

| SCHEDULE OF FEES | | | |
|-------------------------|---|--|-------------------------|
| S.No. | Section of the Companies Act, 2013/ Rule | Nature of Appeal etc | Fees (in Rupees) |
| 1. | Sec. 218(3)) | Protection of employee during investigation | 1,000/- |
| 2. | Section 421(1) | Appeals to National Company Law Appellate Tribunal | 5,000/- |

FORM NCLAT- 1

[See Rule 22]

**Memorandum of Appeal Preferred under Section 421 of
The Companies Act, 2013**

IN THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL

AT NEW DELHI

APPELLATE JURISDICTION

APPEAL NO. _____ OF 20---

CAUSE TITLE

Between

A.B.Appellant (s)

And

C.D.Respondent(s)

[including appropriate commission/adjudicating officer]

(with short address)

1. Details of Appeal

[Appeal under section 421 of the Companies Act, 2013 against impugned order of the National Company Law Tribunal Order datedpassed under sectionof the Companies Act, 2013.

2. Date on which the order appealed against is communicated and proof thereof, if any.

3. The address of the appellant for service is as set out hereunder:

i) Postal address including PIN code

ii) Phone number including mobile number.

iii) E-mail

iv) Fax No.

v) Address of Legal Representative with Phone No., Fax No., e-mail

4. The address of the respondents for service of all notices in the appeal are as set out hereunder:
 - i) Postal address including PIN code
 - ii) Phone number
 - iii) E-mail
 - iv) Fax Number
 - v) Mobile Number
 - vi) Address of Counsel with Phone number, Fax number, e-mail and mobile number.
5. Jurisdiction of the Appellate Tribunal
The appellant declares that the subject matter of the appeal is within the jurisdiction of this Tribunal.
6. Limitation
The Appellant/s declare that the appeal is within the period specified in sub-section (3) of section 421 of the Act. (Explain how the appeal is within the period prescribed in case the appeal is preferred after the expiry of 45 days from the date of order/direction/decision against which this appeal is preferred). In case the appeal barred by limitation, the number of days of delay should be given along with interlocutory application for condonation of delay.
7. Facts of the case
The facts of the case are given below:
(Give here a concise statement of facts in a chronological order followed by elaboration of issues including the question of law arising in the appeal. Each paragraph should deal with, as far as possible a separate issue.)
8. Formulate (i) the facts in issue or specify the dispute between the parties and (ii) summarize the questions of law that arise for consideration in the appeal:
 - (a) Facts in issue
 - (b) Question of law
9. Grounds raised with legal provisions
10. Matters not previously filed or pending with any other court
The appellant further declares that the appellant had not previously filed any writ petition or suit regarding the matter in respect of which this appeal is preferred before any court or any other authority nor any such writ petition or suit is pending before any of them.
[In case the appellant previously had filed any such writ petition or suit, the stage at which it is pending and, if decided, the outcome of the same should be specified and a copy of the order should also be annexed].
11. Specify below explaining the grounds for such relief (s) and the legal provisions, if any, relied upon.

12. Details of Interim Application, if any, preferred along with appeal.
13. Details of appeal/s, if any preferred before this Appellate Tribunal against the same impugned order/direction, by Respondents with numbers, dates... and interim order, if any passed in that appeal (if known).
14. Details of Index
[An index containing the details of the documents in chronological order relied upon is enclosed].
15. Particulars of fee payable and details of bank draft in favour of Pay and Accounts Officer, Ministry of Corporate Affairs, New Delhi.
In respect of the fee for appeal.
Name of the Bank _____ Branch, _____ payable at Delhi. DD No. _____
_____ Date.
16. List of enclosures:
1.
2.
3.
4.
17. Whether the order appealed as communicated in original is filed? If not, explain the reason for not filing the same.
18. Whether the appellant/s is ready to file written submissions/arguments before the first hearing after serving the copy of the same on Respondents.
19. Whether the copy of memorandum of appeal with all enclosures has been forwarded to all respondents and all interested parties, if so, enclose postal receipt/courier receipt in addition to payment of prescribed process fee.
20. Any other relevant or material particulars / details which the appellant(s) deems necessary to set out:
21. Reliefs Sought
In view of the facts mentioned in para 7 above, points in dispute and questions of law set out in Para 8, the appellant prays for the following relief (s) :
a)
b)
c)

Dated at _____ this _____ day of _____ 200 .

Counsel for Appellant(s) Appellant (s)

DECLARATION BY APPELLANT

The appellant(s) above named hereby solemnly declare (s) that nothing material has been concealed or suppressed and further declare(s) that the enclosures and typed set of material papers relied upon and filed herewith are true copies of the original(s)/fair reproduction of the originals / true translation thereof.

Verified at _____ on this at _____ day of _____ 20---.

Counsel for Appellant (s)

APPELLANT(S)

Verification

I _____ (Name of the appellant) S/o. W/o. D/o. [indicate any one, as the case may be] _____ age _____ working as _____ in the office of _____ resident of _____ do hereby verify that the contents of the paras _____ to _____ are true to my personal knowledge/derived from official record) and para _____ to _____ are believed to be true on legal advice and that I have not suppressed any material facts.

Date :

Place :

Signature of the appellant or authorized officer

FORM NCLAT-2

[See Rule 31]

INTERLOCUTORY APPLICATION**IN THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL**

IA NO. _____ OF 20

In

Appeal Petition No. _____ of 20 .

CAUSE TITLE

Set out the Appeal No. _____ of 20

Appeal Petition short cause title

Set out the 1. Appeal No. _____ 20

Cause Title – Interlocutory Application

Petition for stay/direction/dispense with/condone delay/calling records

The applicant above named state/s as follows :

1. Set out the relief (s)
2. Brief facts

3. Basis on which interim orders prayed for

4. Balance of convenience, if any :

(All interlocutory applications shall be supported by an affidavit sworn by the Applicant/on its behalf and attested by a Notary Public).

DECLARATION

The applicant above named hereby solemnly declare that nothing material has been concealed or suppressed and further declare that the enclosures and typed set of material papers relied upon and filed herewith are true copies of the originals or fair reproduction of the originals or true translation thereof.

Verified at _____ dated at _____ this day _____ of _____ 20 .

Counsel for Applicant

Applicant

VERIFICATION

I _____ (Name of the applicant) S/o.W/o.D/o. (indicate any one, as the case may be)
_____ age _____ working as _____ in the office of _____ resident of _____
do hereby verify that the contents of the paras _____ to _____
are true to my personal knowledge / derived from official record) and para _____
to _____ are believed to be true on legal advice and that I have not suppressed any material facts.

Date :

Place :

Signature of the Appellant/Petitioner or authorised officer

FORM NCLAT-3

[See Rule 59]

Pending/Disposed of

IN THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL

New Delhi

Application No. in of 20 _____

Applicant/s/rd party/Appellant/Petitioner

vs

Respondent/s

Application for Inspection of Documents/Records under Rule 60

I hereby apply for grant of permission to inspect the documents/records in the above case. The details are as follows :-

- 1. Name and address of the person seeking inspection: _____
- 2. Whether he is a party to the case/his Legal Practitioner and if so, his rank therein. -----
- 3. Details of the papers/documents sought to be inspected.....
- 4. Reasons for seeking the Inspection
- 5. The date and duration of the inspection sought for
- 6. Whether fee is paid and if so, the mode of payment.....
- 7. If a third party, whether a vakalat has been filed with Court Fee Stamp

Verification:

I.....state that the above facts are true and correct.

Place :

Date :

Applicant

Office Use :

Granted inspection for ____ hours on _____/rejected.

Registrar

APTEL

Endorsement after inspection:

I....., the applicant above named inspected the documents/records onin the presence of Mr.....betweentoHrs onand inspection is completed/concluded.

Datedday.....20.

Applicant/authorised Representative

Form NCLAT-4

[See Rule 68]

IN THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL

_____ BENCH

Appeal/Petition/ /No. of 20 _____

Appellant/Applicant

vs

Respondent/s

AFFIDAVIT

I,aged.....years, son/daughter/wife of

.....(name and occupation of the deponent).....

residing at (Full address)do hereby swear in the name of God/solemnly affirm and state as follows :

Para. 1

Para. 2

Para. 3

.....

Contents of Paragraphs Nos.are within my personal knowledge and contents of Paragraphs Nos.....are based on information received by me which I believe the same to be true (state the source of information wherever possible and the grounds for belief, if any).

Place :

Signature of the Deponent

Date :

Name in Block Letters

No. of corrections on page nos.

Identified by :

Before me

*

Sworn/solemnly affirmed before me on this theday of ...200.....

Signature

(Name and Designation of the Attesting Authority with Seal)

*To add endorsement in Form No. when necessary

FORM NCLAT-5

IN THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL

[See Rule 70]

Certification when deponent is unacquainted with the language of the affidavit or is blind or illiterate.

Contents of the affidavit were truly and audibly read over/translated intolanguage known to the deponent and he seems to have understood the same and affixed his LTI/Signature/Mark.

(Signature)

Name and designation with date.

Form NCLAT-6**[See Rule 74]****IN THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL****New Delhi**

Appeal No..... OF 20.....

Between

.....

Appellant/Petitioner

(By Legal Representative Shri.....)

and

.....

Respondent/s

(By Legal Representative Shri)

Under Section 424 of the Companies Act, 2013 r/w corresponding power**vested under C.P.C.**

Whereas the Tribunal *suo motu* or on consideration of the request made by Shri/ Smt/M/s(Appellant) having been satisfied that production of the following documents or records under your control or custody is necessary for proper decision of the above case, you are hereby directed to cause production of the said documents/records before this Tribunal /forward duly authenticated copies thereof on or before theday of.....20.....

(Enter description of documents requisitioned)

“By Order of Tribunal “

Registrar

Date :

FORM NCLAT-7**[See Rule 82]****IN THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL****NEW DELHI**

Appeal/Petition No..... of 20.....

Deposition of PW/RW

1. Name :
2. Father's/Mother's/Husband's Name :
3. Age :

- 4. Occupation :
- 5. Place of Residence and address :
- 6. Name of the Officer administering the Oath / affirmation :
- 7. Name of the Interpreter if any, duly Sworn/ solemnly affirmed :
- Duly sworn/ solemnly/ affirmed Examination-in-chief: By

Date:

.....
.....

Cross examination: By

.....
.....

Re-examination, if any:

.....

(Signature of the witness on each page)

Statement of witness as recorded was read over/translated to the witness, who admitted it to be correct.

Signature of the Member of the Appellate Tribunal with date

FORM NCLAT-8

[See Rule 84]

CERTIFICATE OF DISCHARGE

Certified thatappeared before this Appellate Tribunal as a witness/in/ No.of 20....., on behalf of the appellant or respondent as Court witness on thisday of20..... and that he was relieved aton..... He was paid/not paid any T.A. and D.A. or allowance of Rs.....

Date :

Signature of the Registrar

(Seal of the Tribunal)

FORM NCLAT -9**[See Rule 100]****IN THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL**

| REGISTER OF SLPs/ APPEALS TO SUPREME COURT SI. No | No. of SLP/ appeal Before the Supreme Court | No. of the case appealed against | Name of the Applicant/ Respondent | Date of dispatch Of records to SC | Date of receipt of records from SC | SLP dismissed allowed with date | Interim Direction If any, with date | Final order In the appeal with date | Direction If any, for compliance by the Tribunal | Steps Taken for compliance | Remarks |
|---|---|----------------------------------|-----------------------------------|-----------------------------------|------------------------------------|---------------------------------|-------------------------------------|-------------------------------------|--|----------------------------|---------|
| | | | | | | | | | | | |

[F. No. 1/30/2013-CL-V]

AMARDEEP SINGH BHATIA, Jt. Secy.