

(4) धारा 245 की उपधारा(1) के अधीन आवेदन फाइल करने के लिए जमाकर्ता या जमाकर्ताओं की अपेक्षित संख्या

(i) (क) कंपनी के जमाकर्ताओं की कुल संख्या का न्यूनतम पाँच प्रतिशत; या

(ख) कंपनी के एक सौ जमाकर्ता,

इनमें से जो भी कम हो; या

(ii) वह जमाकर्ता या वे जमाकर्ता जिनकी कंपनी अपनी कुल जमा का पाँच प्रतिशत की देनदार होगी।”

3. मूल नियमों में, फीस की अनुसूची में, क्रम संख्या 28 का लोप किया जाएगा।

[फा.सं. 1/30/2013-सीएल-V]

के.वी.आर. मूर्ति, संयुक्त सचिव

टिप्पण :- मूल नियम भारत के राजपत्र, असाधारण, भाग-II, खंड-3, उप-खंड (i) में तारीख 21 जुलाई, 2016 की अधिसूचना संख्या सा.का.नि. 716 (अ) द्वारा प्रकाशित किए गए थे और तारीख 15 जनवरी, 2019 की अधिसूचना संख्या सा.का.नि. 29(अ) द्वारा अंतिम बार संशोधित किए गए।

MINISTRY OF CORPORATE AFFAIRS

NOTIFICATION

New Delhi, the 8th May, 2019

G.S.R. 351(E).—In exercise of the powers conferred by sub-section (1) and sub-section (2) of section 469 of the Companies Act, 2013 (18 of 2013), the Central Government hereby makes the following rules further to amend the National Company Law Tribunal Rules, 2016, namely :-

1. (1) These rules may be called the National Company Law Tribunal (Second Amendment) Rules, 2019.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the National Company Law Tribunal Rules, 2016 (hereinafter referred to as the principal rules), in rule 84, after sub-rule (2), the following sub-rules shall be inserted, namely: -

“(3) In case of a company having a share capital, the requisite number of member or members to file an application under sub-section (1) of section 245 shall be -

(i) (a) at least five per cent. of the total number of members of the company; or

(b) one hundred members of the company,

whichever is less; or

(ii) (a) member or members holding not less than five per cent. of the issued share capital of the company, in case of an unlisted company;

(b) member or members holding not less than two per cent. of the issued share capital of the company, in case of a listed company.

(4) The requisite number of depositor or depositors to file an application under sub-section (1) of section 245 shall be -

(i) (a) at least five per cent. of the total number of depositors of the company; or

(b) one hundred depositors of the company,

whichever is less; or;

(ii) depositor or depositors to whom the company owes five per cent. of total deposits of the company.”

3. In the principal rules, in the schedule of fees, serial No. 28 shall be omitted.

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

K.V.R. MURTY, Jt. Secy.

Note:- The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, sub-section (i) *vide* number G.S.R. 716(E), dated the 21st July, 2016 and were last amended *vide* notification number G.S.R. 29 (E) dated 15th January, 2019.