



The Companies Act 2013

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E-News Letter

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About the E-newsletter

Dear Users,

Thecompaniesact2013.com imports yet another innovation for all the valuable users in the form of e-newsletter. This is the first issue of the January month comprising contemporary articles, latest notifications, circulars & orders.

The notion is to render all the updates about Company law of the current month in a compiled format and serve a better pavement for easy accessibility to the users.

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Notifications



A. S.O.129 (E). Authorization of the Officers in the office of Regional Director (Northern Region) at Noida for the purposes of filing complaint under section 159 of the said Act in respect of offences under section 155 of the said Act.

Dated 9th January, 2015

In pursuance of sub-section (2) of Section 439 of the Companies Act, 2013 (18 of 2013), the Central Government hereby authorizes the following officers in the office of Regional Director (Northern Region) at Noida for the purposes of filing complaint under section 159 of the said Act in respect of offences under section 155 of the said Act, namely:—

S.No	Name of Directors
1.	Dr. Raj Singh, Joint Director
2.	Shri A. M. Singh, Joint Director
3.	Ms. P. Sheela , Joint Director
4.	Shri R. K. Tiwari, Joint Director
5.	ShriCh. Jaganadh Reddy, Assistant Director

B. GSR 37 (E) - The Companies (Accounts) Amendment Rules, 2015.

Dated: 16th January 2015

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 further to amend the Companies (Accounts) Rules, 2014, namely:

1. (1) These rules may be called the Companies (Accounts) Amendment Rules, 2015.
(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Companies (Accounts) Rules, 2014,-

(i) After rule 2, following rule shall be inserted, namely:-

“2A. Notice of address at which books of account are to be maintained.—For the purposes of the first proviso to sub-section (1) of Section 128, the notice regarding address at which books of account may be kept shall be in Form AOC-5.”

(ii) In rule 6, after the third proviso, the following proviso shall be inserted, namely:-

“Provided also that nothing in this rule shall apply in respect of consolidation of financial statement by a company having subsidiary or subsidiaries incorporated outside India only for the financial year commencing on or after 1st April, 2014.”

(iii) In the Annexure, after Form AOC-4, Form AOC-5 shall be inserted.

C. GSR 43(E) - The Companies (Corporate Social Responsibility Policy) Amendment Rules, 2015.

Dated 19th January, 2015

In exercise of the powers conferred under section 135 and sub-sections (1) and (2) of Section 469 of the Companies Act, 2013 (18 of 2013), the Central Government hereby makes the following rules further to amend the Companies (Corporate Social Responsibility Policy) Rules, 2014, namely:-

1. (1) These rules may be called the Companies (Corporate Social Responsibility Policy) Amendment Rules, 2015.

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

2. In the Companies (Corporate Social Responsibility Policy) Rules, 2014, in rule 4, in sub- rule (2):-

(i) for the words “established by the company or its holding or subsidiary or associate company under section 8 of the Act or otherwise”, the words “established under section 8 of the Act by the company, either singly or along with its holding or subsidiary or associate company, or along with any other company or holding or subsidiary or associate company of such other company, or otherwise” shall be substituted;

(ii) in the proviso, in clause (i), for the words “not established by the company or its holding or subsidiary or associate company, it”, the words “not established by the company, either singly or along with its holding or subsidiary or associate company, or along with any other company or holding or subsidiary or associate company of such other company” shall be substituted.

D. GSR 42(E) - The Companies (Appointment and Qualification of Directors) Amendment Rules, 2015.

Dated 19th January, 2015

In exercise of the powers conferred by the second proviso to sub-section (1), subsection (4) and clause (f) of sub-section (6) of section 149, sub-sections (3) and (4) of section 150, section 151, sub-section (5) of section 152, section 153, section 154, section 157, section 160, subsection (1) of section 168 and section 170 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 (Appointment and Qualification of Directors) Rules, 2014, namely:—

1. (1) These rules may be called the Companies (Appointment and Qualification of Directors) Amendment Rules, 2015.

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

2. In the Companies (Appointment and Qualification of Directors) Rules, 2014, in rule 16, the following proviso shall be inserted, namely:—

“Provided that in case a company has already filed Form DIR-12 with the Registrar under rule 15, a foreign director of such company resigning from his office may authorize in writing a practicing chartered accountant or cost accountant in practice or company secretary in practice

or any other resident director of the company to sign Form DIR-11 and file the same on his behalf intimating the reasons for the resignation.”.



A. Amendment in the Company Law Board Regulations

Dated- 28th January, 2015

In exercise of the powers conferred by Sub-section (6) of Section 10E of the Companies Act, 1956 (1 of 1956),the Company Law Board makes the following regulations further to amend the Company Law Board Regulations, 1991 Namely :

1) In Chapter II of the Company Law Board Regulations, 1991 (herein after referred to as said regulations):

(a) In Regulation 4, for Sub-Regulations (3), the following Sub-Regulation shall be substituted namely:-

“It shall be lawful for the chairman to provide that matters falling under all other Sections of the Company Act, 1956 and the Company Act, 2013 except those mentioned in Sub- Regulation (1) shall be dealt with by the regional Benches, namely New Delhi Bench ,Chennai Bench , Kolkata Bench and Mumbai Bench consisting of One or more members.”

(b)In sub-Regulation (5) of Regulation 14, for the words and expression “Sub-section (9) of Section 58A or Sub- Section (4) of Sub-Section 117 C of the Act or under Sub-Section (2) of Section 45OA of Reserve Bank of India Act,1934 (2 of 1934) the words and expression namely Sub-section (4) of Section 73 of the Companies Act ,2013 or Sub-section (4) of Section 73 read with section 76 of the Companies Act ,2013 or sub-section (4) of Section 117C of the Company Act, 1956 or under Sub-Section (2) of section 45OA of Reserve Bank of India Act,1934 (2 of 1934)” shall be substitute.

2. In Chapter III of the Company Law Board Regulations, 1991

(a) For Regulation 37. The following Regulation shall be substituted namely:

"Application by Deposit Holder : An Application underof Section 73 of the Companies Act ,2013 or Sub-section (4) of Section 73 read with section 76 of the Companies Act ,2013 or sub-section (4) of Section 117C of the Company Act, 1956 or under Sub- Section (2) of section 45OA of Reserve Bank of India Act,1934 (2 of 1934), shall be filed in Form No -4 in Annexure- II and shall be submitted in duplicate.

3) In Chapter IV of the Company Law Board Regulations, 1991

(a) After regulation 51 following Regulation 52 and Regulation 53 shall be inserted namely,

“52 An application under Sub-Section 41 of Section 2 of Companies Act, 2013. Shall be filled in form No. 6 in Annexure II.A petition under sec 58 and 59 of Companies Act, 2013. Shall be filled in form

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No. 1 in Annexure II. An application under Sub-Section (4) of section 73 read with sec 76 of Companies Act, 2013 shall be filled in form No. 4 in Annexure II. An application under Sub-Section (2) of section 74 of Companies Act, 2013 shall be filled in form No. 7 in Annexure II.

“ 53. Before submitting application under Sub-Section (2) of Section 74 of Companies Act, 2013 the Company shall publish a Notice in two leading Newspapers English Newspaper and one in Regional language having wide circulation in the region where registered office is situated in the manner specified in form 8 to every deposit holder whose deposits are covered under the application seeking extension of time by speed post and shall produce evidence of such service at the time of presentation of such application in CLB .”

(b) In Annexure –II Form 4 shall be substituted.

(c) In Annexure –II Form- 5,6,7,8 shall be inserted.

(d) In Annexure – III for the expression “[see regulation 18 and 34]” the expression [See regulation 18, 34, 52 and 53]” shall be substituted.

(e) In Annexure – III after Sl.No.33 new Sl.No.34 and 35 shall be added.

Editor's Column

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