

2. In the Companies (Compromises, Arrangements and Amalgamations) Rules, 2016 (hereafter in these rules referred to as the said rules), in rule 25A, after sub-rule (3), the following sub-rule shall be inserted namely:

“(4) Notwithstanding anything contained in sub-rule (3), in case of a compromise or an arrangement or merger or demerger between an Indian company and a company or body corporate which has been incorporated in a country which shares land border with India, a declaration in Form No. CAA-16 shall be required at the stage of submission of application under section 230 of the Act.”.

3. In the said rules, in Annexure A, after Form No. CAA-15, the following Form shall be inserted namely:

<p>“FORM NO. CAA.16</p> <p>[Pursuant to section 230 and rule 25A]</p> <p>In Company Petition No.</p> <p>Declaration in terms of Rule 25A</p> <p>An application under section 230 is being made before the National Company Law Tribunal for merger and amalgamation between:</p> <p>1. M/s. _____ (details of transferee company/body corporate)</p> <p>2. M/s. _____ (details of transferor company/body corporate)</p> <p>3.</p> <p>And in compliance with Rule 25A,</p> <p>I _____ duly authorised representative of _____ (details of company/body corporate) do hereby solemnly declare that –</p> <p><input type="checkbox"/> the company/body corporate is not required to obtain prior approval under the Foreign Exchange Management (Non-Debt Instruments) Rules, 2019; or</p> <p><input type="checkbox"/> the company/body corporate is required to obtain prior approval under the Foreign Exchange Management (Non-Debt Instruments) Rules, 2019 and the same has been obtained and is enclosed herewith.</p> <p>(Tick whichever is applicable)</p> <p>Date: _____</p> <p>Place: _____</p> <p style="text-align: right;">Signature</p> <p>Enclosure:</p> <p style="text-align: center;">Approval under the Foreign Exchange Management (Non-Debt Instruments) Rules, 2019.”.</p>

[F. No. 2/31/CAA/2013-CL-V]

MANOJ PANDEY, 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. 1134(E), dated the 14th December, 2016, and subsequently amended, *vide* notification number, G.S.R. 368(E), dated the 13th April 2017, G.S.R. 79(E), dated the 3rd February, 2020, G.S.R. 773(E), dated the 17th December, 2020 and G.S.R. 93(E), dated the 1st February, 2021.