

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