experts for the purpose of assisting him in the management of the company; and
- (iv) Perform such other functions as the Tribunal may deem appropriate.

And that the costs of this application shall be costs in the petition.

Dated this day of 20

(By the Tribunal)

Note:-

- 1) Where company administrator has been directed to take over the management of the company, the directors and the management of the company shall extend all possible assistance and cooperation to the company administrator to manage the affairs of the company.
- 2) Where the Tribunal directs that the company administrator is to take steps to protect and preserve assets of the sick company the clause should be suitably modified, and the particulars of such properties or assets should be set out in a schedule to the order.

Form No. N

[Pursuant to rule 19.6(3)]

**BEFORE THE NATIONAL COMPANY LAW TRIBUNAL
SPECIAL BENCH AT...**

IN THE MATTER OF-----LTD (give the name of the sick company)

Petition No.....of 20.....

.....Petitioner

Company Petition No 20

..... Petitioner

**Notice of order of appointment of company administrator of a sick
company**

By an order made by the Tribunal in the above matter dated the day of 20, the undersigned has been appointed as company administrator of the above named sick company under the provisions of the Companies Act, 2013 to prepare the scheme of revival and rehabilitation of the said company and to take over the assets or the management of the said company.

Dated.....

*By order of the Tribunal
The Company Administrator*

FORM NO. O

[Pursuant to section 262 & rule 19.8(1)]

**BEFORE THE NATIONAL COMPANY LAW TRIBUNAL
SPECIAL BENCH AT...**

IN THE MATTER OF-----LTD (give the name of the sick company)

Company Petition No of 20 ...

**Notice of meetings of secured and unsecured creditors under
section 262**

1. Notice is hereby given that a meeting of the secured creditors of the above-named sick company will be held at.. ... (place) on day*, the day of... . 20 ... , at.. ... o'clock in the noon, to consider and approve the scheme for revival and rehabilitation of the above named sick company.
2. Notice is hereby given that a meeting of the unsecured creditors of the above-named sick company will be held at.. ... (place) on day*, the day of... . 20 ... , at.. ... o'clock in the noon, to consider and approve the scheme for revival and rehabilitation of the above named sick company.

Note :

1. To entitle a creditor to vote at the meeting of creditors aforesaid, his proof must be lodged with the Company Administrator not later than..... o'clock in the noon, on the day of... .. 20 ...

2. Forms of proof and of general and special proxies can be had at the office of the Company Administrator. Proxies should be lodged with the Company Administrator not later than o'clock on the day of... .. 20 ...

Dated this day of 20 ...

Company Administrator

[The scheme of revival and rehabilitation may be inspected at the office of the Company Administrator during office hours on payment of the prescribed fee.)]

*The date fixed for the creditors' meeting should not be later than sixty days from date of appointment of the company administrator which may be extended by the Tribunal upto a period of not exceeding one hundred and twenty days.

Form No. P

**Application by company administrator for sanctioning of the
scheme**

[Pursuant to section 262(2) & rule 19.8(11)]

**BEFORE THE NATIONAL COMPANY LAW TRIBUNAL,
SPECIAL BENCH AT**

IN THE MATTER OF SECTION OF THE COMPANIES ACT, 2013,

AND

IN THE MATTER OF

(State the name and registered office address of the company)

AND

IN THE MATTER OF (Applicant)

(State the name and address of the applicant)

Details of application:

1. Particulars of the applicant(s):

2. Particulars of the company:

- (a) Name of the company:
- (b) CIN:
- (c) Registered office address:
- (d) E-mail id:

3. Date of passing order appointing company administrator:

4. (a) Brief particulars of the such scheme:

(b) Prospective positive and incremental effect on the implementation of rehabilitation scheme:

5. Details of approval of the draft scheme by creditors:

(a) Approval by secured creditors-

- (i) Date of dispatch of notice to the secured creditors:
- (ii) Date of the meeting of secured creditors:
- (iii) Date of approval of scheme in such meeting:
- (iv) Approved by majority of: (at least by three-fourth in value of secured creditors)

(b) Approval by unsecured creditors-

- (i) Date of dispatch of notice to the unsecured creditors:
- (ii) Date of the meeting of unsecured creditors:
- (iii) Date of approval of scheme in creditors meeting:
- (iv) Approved by majority of: (at least by one-fourth in value of creditors)

6. Where the scheme relates to amalgamation of the sick company, details of approval of the draft scheme by the members of transferor and transferee company:

(a) Approval by members of transferee (sick) company:

- (i) Date of dispatch of notice to members:
- (ii) Date of the General meeting:
- (iii) Date of passing special resolution in the General

meeting:

(b) Approval by members of transferee (sick) company:

- (i) Date of dispatch of notice to members:
- (ii) Date of the General meeting:
- (iii) Date of passing special resolution in the General meeting:

7. Jurisdiction of the Bench.

The applicant declares that the subject-matter of the application is within the jurisdiction of the Bench

8. Relief sought.

In view of the facts mentioned in para above , the applicant prays for the following relief(s): (Specify below the relief(s) sought explaining the ground for relief(s) and the legal provisions (if any) relied upon)

9. Interim order, if any, prayed for.

Pending final decision on the application, the applicant seeks issue of the following interim order:

(Give here the nature of the interim order prayed for with reasons)

10. Particulars of Bank draft evidencing payment of fee for the application made:

- (i) Branch of the Bank on which drawn:
- (ii) Name of the issuing branch:
- (iii) Demand Draft No. :

Date:

Amount (in Rs.):

11. List of enclosures

Signature of the applicant

Form No. Q

**Form of advertisement of petition / application / draft scheme of
revival and rehabilitation**

[Pursuant to section 262(3) and rule 19.8 (13)]

**BEFORE THE NATIONAL COMPANY LAW TRIBUNAL
SPECIAL BENCH AT...**

IN THE MATTER OF SECTION OF THE COMPANIES ACT, 2013,

AND

IN THE MATTER OF

(State the name and registered office address of the company)

AND

IN THE MATTER OF (Petitioner)

(State the name and address of the company administrator)

Notice is hereby given that a petition/ application under section..... of the Companies Act, 2013 dated was presented to the Bench, National Company Law Tribunal by(name of the company administrator) on..... (day) at(time) for..... considering/sanctioning the draft scheme of revival and rehabilitation of the said sick company.

The draft scheme of revival and rehabilitation is as under:-

(here state the features of the scheme in brief)

The said petition/ application has been accepted and is fixed for hearing before the Bench on

Any person desirous of sending some suggestions or objections, if any, for supporting or opposing the said petition/ application/draft scheme shall send to the company or the petitioner's authorized representative as undersigned, a notice of his intention, signed by him or his authorized representative, with his name and address, so as to reach the petitioner company or his authorized representative not less than two days before the date fixed for the hearing of the petition/ application.

Where such person seeks to oppose the petition/ application, the grounds of opposition or a copy of the affidavit shall be furnished with such notice.

A copy of the petition/ application will be furnished by the undersigned to any person requiring the same on payment of the prescribed charges for the same.

By order of the Tribunal
Company Administrator

Date:

Place:

Form No. R

[Pursuant to section 262 and rule 19.8 (15)]

**BEFORE THE NATIONAL COMPANY LAW TRIBUNAL
SPECIAL BENCH AT...**

**IN THE MATTER OF SECTION OF THE COMPANIES ACT, 2013,
AND**

IN THE MATTER OF

(State the name and registered office address of the company)

AND

IN THE MATTER OF (Petitioner)

(State the name and address of the company administrator)

Company Petition No of of 20.... .

before the Hon 'ble.....

Dated

**Order on petition / application for sanctioning the scheme of
revival and rehabilitation**

The above petition coming on for hearing on upon reading the said petition, the order dated..... whereby was appointed as company administrator of the said company, to prepare the scheme of revival and rehabilitation of the said company and to take over the assets or the management of the said company etc. and the said company administrator having convened separate meetings of the secured creditors/unsecured creditors/shareholders of the above company after giving proper notices thereof for the purpose of considering, and if

thought fit, approving, with or without modification, the proposed scheme of revival and rehabilitation and it appearing that the proposed scheme has been approved (here state whether unanimously or by a majority of not less than one-fourth in value of the unsecured creditors or three-fourths in value of the secured creditors or class of creditors or special resolution of the members or class of members, as the case may be, present and voting in person or by proxy) and the said scheme filed in this Tribunal on the day of20 by the Company Administrator, after examination of the said scheme, the (here mention the newspaper) dated..... each containing the advertisement of the said scheme/date of hearing of the petition or application directed to be advertised or published by the said order dated 20 the affidavit of.. filed the day of... 20 , showing the publication of the said scheme/date of hearing of the petition or application and after considering the suggestions and objections received from the sick company and the company administrator and also from the transferee company and any other company concerned in the amalgamation and from any shareholder or any creditors or employees of such companies.

This Tribunal doth hereby sanction the scheme of revival and rehabilitation or any provision thereof set forth in para of the petition herein and in the schedule hereto and doth hereby declare the same to be binding on the above named sick company and the transferee company or, as the case may be, the other company and also on the employees, shareholders, creditors and guarantors of the said companies (here enter the class of employees, shareholders, creditors or guarantors on whom it is to be binding). or

[This Tribunal doth hereby directs company administrator, to prepare a fresh scheme of revival or rehabilitation providing for such measures as the company administrator may consider necessary]

And this Tribunal doth further order:-

[Here enter any directions given or modifications made by the Tribunal regarding the carrying out of the scheme of revival and rehabilitation.]

That the parties to the scheme of revival and rehabilitation or other persons interested shall be at liberty to apply to this Tribunal for any directions that may be necessary in regard to the working of the said scheme, and

That the said company do file with the Registrar of Companies a certified copy of this order within a period of thirty days from the date of receipt of copy thereof.

SCHEDULE

Scheme of revival and rehabilitation as sanctioned by the Tribunal

Dated this day of..20... .

(By the Tribunal)

Registrar

Where the scheme of revival and rehabilitation has been approved with the modifications it should be so stated.

Form No. S

Application for modification of the scheme or to declare the scheme as failed and that the company may be wound up

[Pursuant to section 264 (4) & rule 19.9]

**BEFORE THE NATIONAL COMPANY LAW TRIBUNAL,
SPECIAL BENCH AT...**

**IN THE MATTER OF SECTION OF THE COMPANIES ACT,
2013,**

AND

IN THE MATTER OF

(State the name and registered office address of the company)

AND

IN THE MATTER OF (Applicant)

(State the name and address of the applicant)

Details of application:

- 1.** Particulars of the applicant(s) (need not be stated where company is the applicant) [Full name, age, description, father's / husband's name, occupation, capacity, i.e. qua shareholder, qua depositor and complete residential address of the applicant(s)]:
- 2.** Particulars of the company:

- (a) Name of the company:
- (b) CIN:
- (c) Registered office address:
- (d) E-mail id:

3. *This application is being filed by

- ☐ Modification of the scheme
- ☐ Declare the scheme as failed and wind up the company

[tick whichever is applicable]*

4. Details of the proposed modification or Ground(s) on which the scheme should be declared as failed and the company may be wound up:

5. Where any other scheme is given,

- (a) Brief particulars of the such scheme:
- (b) Prospective positive and incremental effect on the implementation of rehabilitation scheme:

6. Jurisdiction of the Bench.

The applicant declares that the subject-matter of the application is within the jurisdiction of the Bench

7. Relief sought.

In view of the facts mentioned in para above , the applicant prays for the following relief(s): (Specify below the relief(s) sought explaining the ground for relief(s) and the legal provisions (if any) relied upon)

8. Interim order, if any, prayed for.

Pending final decision on the application, the applicant seeks issue of the following interim order:

(Give here the nature of the interim order prayed for with reasons)

9. Particulars of Bank draft evidencing payment of fee for the application made:

(i) Branch of the Bank on which drawn:

(ii) Name of the issuing branch:

(iii) Demand Draft No. :

Date:

Amount (in Rs.):

10. List of enclosures

Signature of the applicant

Form No. T

[Pursuant to section 265 (1) & rule 19.10]

**BEFORE THE NATIONAL COMPANY LAW TRIBUNAL
SPECIAL BENCH AT...**

IN THE MATTER OF-----LTD (give the name of the company)

Petition No.....of 20.....

.....Petitioner

Report of the Company Administrator under section 265 (1)

The Company Administrator, in pursuance of section 265(1) of the Companies Act, 2013, hereby submits his Report to the Tribunal as follows :-

- (1) A complete inventory of—
 - (a) all assets and liabilities of whatever nature;
 - (b) all books of account, registers, maps, plans, records, documents of title and all other documents of whatever nature;
- (2) A list of shareholders and a list of creditors showing separately in the list of creditors, the secured creditors and unsecured creditors;
- (3) A valuation report in respect of the shares and assets in order to arrive at the reserve price for the sale of any industrial

undertaking of the company or for the fixation of the lease rent or share exchange ratio;

(4) An estimate of the reserve price, lease rent or share exchange ratio;

(5) Proforma accounts of the company, where no up-to-date audited accounts are available;

(6) A list of workmen of the company and their dues referred to in sub-section (3) of section 325;

(7) Details of subsisting contracts, joint venture and collaboration, if any;

(8) Details of holding and subsidiary companies, if any;

(9) Details of legal cases filed by or against the company, if any;

(10) details of meetings of the secured and unsecured creditors held under section 262(2);

(11) Whether any meeting of shareholders was held also held as per proviso to section 262(2);

☐ Yes

☐ No

(12) Decision of the meetings of the creditors/shareholders;

(13) Details of the scheme of revival and rehabilitation of the sick company as per section 261;

(14) Reasons for rejection of the scheme of revival and rehabilitation by the creditors of the sick company;

(15) Causes of failure: The company was formed to carry on the

business of

- (16) The failure of the company is in the opinion of the Company Administrator due to
- (17) Any other information which Tribunal may direct or Company Administrator may consider necessary to include; and
- (18) The manner in which the company was promoted or formed and the Company Administrator is of the opinion that fraud has been/has not been committed by any person in its promotion or formation.

PRAYER:

As the scheme of revival and rehabilitation of the company has not been approved by the creditors of the company in the manner specified in sub-section (2) of section 262, the Company Administrator is of the opinion that proceedings for winding up be initiated against the company by the Tribunal in accordance with Chapter XX of the Act.

Dated this day of 20 ...

Company Administrator
