

{To be published in the Gazette of India, Extraordinary, Part II, Section 3, sub-section (i)}

MINISTRY OF CORPORATE AFFAIRS

Notification

New Delhi, 21st July 2016

G.S.R.....(E).- In exercise of the powers conferred by section 469 of the Companies Act, 2013 (18 of 2013), the Central Government hereby makes the following rules, namely:-

1. **Short title and commencement.**- (1) These rules may be called the National Company Law Appellate Tribunal Rules, 2016.
- (2) They shall come into force on the date of their publication in the Official Gazette.

Chapter – I

Definitions, forms etc.

2. **Definitions.**– In these rules, unless the context otherwise requires,-

- (a) “**Act**” means the Companies Act, 2013 (18 of 2013);
- (b) “**advocate**” means a person who is entitled to practise the profession of law under the Advocates Act, 1961 (25 of 1961);
- (c) “**Appeal**” means an appeal preferred under sub-section (1) of section 421 of the Act;
- (d) “**authorised representative**” means a person authorised in writing by a party to present his case before the Appellate Tribunal as provided under section 432 of the Act;
- (e) “**form**” means a form set forth in Annexure ‘A’ to these rules.
- (f) “**interlocutory application**” means an application in any appeal already instituted in the Appellate Tribunal, but not being a proceeding for execution of the order or direction of the Appellate Tribunal;

(g) “**party**” means a person who prefers an appeal before the Appellate Tribunal and includes respondent of any person interested in the appeal;

(h) “**Registrar**” means the Registrar of the Appellate Tribunal;

(i) “**section**” means a section of the Act;

(j) All other words and expressions used in these rules but not defined herein and defined in the Act and National Company Law Tribunal Rules, 2016 shall have the meanings respectively assigned to them in the Act and in the said rules.

3. Computation of time period.- Where a period is prescribed by the Act and these rules or under any other law or is fixed by the Appellate Tribunal for doing any act, in computing the time, the day from which the said period is to be reckoned shall be excluded, and if the last day expires on a day when the office of the Appellate Tribunal is closed, that day and any succeeding day on which the Appellate Tribunal remains closed shall also be excluded

4. Forms.- The forms prescribed by these rules with such modifications or variations as the circumstances of each case may require shall be used for the purpose mentioned therein.

5. Format of order or direction or rule.- every rule, direction, order, summons, warrant or other mandatory process shall be issued in the name of the Chairperson and shall be signed by the Registrar or any other officer specifically authorised in that behalf by the Chairperson, with the day, month and year of signing and shall be sealed with the official seal of the Appellate Tribunal.

6. Official seal of the Appellate Tribunal.- The official seal and emblem of the Appellate Tribunal shall be such, as the Central Government may from time to time specify and shall be in the custody of the Registrar.

7. **Custody of the records.**- The Registrar shall have the custody of the records of the Appellate Tribunal and no record or document filed in any cause or matter shall be allowed to be taken out of the custody of the Appellate Tribunal without the leave of the Appellate Tribunal.

Provided that the Registrar may allow any other officer of the Appellate Tribunal to remove any official paper or record for administrative purposes from the Appellate Tribunal.

8. **Sitting of Appellate Tribunal.**- The Appellate Tribunal shall hold its sitting at its headquarters in New Delhi.

9. **Sitting hours of the Appellate Tribunal.**- The sitting hours of the Appellate Tribunal shall ordinarily be from 09.30 AM. to 01.00 P.M. and from 2.15 P.M. to 5.00 P.M. subject to any order made by the Chairperson and this shall not prevent the Appellate Tribunal to extend its sitting as it deems fit.

10. **Working hours of office.**- (1) The office of the Appellate Tribunal shall remain open on all working days from 09:30 A.M. to 6.00 P.M.

(2) The filing counter of the Registry shall be open on all working days from 10.30 AM to 5.00 P.M.

11. **Inherent powers.**- Nothing in these rules shall be deemed to limit or otherwise affect the inherent powers of the Appellate Tribunal to make such orders or give such directions as may be necessary for meeting the ends of justice or to prevent abuse of the process of the Appellate Tribunal.