

TO BE PUBLISHED IN THE GAZETTE OF INDIA, EXTRAORDINARY, PART II,
SECTION 3, SUB-SECTION (i)]

Government of India
Ministry of Corporate Affairs
Notification

New Delhi, dated the 8th May, 2019

G.S.R.....(E).- In exercise of the powers conferred by sub-sections (1), (2) and Sub-section (4) of section 248 read with section 469 of the Companies Act, 2013 (18 of 2013), the Central Government hereby makes the following rules further to amend the Companies (Removal of Names of Companies from the Register of Companies) Rules, 2016, namely:-

1. (1) These rules may be called the Companies (Removal of Names of Companies from the Register of Companies) Amendment Rules, 2019.

(2) They shall come into force with effect from 10th May, 2019.

2. In the Companies (Removal of Names of Companies from the Register of Companies) Rules, 2016 (hereinafter referred to as the principal rules), in rule 4,—

(a) in sub-rule (1), for the words “five thousand rupees”, the following shall be substituted, namely:-

“ten thousand rupees:

Provided that no application in Form No. STK-2 shall be filed by a company unless it has filed overdue returns in Form No. AOC-4 (Financial Statement) or AOC-4 XBRL, as the case may be, and Form No. MGT-7 (Annual Return), up to the end of the financial year in which the company ceased to carry its business operations:

Provided further that in case a company intends to file Form No. STK-2 after the action under sub-section (1) of section 248 has been initiated by the Registrar, it shall file all pending overdue returns in Form No. AOC-4 (Financial Statement) or AOC-4 XBRL, as the case may be, and Form No. MGT-7 (Annual Return) before filing Form No. STK-2:

Provided also that once notice in Form No. STK-7 has been issued by the Registrar pursuant to the action initiated under sub-section (1) of section 248, a company shall not be allowed to file an application in Form No. STK-2.

(b) in sub-rule (3), in clause (ii), after the words, "statement of accounts", the words, letters and figures "in Form No. STK-8" shall be inserted.

3. In the Annexure to the principal rules,—

(a) in Form No. STK-4, in Serial Number 2, after item (vii), the following item shall be inserted, namely:—

"(viii) The company has fulfilled all pending compliances, if any [Applicable in case an application under sub-section (2) of section 248 has been filed after the initiation of action under sub-section (1) of section 248].

(b) after Form No. STK -7, the following Form shall be inserted, namely:—

"Form No. STK-8

[See rule 4(3)(ii)]

Statement of Account

Name of the Company:

CIN No.

Statement of Account as on date:

Particulars : (Brief break up in respect of each item needs to be given).

Amount (Rs.)

I. Sources of Funds

(1) Capital

(2) Reserves and Surplus (including balance in Profit and Loss Account)

(3) Loan Funds

Secured loans from Financial Institutions

Secured loans from Banks

Secured loans from Govt.

Others Secured loans

Debentures

Unsecured Loans

Deposits and interest thereon

Total Loan Funds

Total of (1) to (3)

II. Application of Funds

(1) Fixed Assets

(2) Investments

(3) (i) Current Assets, loans and Advances

Less : (ii) Current Liabilities and provisions

Creditors

Unpaid Dividend

Payables

Others

Total Current Liabilities and provisions

Net Current assets (i -ii)

(4) Miscellaneous expenditure to the extent not
written off or adjusted

(5) Profit and Loss Account (Debit balance)

Total of 1 to 5

Date :

Place:

Name and Signature of (Managing Director)*

Name and Signature (Secretary)*


Name and Signature of (Directors)

* Applicable only if there is MD/Secretary

Duly certified by Chartered Accountant in whole time practice.

Membership No/Certificate of Practice Number with seal."

[F.No.1/28/2013-CL-V(Part)]


08/5/19
K.V.R. Murty,

Joint Secretary to the Government of India

Note : The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3 of sub-section (i) *vide* number G.S.R. 1174(E), dated 26th December, 2016 and amended *vide* notification No. G.S.R 355(E), dated the 12th April, 2017.