

## CHAPTER 1.

## RULES UNDER SPECIAL ACTS

## PART A.—RULES UNDER THE COMPANIES ACT.

*Rules made by the High Court under the powers conferred by section 246 of the Indian Companies Act, 1913.\**

## GENERAL

1. The following shall be used as general heading in all cases under the Indian Companies Act in the Punjab High Court and the Courts subordinate thereto and for all advertisements, notices, etc.

IN THE PUNJAB HIGH COURT AT \_\_\_\_\_

Or, in the Court of the District Judge at \_\_\_\_\_

In the matter of the Indian Companies Act, VII of 1913, and of the \_\_\_\_\_ Limited, .

Petition under section(s) \_\_\_\_\_ of the Act, for \_\_\_\_\_

\_\_\_\_\_ Petitioner (s)

*versus*

\_\_\_\_\_ Respondent (s).

2. All applications under the Indian Companies Act shall be made by petition duly verified by affidavit and forms in the appendix, where applicable, or forms of the like character, with such variations as circumstances may require, shall be used.

Petitions and forms.

## WINDING UP

3. Every petition for the winding up of a company by the Court or subject to the supervision of the Court shall be in form No. 1, 2 or 3 in the appendix, as the case may be.

Form of petitions for winding up a company.

4. Every petition for the winding up of any company by the Court or subject to the supervision of the Court

Verification of petition.

\*Note.—The Indian Companies Act, 1913, was repealed by the Companies Act, 1956 (No. 1 of 1956). In view of section 645 of Act I of 1956, the rules framed under the previous company law continue in force in so far as these could have been made under or in pursuance of Act I of 1956 and shall have effect as if made under or in pursuance of Act I of 1956.

shall be verified in the prescribed form. Such verification shall be made by the petitioner or by one of the petitioners (if more than one), or If by reason of absence or other good cause any person by whom or on whose behalf such petition is presented is unable himself to verify the same, the Court may permit some other competent person to verify the petition. In case the petition is presented by any company, the allegations therein shall be verified by some Director, Secretary or other principal officer of the company. Such verification shall be made and filed within four days after the petition is presented and such verified statement shall be sufficient *prima facie* evidence of the statement in the petition. (Form No. 4).

Directions on admission.

5. Upon the admission of the petition, the Judge shall fix a date for the hearing thereof and give directions as to the advertisement to be published and as to the person on whom copies are to be served.

Advertisement.

6. (i) In the absence of any direction to the contrary, the petition for the winding up of any company by the Court, or subject to the supervision of the Court, shall, after admission, be advertised fourteen clear days before the hearing, once in the local official gazette and once at least in two newspapers.

(ii) The advertisement shall state the date on which the petition was presented, the name and address of the petitioner and of his pleader or agent, if any. (Form 5.)

Service of notice.

7. Every such petition shall, unless presented by the company, be served at the registered office (if any) of the company, and where there is no registered office, then at the principal or last known principal place of business of the company, if any such place can be found, by leaving a copy with any Director, Officer or servant of the Company, there, or in case no such Director, Officer or servant can be found there, then by being left at or affixed to the door or wall of such registered office or principal place of business, or being served in such other manner as the Judge may direct. Every petition for the winding up of a company subject to the supervision of the Court shall also be served upon the Liquidator (if any) appointed for the purpose of winding up the affairs of the company. So also every petition for compulsory winding up of a company shall be served upon the Liquidator (if any), who may have been appointed to act in a voluntary winding up or winding up under supervision, as the case may be.

<sup>1</sup>[Provided that the Service of Process to the respondent/addressee can also be effected through electronic means where the party has furnished the requisite details.]

1. Inserted vide Correction Slip No. 7 Rules/II.D.4 dated 27.11.2018.

8. Every person who intends to appear on the hearing of a petition for winding up shall serve on, or send by post to, the Deputy Registrar (Judicial) of the Court, notice of his intention. The notice shall contain the address of such petitioner and shall be signed by him or by his agent or counsel and shall be served 7 days before the day appointed for hearing of the petition. A person who has failed to comply with this rule shall not, without the special leave of the Court, be allowed to appear on the hearing of the petition. (Form No. 8.)

Notice by person who intends to appear.

9. Every contributor or creditor of the company shall, on application to the Court in which the petition is presented, be entitled to be furnished with a copy of the petition on payment of the usual and customary fees for copies of documents in such Court, and such copies shall be furnished within three days after the same shall have been applied for.

Copy of petition to be furnished.

10. (a) An affidavit intended to be used in support or opposition of the petition that the company be wound up by or subject to the supervision of the Court, shall be filed after notice to the opposite party 7 clear days before the date of hearing of the petition.

Affidavits.

(b) An affidavit in reply to an affidavit filed in support or opposition of the petition, shall be filed two clear days before the date of hearing of the petition and after notice to the opposite party.

(c) Any other affidavit may be filed at any stage of the proceedings with the permission of the Court and notice of any such affidavit shall be given, on the date on which it has been filed, to the party against whom it is intended to be used.

11. (i) Where a petitioner consents to withdraw his petition or to allow it to be dismissed or fails to appear in support of his petition when it is called on in the Court on the day originally fixed for the hearing thereof or on any day to which the hearing has been adjourned or, if appearing, does not apply for an order in the term of the prayer of his petition, the Court may, upon such terms as it may

Petition not to be dismissed if the petitioner does not desire to prosecute it.

think just, substitute as petitioner any other person who, in the opinion of the Court, has a right to present petition for winding up and who is desirous of prosecuting the petition.

(ii) Where the Judge allows a person to be substituted as petitioner in an application for the winding up of the company, he shall adjourn the hearing of the petition to a date to be fixed by him. Such person shall within seven days from the making of the order file a fresh petition with such amendment as he desires to incorporate therein and shall also file an affidavit setting out the ground upon which he supports the petition. The amended petition shall be treated as the petition for the winding up of the company, and shall not require any stamp.

Death of  
petitioner.

12. If the petitioner dies before the hearing of the petition, his legal representatives may obtain an order to carry on the petition or the Court may, upon such terms as it may think just, substitute as petitioner any other person who in the opinion of the Court has a right to present a petition for winding up and who is desirous of prosecuting the petition. In the latter case, the provisions of Rule 11(ii) shall apply.

Winding up order  
to be filed with  
Registrar.

13. On the making up of a winding up Order, it shall be the duty of the petitioner in the winding up proceedings and of the Official Liquidator of the company to file with the Registrar of Joint Stock Companies a copy of the order within a month from the date of the winding-up order. (Form Nos. 9 and 10).

Order of winding  
up to be  
advertised.

14. Every order for winding up of a company by the Court or subject to the supervision of the Court shall, with in two weeks after the date thereof, be advertised once in the same papers and Gazette in which the notice of the winding up petition appeared unless the Court otherwise directs and shall be served upon such person or persons (if any) and in such manner as the Court may direct. (Form No. 11).

Appointment of  
Provisional  
Liquidator.

15. (a) After the presentation of a petition, upon the application of the company or any person entitled to present the petition and upon proof by affidavit of sufficient ground for the appointment of a Provisional Liquidator, the Court, if it thinks fit, and upon such terms as

in the opinion of the Court shall be just and necessary, may make the appointment, but shall before making any appointment give notice to the company unless it thinks fit to dispense with the notice. (Form No. 12).

(b) ) The Court may appoint the Official Receiver attached to the Court or any other person or persons to be the Provincial Liquidator.

(c) ) Unless otherwise ordered, a person appointed to be Provisional Liquidator, if he is not the Official Receiver, may be required to give security.

(d) ) The order of appointment of Provisional Liquidator shall state the nature of the property of which the said Provisional Liquidator is ordered to take possession and the duties to be performed by him or them. (Form No. 13).

(e) ) When an order for the appointment of a Provisional Liquidator prior to the making of an order for winding up has been made, the Deputy Registrar (Judicial) of the Court shall forthwith send by post or otherwise to the person or persons so appointed two copies of the order duly sealed with the seal of the Court.

The Provisional Liquidator shall cause one of such copies to be served upon the company.

(f) ) The Provisional Liquidator so appointed shall from time to time take instructions from the Court as to the manner in which the duties are to be performed by him.

(g) ) The Provisional Liquidator so appointed, unless otherwise ordered, shall as far as possible submit a report to the Court, as to the affairs of the company before the hearing of the petition for winding up.

(h) ) The costs and charges properly incurred by the Provisional Liquidator and also his remuneration as fixed by the Court shall be paid out of the assets of the company and in the event of there being not available assets of the company, the Court may direct such charges, etc., to be paid by the petitioner.

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(i) The Provisional Liquidator, until an Official Liquidator is appointed by the Court, shall keep a book to be called the "Cash Book", in which he shall enter from day to day all receipts and payments.

(j) The costs and charges ordered to be paid by the petitioner under clause (h) above, shall be a first charge on the assets of the company when a winding up order is made.

(k) If no order for winding up is made upon the petition, the costs and charges incurred by the Provisional Liquidator shall be paid by the petitioner, unless otherwise ordered by the Court.

Rules  
applicable to  
Provisional  
Liquidators.

16. (a) All the rules relating to Official Liquidators shall, so far as the same are applicable and subject to the directions of the Judge, apply to Provisional Liquidators.

(b) All the rules relating to Official Liquidators shall, so far as the same are applicable and subject to the directions of the Judge, apply to the Liquidator of a company under supervision of the Court in addition to the following directions:

- (1) The liquidator shall furnish a report of progress every six months.
- (2) Accounts shall be prepared and audited at least once per annum.
- (3) All accounts shall be filed within one month of the completion of the audit.
- (4) The appointment of the auditors must have the approval of the Court.
- (5) All compromises must be recommended by the Liquidator and be approved by the Court.

Official Receiver's  
duty on appoint-  
ment of another  
person as Official  
Liquidator.

17. Where the Official Receiver has acted as Liquidator and thereafter a Liquidator is appointed by the Court who has notified his appointment to the Registrar of Companies and given security to the Court, the Official Receiver shall forthwith put the Liquidator into possession of all property of the Company of which the Official Receiver may have custody.

It shall be the duty of the Official Receiver, if so requested by the Official Liquidator, to communicate to the Liquidator all such information respecting the estate and affairs of the company as may be necessary or conducive to the due discharge of the duties of the Official Liquidator.

18. The Court may appoint a person other than the Official Receiver to the office of Official Liquidator without any previous advertisement or notice to any party or may fix a time and place for the appointment of an Official Liquidator.

Appointment of official Liquidator.

19. When a time and place are fixed for the appointment of an Official Liquidator, such time and place shall be advertised in such manner as the judge shall direct, so that the first or the only advertisement shall be published within fourteen days and not less than seven days before the day so fixed. (Form No. 17).

Advertisement for the appointment of official Liquidator.

20. The Official Liquidator shall be appointed by order, and unless he shall have given security or unless security shall have been dispensed with, a time shall be fixed by such order within which he is to do so. (Form No. 18).

Order appointing official Liquidator.

21. If the company is not the petitioner or does not Order to be appear at the hearing the order shall be served upon the Company.

Order to be served on the company.

22. In the absence of any directions as to advertisement, the order shall, within fourteen days after the order shall have been sealed, be advertised by the petitioner or the substituted petitioner, as the case may be, once in the local Official Gazette and shall be served upon such person and in such manner as the Judge may direct. The form of advertisement shall be in Form No. 22.

Order to be advertised.

23. The Official Liquidator shall present to the Court accounts of his "Receipts and Payments" drawn up to 31st December and 30th June by 31st, January and 31st July, respectively, each year.

All money received by the Official liquidator shall be paid in a scheduled Bank, as defined in clause (e) of section

2 of the Reserve Bank of India Act, 1934, immediately after the receipt thereof to the account of the Official Liquidator of the company and an account shall be opened there accordingly. A copy of the order duly sealed with the seal of the Court shall be lodged with such scheduled Bank.

- Security of Official Liquidator.
24. Every Official Liquidator shall give security by entering into a recognizance with one or more sufficient sureties or by depositing Government Securities in such sum as the Court may approve, provided that the Court may, if it thinks fit, dispense with such security. (Forms Nos. 19 and 20).
- Security to be certified.
25. When an Official Liquidator has given security pursuant to the direction in the order appointing him, the same shall be certified by the Judge or the Registrar of the Court. (Form No. 21).
- Copy of order to be filed with Registrar of Companies.
26. A certified copy of the order appointing an Official Liquidator shall be filed by him with the Registrar of Joint Stock Companies within ten days of the same being made.
- Advertisement of appointment made.
27. Every appointment of an Official Liquidator shall be advertised in such manner as the Judge shall direct immediately after he has been appointed and has given the required security. (Form No. 22).
- Failure to furnish security.
28. If the Official Liquidator fails to furnish the required security within the time ordered or within any extension thereof, the Judge may rescind the order of appointment and make such other appointment and such order as to costs as he considers fit and proper.
- Failure to maintain security.
29. If the Official Liquidator fails to maintain the security ordered to be furnished, the Judge may remove him and make such other appointment and such order as to costs as he may think fit.
- Security increased.
30. If it shall appear at any time that the security furnished by the Official Liquidator is inadequate or excessive, the Judge may, upon the application of the Official Liquidator or of a creditor or contributory, order that the security be increased or reduced in amount.

31. Within fourteen days or such less time as the Judge may direct after the winding up order shall have been sealed, a summons for directions shall be taken out by the Official Liquidator, if appointed, otherwise by the petitioner. Upon the hearing of such summons, directions shall be given by the Judge in respect of such matters as he shall deem necessary or expedient including any of the following matters:

Summons for direction to be taken out by the Official Liquidator.

- (a) the appointment of an Official Liquidator (if not already appointed or if appointed temporarily),
- (b) delegation under section 246 of the Act of the powers of the Court,
- (c) proof of debts,
- (d) settlement of the list of contributories,
- (e) powers of the Official Liquidator in respect of matters specified in section 179 of the Act.

The further proceedings under the orders shall be continued by adjournment of such summons and save as otherwise provided by these rules, all applications by an Official Liquidator, creditor or contributory, shall be made by restoration of such summons supported by affidavit; provided that the Judge may direct the service or re-service of such summons or of a further summons on any person.

32. All applications by an Official Liquidator shall be made on notice to such persons as may be affected by the order sought for and to such persons as the Court may direct.

Applications by Official Liquidator.

33. In case of the death, removal or resignation of an Official Liquidator another shall be appointed in his place the same manner as directed in the case of a first appointment, and proceedings for that purpose may be taken by such party interested as may be authorised by the Judge to take the same.

Vacancy in office of Liquidator.

34. The Official Liquidator shall on each occasion of passing his accounts, and also whensoever the Judge may

Fresh security when required.

so require, satisfy the Judge by a duly sworn affidavit (or by oral evidence if so required), that his sureties are living and resident in India and have not become insolvent or been adjudged bankrupt, and in default thereof he may be required to enter into fresh Security or to deposit Government securities within such time and to such amount as may be directed.

Remuneration of  
Official Liquidator  
– how allowed or  
paid.

35. The Official Liquidator shall be allowed in his account or otherwise paid such amount by way of salary or remuneration as the Judge may direct and such remuneration may be fixed either at the time of his appointment or thereafter and may be altered. Such remuneration may be fixed or altered to cover or exclude the employment of assistants or clerks, office rent and incidental expenses. No money shall be appropriated to such remuneration, save upon the passing of an account or upon an application by the Official Liquidator for that purpose on notice to such person (if any) and supported by such evidence as the Judge may direct, provided, nevertheless, that the Judge may, from time to time, allow an Official Liquidator to appropriate such sum as he may think fit on account of remuneration to be thereafter fixed.

Time for  
payment of  
remuneration.

36. The remuneration of an Official Liquidator, as far as possible, shall be fixed in the nature of a commission or percentage of which one part shall be payable on the amount realized after deducting the sum (if any) paid to secured creditors (other than debenture-holders), out of the proceeds of their securities and the other part on the amount distributed in dividends.

Official Liquidator's  
charges.

37. Where an Official Liquidator receives remuneration for his services as such, no payment shall be allowed in his accounts in respect of the performance by any other person of the ordinary duties which are required by the Act or these rules to be performed by him.

Preparation of list  
of company's  
Property.

38. Unless the Court shall otherwise direct, the Liquidator, as soon as he takes over charge, shall make a list of all the property (moveable as well as immovable) belonging to the company, in duplicate, which shall be signed by two or more past officers of the company as well as the Liquidator who shall file one copy of the list with the Court.

39. (1) The Official Liquidator shall with all convenient speed, after he is appointed, proceed to make up, continue, complete and rectify the books of account of the company, and shall provide and keep such books of account as shall be necessary or, as the Judge may direct, for the purposes aforesaid and for showing the debts and credits of the company including a ledger which shall contain the separate account of the contributories and in which every contributory shall be debited from time to time with the amounts payable by him in respect of any call to be made as provided by the Act and these rules.

Duties of Official Liquidator.

(2) The Official Liquidator shall keep a book to be called the Record Book in which he shall record all minutes, all proceedings and resolutions passed at any meeting of creditors or contributories or of the Advisory Committee, if any, and, subject to the orders of the Court, all such matters as may be necessary to give a correct view of his administration of the Company's affairs, but he shall not be bound to insert in the Record Book any document of a confidential nature (such as the opinion of Council on any matter affecting the interest of the creditors or contributories) nor need he exhibit such documents to any person other than a member of the Advisory Committee, if any.

(3) The Official Liquidator shall keep a book (or continue one left by the Official Liquidator, if any) to be called the Cash Book in which he shall enter from day to day the receipts and payments made by him.

(4) Where the Official Liquidator is authorised to carry on the business of the company, he shall keep separate books of account in respect of such business.

40. (1) Unless the Judge otherwise directs, at the end of three months after the order for winding up of a company, the Official Liquidator shall file in Court a report of the progress of the winding up and thereafter similar reports shall be filed every three months until the winding up proceedings are concluded.

Reports of the Official Liquidator.

(2) In particular and without prejudice to the generality of the foregoing sub-rule such reports shall mention the following matters :—

- (a) Settlement of lists of contributories,
- (b) Calls,

- (c) Proofs and debts,
- (d) Meetings of creditors and resolutions passed therein,
- (e) Properties that have come into the hands of the Official Liquidator,
- (f) Out standings that have been recovered and that remain to be recovered ,
- (g) Dividends declared, and
- (h) Receipts and payments under appropriate heads.

Official Liquidator to file the report.

41. The Official Liquidator shall submit a report stating the facts and matters which he may desire to bring to the notice of the Court, and he may apply to the Court to fix a day for the consideration of the same and on such application the Court shall appoint a day on which the report shall be considered.

Consideration of the report.

42. The consideration of the report shall be before the Judge of the Court and the Official Liquidator shall personally or by counsel attend the consideration of the report and give to the Court any further information or explanation with reference to the matters stated in the report which the Court may require.

Disposal of Books.

43. The Judge may, at any time during the progress of the liquidation, on the application of the Official Liquidator, give directions as to the disposal of such of the books, papers and documents of the company or of the Official Liquidator as are no longer required for the purpose of the liquidation.

Unauthorised benefit.

44. An Official Liquidator shall not, without the sanction of the Judge, give up or agree to give up any part of his remuneration to any person.

Restriction on purchase of goods by Liquidator.

45. Where the Official Liquidator carries on the business of the company, he shall not, without the express sanction of the Court, purchase goods for the carrying on of such business from any person whose connection with

the Liquidator is of such a nature as would result in the Liquidator obtaining any portion of the profit (if any) arising out of the transaction.

46. Neither the Official Liquidator, nor any member of the Committee of Inspection, if any, shall, while acting as Liquidator or member of such Committee, except by leave of the Court, either directly or indirectly by himself or any partner, clerk or servant, become purchaser of any part of the company's assets.

Dealing with the assets.

47. The duties imposed on the Court by section 184(1) of the Act in a winding up by the Court with regard to the collection of the assets in discharge of the company's liabilities shall be discharged by the Official Liquidator as an Officer of the Court subject to the control of the Judge.

Liquidator as an Officer of the Court.

48. For the purpose of the discharge by the Official Liquidator of such duties the Official Liquidator shall, for the purpose of acquiring or retaining possession of the property of the company, be in the same position as if he were a Receiver of property appointed by the Court, and the Judge may, on his application, enforce such acquisition or retention accordingly.

Enforcement of the powers of Liquidators in relation to assets.

49. When the Official Liquidator takes charge of the company and finds that there are no funds available to carry on the winding up proceedings, he shall move the Court for directions in the matter. The Court shall direct the issue of notice to the person or persons who applied for the winding up order, and the secured creditors, if any, so as to find out their wishes in the matter and require them to show cause why they should not be made to pay a reasonable amount to carry on the winding up proceedings, and after hearing them and the Official Liquidator, the Court may direct any of them to pay a reasonable amount to Official Liquidator to meet the necessary expenses.

Funds not available for winding up proceedings.

The amount so advanced shall be a first charge on the assets of the company.

50. Where Joint Official Liquidators are appointed the rules relating to the Official Liquidator shall be applicable *mutatis mutandis*.

Rules re: Joint Official Liquidators.

Cases under  
Section 179

51. The direction or sanction of the Judge for any proceedings or act to be taken or done by the Official Liquidator under the powers conferred on him by section 179 shall (subject to the provisions of section 180 of the Act), be obtained upon application in writing and an order shall be drawn up thereon, unless the Judge shall otherwise direct.

#### STATEMENT OF AFFAIRS

Extension of time  
for submitting  
Statement of  
affairs.

52. (a) When any person requires an extension of time for submitting the statement of affairs under section 177-A of the Act, he shall apply to the Official Liquidator who may, if he thinks fit, give a written certificate extending the time, which certificate shall be filed with the proceedings in the winding up and shall render an application to the Court unnecessary. (Form No. 16).

(b) Where the Official Liquidator refuses to grant an extension of time for submitting the statement of affairs, the person required to submit the statement may, on notice to the Official Liquidator, apply to the Judge.

Failure to  
comply with  
section 177-A.

53. If any person or persons fail to comply with the provisions of section 177-A of the Act, the Liquidator shall report the matter to the Court which may take action against the defaulting person or persons, either under sub-clause 5 of section 177-A of the Act or may make an order upon the said person or persons compelling him or them to comply with the said provisions of the Act.

(Form No. 15)

Preparation of  
the statement  
affairs.

54. (1) The statement of affairs under section 177-A of the Act shall be made out in duplicate and shall be submitted to the Official Liquidator within the time prescribed or within such extended time as the Official Liquidator or the Judge may, for special reasons, appoint. One copy of the statement shall be verified by an affidavit. The Official Liquidator shall cause the verified statement to be filed in Court and shall retain the duplicate thereof for his record.

(2) The Official Liquidator may from time to time hold personal interview with person who may be able to give some information about the company's affairs for the

purpose of investigating the company's affairs and it shall be the duty of every such person to attend the Liquidator's office at such time and place as the Liquidator may appoint and give all information that he may require.

COMMITTEE OF INSPECTION

55. Where there is a difference between the resolutions of the meetings of the creditors and contributories held under section 178-A (1) and (2), the Judge shall, on the application of the Official Liquidator, fix a time and place for consideration of the resolution and make such order as may be necessary.

Difference between the resolutions of the meetings of the creditors and contributories.

When the time and place has been fixed for the consideration of the resolutions and determinations of the meetings, such time and place shall be advertised by the Liquidator in such manner as the Judge may direct.

(Form No. 23.)

On the date fixed, the Judge shall hear the Liquidator and any creditor or contributory who may appear on the application.

56. No member of the Committee of Inspection shall except under and with the sanction of the Court, directly or indirectly by himself or any employer, partner, clerk, agent or servant, be entitled to derive any profit from any transaction arising out of the winding up or to receive out of the assets any payment for services rendered by him in connection with the administration of the assets, or for any goods supplied by him to the Liquidator for or on account of the company. If it appears that any profit by or payment to any member or members of the Committee of Inspection has been made contrary to the provisions of this rule, the Court may recover such profit, or disallow such payment as the case may be.

Committee of inspection not to make profit.

57. In any case in which sanction of the Court is obtained under the preceding rule, the costs of obtaining such sanction shall be borne by the person in whose interest such sanction is obtained and shall not be payable out of the company's assets.

Costs of obtaining sanction of Court.

58. Where the sanction of the Court to a payment to a member of a Committee of Inspection for services rendered by him in connection with the administration of the

Sanction of payment to Committee.

company's assets is obtained, the order of the Court shall specify the nature of the services, and such sanction shall only be given where the service performed is of a special nature. Except by the express sanction of the Court, no remuneration shall, under any circumstances, be paid to a member of a Committee for services rendered by him in the discharge of the duties attaching to his office as a member of such Committee.

#### MEETINGS

Summoning of meetings of creditors and contributories.

59. The meetings of creditors and contributories shall be summoned as hereinafter provided.

The notices of meetings of creditors and contributories shall be in forms appended thereto, and the notices to creditors shall state a time within which the creditors must lodge their proofs in order to entitle them to vote at the meeting. (Forms Nos. 23 to 27).

Liquidator's meeting of creditors and contributories

60. In addition to the meeting of the creditors and contributories held under section 174 or section 178-A of the Act (hereinafter referred to as Court meetings of creditors and contributories), the Liquidator in any winding up by the Court may himself, from time to time, subject to the provisions of the Act and the control of the Court, summon, hold and conduct meetings of the creditors or contributories (hereinafter referred to as Liquidator's meetings of creditors and contributories) for the purpose of ascertaining their wishes in all matters relating to the winding up.

Summoning of meetings.

61. The Official Liquidator shall summon all meetings of creditors and contributories by giving not less than 7 days' notice of the time and place thereof in a newspaper directed by the Court, and shall not less than 7 days before the day appointed for the meeting send by post to every person appearing by the company's books to be a creditor of the company notice of the meeting of creditors and to every person appearing by the company's books or otherwise to be a contributory of the company notice of the meeting of the contributories.

The notice to each creditor shall be sent to the address given in his proof or, if he has not proved, to the address

given in the statement of affairs of the company, if any, or to such other address as may be known to the person summoning the meeting. The notice to each contributory shall be sent to the address mentioned in the company's books as the address of such contributory or to such other address as may be known to the person summoning the meeting.

62. A certificate or affidavit by the Liquidator or his clerk, that the notice of any meeting has been duly posted, shall be sufficient evidence of such notice having been duly sent to the person to whom the same was addressed (Forms Nos. 28 and 29).

Proof of notice.

63. Every meeting shall be held at such place as is in the opinion of the Official Liquidator most convenient for the majority of the creditors or contributories or both. Different times or places may, if thought expedient, be named for the meeting of creditors and for the meeting of the contributories.

Place of meeting.

64. The costs of summoning a meeting of creditors or contributories at the instance of any person other than the Official Liquidator shall be paid by the persons at whose instance it is summoned and who shall, before the meeting is summoned, deposit with the Official Liquidator such sum as may be required by the Official Liquidator as security for the payment of such costs. The said costs shall be repaid out of the assets of the company, if the Court shall, by order, so direct.

Costs of calling meeting.

65. Where a meeting is summoned by the Official Liquidator, he or some one nominated by him shall be Chairman of the meeting. At every other meeting of the creditors or contributories, the Chairman shall be such person as the meeting, by resolution, shall appoint.

Chairman of meeting.

66. At a meeting of creditors a resolution shall be ordinary deemed to be passed when a majority in value of the creditors present personally or by proxy and voting of the resolution have noted in favour of the resolution, and at a meeting of the contributories a resolution shall be deemed to be passed when a majority in value of the contributories Present personally or by proxy and voting on the resolution have voted in favour of the resolution, the value of

Ordinary resolution of creditors and contributories.

the contributories being determined according to the number of votes conferred on each contributory by the regulations of the company.

Copy of resolution to be filed.

67. The Official Liquidator shall file with the Registrar of Joint Stock Companies and also in Court a copy certified by him of every resolution of a meeting of creditors or contributories in a winding up by the Court.

Non-receipt of notice by a creditor.

68. Where a meeting of creditors or contributories is summoned by notice, the proceedings and resolutions at the meeting shall, unless the Court otherwise orders, be valid notwithstanding that some creditors or contributories may not have received the notice sent to them.

Adjournments.

69. The Chairman may, with the consent of the meeting, adjourn it from time to time and from place to place, but the adjourned meeting shall be held at the same place as the original meeting unless in the resolution for adjournment another place is specified or unless the Court otherwise orders.

Quorum.

70. A meeting may not act for any purpose except the election of a Chairman, the proving of debts and the adjournment of the meeting unless there are present or represented there at least three creditors entitled to vote or three contributories or all the creditors entitled to vote or all the contributories, if the number of creditors entitled to vote or the contributories, as the case may be, shall not exceed three.

If within half-an-hour from the time appointed for the meeting a quorum of creditors or contributories is not present or represented, the meeting shall be adjourned to the same day in the following week at the same time and place or to such other day or time or place as the Chairman may appoint, but so that the day appointed shall not be less than 7 or more than 21 days from the day from which the meeting was adjourned.

Creditors entitled to vote.

71. In the case of meeting of creditors held under section 178-A or of an adjournment thereof, a person shall not be entitled to vote as a creditor unless he has duly lodged with the Official Liquidator not later than the time mentioned for that purpose in the notice convening the

meeting a proof of the debt which he claims to be due to him from the company. In the case of a Court meeting or Liquidator's meeting of creditors a person shall not be entitled to vote as a creditor unless he has lodged with the Official Liquidator a proof of the debt which he claims to be due to him from the company and such proof has been admitted wholly or in part before the date on which the meeting is held. Provided that this and the next four rules shall not apply to a Court meeting of creditors held prior to the meeting of creditors under section 178-A. This rule shall not apply to any creditor or class of creditors who by virtue of the rule or any directions given thereunder are not required to prove their debts.

72. A creditor shall not vote in respect of any un-liquidated or contingent debt or any debt the value of which is not ascertained, nor shall a creditor vote in respect of any debt on or secured by a current bill of exchange or promissory note held by him, unless he is willing to treat the liability to him thereon of every person who is liable thereon antecedently to the company, and against whom a receiving order in bankruptcy has not been made, as a security in his hand, and to estimate the value thereof, and for the purposes of voting, but not for the purposes of dividend, to deduct it from his proof.

Creditors may not vote.

73. For the purpose of voting a secured creditor shall, unless he surrenders his security, state in his proof the date when it was given and the value at which he assesses it, and shall be entitled to vote only in respect of the balance, if any, due to him after deducting the value of his security. If he votes in respect of his whole debt, he shall be deemed to have surrendered his security, unless the Court, on application, is satisfied that the omission to value the security has arisen from inadvertence.

Vote of secured creditors.

74. The Official Liquidator may, within 21 days after a proof, require the creditor to give up the security for the benefit of the creditors generally on payment of the value so estimated with an addition thereto of 20 per cent, provided that where a creditor has valued the security he may, at any time before being required to give it up, correct the valuation by a new proof and deduct the new value from his debt, but in that case the said addition of 20 per cent shall not be made if the security is required to be given up.

Creditor required to give up security.

Admission and rejection of proofs for purpose of voting.

75. The Chairman shall have power to admit or reject a proof for the purpose of voting, but his decision shall be subject to appeal to the Court. If he is in doubt whether a proof shall be admitted or rejected, he shall mark it as 'objected to' and allow the creditor to vote subject to the vote being declared invalid in the event of the objection being sustained.

Minutes of meeting.

76. The Chairman shall cause minutes of the proceedings at the meeting to be drawn up and fairly entered in a book kept for that purpose and the minutes shall be signed by him or by the Chairman of the next ensuing meeting.

(Form No. 34).

A list of creditors and contributories present at every meeting shall be made and kept.

Attendance by proxy.

77. A creditor or a contributory may vote either in person or by proxy. Where a person is authorised in manner provided by section 80 of the Act to represent a corporation at any meeting of creditors such person shall produce to the Official Liquidator or the Chairman of the meeting a copy of the resolution so authorising him. Such copy must either be certified to be true copy by the Secretary or a Director of the Corporation. The succeeding rules as to proxy shall not (unless otherwise directed by the Court), apply to a Court meeting of creditors or contributories.

Form of proxies.

78. Every instrument of proxy shall be in accordance with the form in the appendix and every written part thereof shall be in the handwriting of the person giving the proxy or of any manager or clerk or any other person in his regular employment or of a Commissioner to administer oaths residing in the locality where such person is living or carrying on business. (Form No. 35, 36, or 37).

Form of proxy to be sent with notice.

79. General and special forms of proxy shall be sent to the creditors and contributories with the notice summoning the meeting, and neither the name nor description of the Official Liquidator or any other person shall be printed or inserted in the body of any instrument of proxy before it is sent.

General proxies.

80. A creditor or contributory may give a general proxy to any person (Form No. 37).

81. A creditor or contributory may give a special proxy to any person to vote at any specified meeting or adjournment thereof on all questions relating to any matter given in the agenda and arising at the meeting or adjournment thereof. (Form No. 36).

Special proxies.

82. A creditor or contributory in a winding up by the Court may appoint the Official Liquidator or, if there is no Liquidator, the Chairman of a meeting to act as his general or special proxy.

Proxy to Official Liquidator.

83. No person acting either under a general or special proxy shall vote in favour of any resolution which would directly or indirectly place himself, his partner or employer in a position to receive any remuneration out of the assets of the company otherwise than as a creditor rateably with the other creditors of the company. Provided that, where any person holds special proxies to vote for an application to the Court in favour of the appointment of himself as Official Liquidator, he may use the said proxies and vote accordingly.

Holder of proxy not to vote on matter in which he is financially interested.

84. A proxy intended to be used at a meeting of creditors or contributories held under section 178-A or on adjournment thereof, shall be lodged with the Official Liquidator not later than the time mentioned for that purpose in the notice convening the meeting or the adjourned meeting, which time shall be not earlier than 12 o'clock at the noon of the day before the day appointed for such meeting unless the Court otherwise directs.

Filing of proxies.

85. Where an Official Liquidator, who holds any proxies, cannot attend the meeting for which they were given, he may, in writing, depute some person under his official control to use the proxies on his behalf and in such manner as he may direct.

Use of proxies.

86. The proxy of a creditor, blind or incapable of writing, may be accepted if such creditor has attached his signature or mark thereto in the presence of a witness, who shall add to his signature his description and residence : Provided that all insertions in the proxy are in the handwriting of a witness and such witness has certified at the foot of the proxy that all such insertions have been made by him at the request and in the presence of the creditor before he attached his signature or mark.

Filing of proxies by creditors incapable of writing.

The proxy shall be witnessed by some person other than the person appointed proxy.

#### DEBTS, CLAIMS AND PROOFS

87. For the purpose of ascertaining the debts due by and claims against the company and of requiring debts and claims to be proved an advertisement shall be published by the Official Liquidator in such manner as the Judge shall direct. Such advertisement shall be in Form No. 38. Unless otherwise ordered by the Judge, the date fixed in the advertisement shall not be less than 14 days from the date of the publication thereof.

88. In a winding up by the Court, every creditor shall subjects as hereinafter provided prove his debt unless the Judge in any particular case shall give directions that any creditor or class of creditor shall be admitted without proof.

89. A debt may be proved in any winding up by delivering or sending through the post an affidavit. The affidavit may be made by the creditor himself or by some person authorised by or on his behalf. If made by a person so authorised, it shall state his authority and means of knowledge.

90. The affidavit proving a debt shall contain or refer to a statement of account showing the particulars of the debt and shall specify the vouchers, if any, by which the same can be substantiated. The Liquidator to whom the proof is sent may at any time call for the production of the vouchers.

91. An affidavit proving a debt shall state whether a creditor is or is not a secured creditor. Where a creditor seeks to prove in respect of a bill of exchange, promissory note or any other negotiable instrument or security of a like nature on which the company is liable, such bill of exchange, note, instrument or security must be produced to the Liquidator and be marked by him before the proof is admitted. Such affidavit shall be in Form No. 40.

92. No creditor need attend upon the investigation, nor prove his debt or claim unless required to do so by notice from the Official Liquidator, to be given by pre-paid letter post at the last known address of the creditor. Such notice shall be in Form No. 41.

93. A creditor so required to prove his debt or claim shall do so by affidavit to be sent by him to the Official Liquidator by registered letter post and if not made by the creditor himself such affidavit shall state the authority and means of knowledge of the deponent. Such affidavit shall contain particulars of any security held sufficient to identify the same and shall be in Form No. 40.

94. The Official Liquidator may at any time call for the production of the securities or vouchers specified in the affidavit referred to in Rule 93 and in default of such production may reject the proof.

95. The Official Liquidator shall within twenty-eight days after receiving a proof either admit or reject it wholly or in part and shall thereupon inform those creditors whose claim he wholly admits of his decision in respect of such claims, If he rejects the proof, he shall state in writing to the creditor the grounds of the rejection.

96. When the Official Liquidator has completed his investigation of all debts and claims he shall file a list thereof in Court supported by affidavit and obtain an appointment from the Judge to settle the same, and shall give not less than seven days' notice of such appointment to every person included in such list except those whose claims he wholly admits stating that his debt or claim has been rejected in whole or in part, as the case may be, and requiring him to prove as much of it as has been rejected before the Judge. Such affidavit and notice shall be in Form No. 43.

97. Upon the date appointed for settlement of the list of creditors or any adjourned date, the Judge shall adjudicate thereon.

98. Such creditors as prove their debts or claims shall, unless the Judge shall otherwise direct, bear the costs of such proof.

99. The settlement of the list of debts and claims shall be recorded in a certificate signed by the Judge in Form No. 45.

100. If the Official Liquidator is of opinion that a proof has been improperly admitted he may apply, on notice to the creditor who made the proof, to expunge the proof or reduce its amounts.

101. If the Official Liquidator declines to interfere in the matter, a creditor or contributory may apply to the Judge to expunge or reduce a proof.

#### LIST OF CONTRIBUTORIES

Liquidator to settle list of contributories.

102. The Official Liquidator shall, with all convenient speed after his appointment, settle a list of contributories of the Company and shall appoint a time and place for that purpose. The list of contributories shall contain a statement of the address and the number of shares or the extent of interest to be attributed to each contributory, and the amount called up, and the amount paid up in respect of such shares and interest, and shall distinguish the several classes of contributories. As regards the representative contributories, the Official Liquidator shall observe the requirements of sub-section (2) of section 184 of the Act. (Form No. 46).

Appointment of time and place for settlement of the list.

103. (a) The Official Liquidator shall give notice in writing of the time and place appointed for the settlement of the list of contributories to every person whom he proposes to include in the list and shall state in the notice to each person in what character and for what number of shares or interest he proposes to include such person in the list, and what amount has been called up and what amount paid up in respect of such shares or interest. (Form No. 47).

(b) The notice shall be sent by registered post (acknowledgement due) unless the Court otherwise directs.

Settlement of the list of contributories.

104. (a) On the day appointed for settlement of the list of contributories, the Official Liquidator shall hear any person who objects to being settled as a contributory and after such hearing shall finally settle the list, which, when so settled, shall be the list of contributories of the company.

(b) The Official Liquidator may, from time to time, vary or add to the list of contributories, but any such variation or addition shall be made in the same manner in all respects as the settlement of the original list.

(c) The list of contributories, as settled by the Official Liquidator from time to time, shall be filed in Court duly verified by his affidavit.

105. (1) The Official Liquidator shall forthwith give notice to every person whom he has finally placed on the list of contributories, stating in what character and for what number of shares or extent of interest he has been placed on the list of contributories and what calls prior to liquidation are still unpaid and what are his uncalled liabilities, and in such notice inform such person that any application for the removal of his name from the list or for a variation of the list must be made to the Court on notice to the Liquidator within 30 days from the date of the service on the contributory or alleged contributory of notice of the fact that his name has been settled on the list of contributories. (Form 51).

Notice to contributories of final settlement.

(2) The Official Liquidator or his attorney shall file an affidavit of service of the above notice on all the persons included in the list. (Form No. 52).

106. Subject to the power of the Court to extend the time or to allow an application to be made notwithstanding the expiration of the time limited for that purpose, no application to the Court by any person who objects to the list of contributories, as finally settled by the Official Liquidator, shall be entertained after the expiration of 30 days from the date of the service on such person of notice of the settlement of the list.

Application to the Court to vary the list.

107. After the Official Liquidator has filed the list of contributories in Court and after hearing objections, if any, to the inclusion in or exclusion from the list, the Judge shall record an endorsement on the list. (Form No. 55.)

Endorsement by Judge on the settlement of list of contributories.

108. The address of a contributory as stated in such list shall, unless otherwise directed by the Judge, be his address for service under these rules.

Address of contributories.

List open to inspection.

109. The list of contributories, referred to in the foregoing rules, will be open to inspection by any of the creditors and contributories of the company in the office of the Official Liquidator or in the Court.

#### CALLS

Application for call.

110. In a winding up by the Court an application by the Official Liquidator for leave to take a call on the contributories of a company or any of them, shall be made by petition. Upon such application the Judge, if he admits the petition, shall fix a date for the hearing thereof. Such petition shall be in Form No. 56. Notice of such date shall be given by advertisement or otherwise as the Judge may direct. No contributory shall be served with an individual notice unless the Judge shall direct and every notice and advertisement shall be given or published at least ten clear days before the date so appointed. (Form Nos. 59 and 60).

Service of order for call.

111. (1) When any order authorising a call has been made, a copy thereof shall forthwith be served by registered post, or as the Judge may direct, upon each of the contributories liable to pay such call together with a notice by the Official Liquidator making such call and specifying the amount due from such contributory in respect of such call. (Forms Nos. 61 and 62).

(2) After the despatch of the above notice to contributories, the Official Liquidator or his clerk or agent shall file in Court his affidavit showing the manner in which the service of this notice has been effected. (Form No. 63).

Affidavit of non-payment.

112. For the purpose of enforcing any order for payment of money into one of the scheduled Banks in which the Liquidator has account, or in Court, an affidavit of the Official Liquidator shall be sufficient evidence of the non-payment thereof.

113. The official Liquidator's affidavit in support of an application for an order of payment against the defaulting contributories shall be in Form No. 65.

#### PAYMENTS OF MONEYS AND DEPOSIT OF SECURITIES

Liquidation banking account.

114. Upon the winding-up Order being made, the Official Liquidator shall, as soon as may be after his appointment, open an account with a scheduled Bank as defined

in clause (e) of section 2 of the Reserve Bank of India Act, 1934, as nominated by the Court, or in the case of a district Court, with that Court, in the name of the Official Liquidator of the company in liquidation.

115. All orders for payment of calls, balances or other moneys due from any contributory or other person shall direct the same to be paid into the scheduled Bank, where the Official Liquidator has account under orders of the Court, or into Court, to the account of the Official Liquidator of the Company, unless, on account of the smallness of amount or other cause, it shall (having regard to the amount of the security given by the Official Liquidator) be thought proper to direct payment thereof to the Official Liquidator. Provided that where any such order has been made directing payment of a specific sum into the bank or into Court, in case it shall be thought proper for the purpose of enabling the Official Liquidator to take execution or other proceedings to enforce the payment thereof, or for any other reason, an order may, either before service of such former order or after the time thereby fixed for payment, be made without notice for payment of the same sum to the Official Liquidator.

Payments on account of calls, etc. how to be made.

116. All or any of the money for the time being standing to the credit of the account of the Official Liquidator at any of the scheduled Banks as defined in clause (e) of section 2 of the Reserve Bank of India Act, 1934, where the Official Liquidator has account, or in Court, and not immediately required for the purpose of the winding up, may be invested in the purchase of Government Promissory Notes in the name of the Official Liquidator or in deposit receipt of the Bank, as aforesaid, as the Judge upon the application of the Official Liquidator may direct. All such investment shall be made upon a request signed by the Official Liquidator and countersigned by the Judge, which request shall be sufficient authority for debiting the account with the purchase-money. Such Government Promissory Notes or Deposit Receipts shall not afterwards be sold or transferred or otherwise dealt with except upon a direction for that purpose signed by the Official Liquidator and countersigned by or under an order made by the Judge.

Investment of money.

117. All interest accruing upon any such Government Promissory Notes or Deposit Receipts shall, from time to

Interest upon Investments.

time, be received by any of the scheduled Banks as defined in clause (e) of section 2 of the Reserve Bank of India Act, 1934, where the Official Liquidator has account, or the Court, and placed to the credit of the account of such Official Liquidator.

Title of Account  
in Bank.

118. All moneys, bills, hundies, notes and other securities paid and delivered into any of the scheduled Banks as defined in cl. (e) of section 2 of the Reserve Bank of India Act, 1934, where the Official Liquidator has account or into Court, shall be placed to the credit of the account of the Official Liquidator of the Company, and orders for any such payment and delivery shall direct the same accordingly.

Bills, hundies,  
etc., where to  
be deposited.

119. All bills, hundies, notes and other securities payable to the company or to the Official Liquidator thereof, shall as soon as they shall come to the hands of the Official Liquidator, be deposited by him in any of the scheduled Banks as defined in clause (e) of section 2 of the Reserve Bank of India Act, 1934, for the purpose of being presented for acceptance and payment, or for payment only, as the case may be, or shall be dealt with as the Court shall order.

Payment of moneys  
and deposit to  
securities. Default  
to payment into  
Bank.

120. Where any Official Liquidator shall not pay all the moneys received by him into any of the scheduled banks as defined in clause (e) of section 2 of the Reserve Bank of India Act, 1934, where the Official Liquidator has account, or in the case of a District Court, into that Court, to the account of the Official Liquidator of the company, within seven days next after the receipt thereof, unless the Judge shall have otherwise directed, such Official Liquidator shall be charged in his account with rupees ten for every thousand rupees and proportionate sum for any larger amount retained in his hands beyond such period for every seven days during which the same shall have been so retained, and the Judge may, for any such retention, disallow the salary or remuneration of such Official Liquidator.

Drawing  
accepting,  
etc., of bills.

121. The sanction of the Judge to the drawing, accepting, making or endorsing of any bill of exchange, hundi, promissory note, by any Official Liquidator, shall be testified by a memorandum on such bill of exchange, hundi or promissory note signed by the Judge or by the Registrar under the direction of the Judge, unless the

Judge in special cases dispenses with this formality and orders otherwise.

122. No moneys or bills, or hundies or other securities shall be paid out of the aforesaid banking account except upon cheques or order signed by the Official Liquidator.

On what authority moneys, etc., to be delivered by the Bank.

#### BAD DEBTS

123. Every application for the sanction of the Judge to write off any amount due from any contributory or other person indebted to the company shall be supported by the affidavit of the Official Liquidator stating that he has investigated the affairs of such contributory or person and that for the reasons stated he believes that the amount sought to be written off is such as is not likely to be recovered by any process of the Court.

Writing off of amounts irrecoverable.

#### PRIVATE EXAMINATION

124. An application for a summons under section 195 of the Act shall be made to the Judge on petition verified by affidavit and may be made by the Official Liquidator or upon notice to the Official Liquidator, by a creditor or contributory. The person or persons to be examined will be allowed a reasonable sum of his or their expenses. The summons shall be in Form No. 74.

Examination under Section 195.

125. The person so summoned will be entitled to be attended in his examination by his counsel who may with the permission of the Court put such questions as the Court may allow.

Counsel's attendance..

126. At the examination of a person summoned under the said section, the Official Liquidator and the applicant (if other than the Official Liquidator) may attend in person, or, with the sanction of the Judge, by attorney and advocate and may not such questions to the persons examined as the Judge may allow.

Who may attend the examination.

127. Unless the Judge shall otherwise order, no examination of a person summoned under section 195 of the Act shall take place in open Court, and the note of the deposition of any person so examined, notwithstanding that such notes shall have been filed, shall not be open

Proceedings not to be public.

to the inspection of any person other than the Official Liquidator nor shall any copy thereof or extract therefrom be supplied to any person other than the Official Liquidator save upon the order of the Judge.

Signature of  
examinee.

128. Notes of the examination shall be taken in writing and shall be read over to, or by, and signed by the person examined.

#### PUBLIC EXAMINATION

Public  
examination.

129. An application for a summons under section 196 of the Act shall be made to the Judge on petition duly verified by an affidavit and may be made by the Official Liquidator or, upon notice to the Official Liquidator, by a creditor or contributory. The application as well as the affidavit shall contain a brief description of the fraud alleged.

The Court may after considering the petition direct the person or persons concerned to attend before the Court for examination. (From No. 75).

Procedure  
consequent on  
order for public  
examination.

130. Where the Judge makes an order under section 196 of the Act directing any person or persons to attend for public examination

- (a) the examination shall be held before the Judge, provided that, in the High Court, the Judge may direct that the whole or any part of the examination of any such person or persons be held before the Registrar or the Deputy Registrar.
- (b) The Judge may, if he thinks fit either in the order for examination, or by any subsequent order give directions as to the special matters on which any such person is to be examined.
- (c) Where on an examination held before any of the persons mentioned in sub-section 9 of the said section, it appears to such person that the examination is being unduly or unnecessarily protracted, he may adjourn the examination of any person or any part of the examination to be held before the Judge.

131. Upon an order directing a person to attend for public examination being made, the Official Liquidator shall apply for the appointment of a day on which the public examination is to be held.

Application for day of holding examination.

132. A day and place shall be appointed for holding the public examination and notice of the day and place so appointed shall be given by the Official Liquidator or the Court, as the case may be, to the person who is to be examined, by sending such notice in a registered cover, addressed to his usual or last known address. (Form Nos. 76 and 77).

Appointment of time and place of public examination.

133. (1) The Official Liquidator shall give notice of the time and place appointed for holding a public examination to the creditors and contributories by advertisement in such newspapers as the Court or the Registrar may, from time to time, direct. (Form No. 78).

Notice of public examination to creditors and contributories.

(2) Where an adjournment of the public examination has been directed, notice of the adjournment shall not, unless otherwise directed by the Court, be advertised in any newspaper.

134. If any person who has been directed by the Court to attend for public examination, fails to attend at the time and place appointed for holding or proceeding with the same, and no good cause is shown by him for such failure, or if before the day appointed for the examination the Official Liquidator satisfies the Court that such person has absconded or that there is reason for believing that he is about to abscond with the view of avoiding examination, it shall be lawful for the Court, upon it being proved to the satisfaction of the Court that notice of the order and of the time and place appointed for attendance at the public examination was duly served, without any further notice, to issue a warrant for the arrest of the person required to attend, or to make such other order as the Court shall think just. (Form No. 97).

Default in attending.

#### MISFEASANCE

135. An application under section 235 of the Act shall contain the particulars on which the claim is based and a copy of the application with the grounds thereof shall be served on every person, against whom an order is

Application against delinquent directors and promoters.

sought, not less than 8 days before the day named in the summons for hearing the application. Where the application is made by the Official Liquidator, he shall state the facts and information on which he proceeds, which shall be verified by an affidavit, or appear from sworn evidence in other proceedings. Where the application is made by any other person, it shall be supported by an affidavit to be filed by him.

On the return of the summons, the Court may give such directions, as it shall think fit, for the hearing of the summons, the taking of evidence, wholly or in part, by affidavit or orally and counter affidavits in reply to affidavits in support of or in opposition to the application.

Who may appear?.

136. At the hearing, the Official Liquidator, the applicant (if other than the Official Liquidator), any other person whom the Judge may allow and any person against whom an order is sought, may appear and may do so by attorney or advocate and may put such question to any person orally examined as the Judge may allow.

#### DIVIDENDS

Sanction of dividends.

137. No dividend shall be declared by the Official Liquidator without the sanction of the Judge.

Notice of dividend.

138. No less than one month's notice shall be given by the Official Liquidator of his intention to declare and pay a dividend. Such notice shall be given by advertisement unless the Judge otherwise directs. (Form No. 80),

Transmission of dividend by post.

139. Dividends may, at the request and risk of the Person to whom they are payable, be transmitted to him by post.

Payment of dividend to nominee.

140. A person to whom dividends are payable may lodge with the Official Liquidator an authority in writing to pay such dividends to another person named therein. (Form No. 82).

Return of capital to contributories

141. Every order, by which the Official Liquidator in a winding up by the Court is authorised to make a return to contributories of the company, shall, unless the Judge otherwise directs, contain or have appended thereto a

schedule or list (which the Official Liquidator shall prepare), setting out in tabular form the names and addresses of the person to whom the return is to be made, and the amount of money payable to each person, and particulars of the transfers of shares, if any, which have been made, or the variation in the list of contributories which have arisen since the date of the settlements of the list of contributories. (Form No. 83).

#### COMPROMISES

142. Every application for the sanction of the Judge to a compromise with any contributory or other person Judge indebted to the company shall be supported by the affidavit of the Official Liquidator stating that the Official Liquidator has investigated the affairs of such contributory or person and that he believes the proposed compromise to be beneficial to the company. The Official Liquidator shall also state in the application the reasons for such belief. (Form No. 85).

Sanction of  
Judge to  
compromise.

#### SERVICE OF NOTICES, ETC.

143. Service upon contributories and creditors shall be effected (except when personal service is required) by sending the notice or copy of the petition, summons, order or other proceedings, through post in a registered acknowledgement due cover addressed to the party or his attorney, advocate or agent, at the address entered or last entered pursuant to rule 108, or if no such entry has been made, then in the case of a contributory, to his last known address or place of abode, and in the case of a creditor, to the address given by him pursuant to rule 149 and such notice or copy, summons, order or other proceedings shall be deemed to have been served at the time the same would be delivered in due course of post.

Service on  
contributories  
and creditors-  
how effected..

In the case of those companies in liquidation, in which the Official Liquidator has little or no funds at his disposal, the Judge may allow letters, etc., to be sent under certificate of posting and not by registered acknowledgement due post.

The Judge may also permit notice, etc., to be served by hand.

Service not  
invalidated by  
misdescription  
.

144. No service under these rules shall be deemed invalid by reason of any error or omission in the name, style or designation of the person on whom service is sought to be made, provided the Judge is satisfied that such person has not been prejudiced thereby.

To whom  
warrants, etc.,  
may be  
addressed..

145. A warrant of arrest or any other warrant issued under provisions of the Act and rules may be addressed to the bailiff of the Court, or such other Court, whether that Court has jurisdiction to wind up a company or not, as the Court may in each case direct. The officer executing any warrant or serving any notice or process, etc., shall submit an affidavit in support of his report as to the service or non-service of the Warrant, notice or process, etc.

#### SCHEME OF COMPOSITION

Scheme of  
composition.

146. (a) Every petition under section 153 of the Act shall be verified by affidavit and duly accompanied by the relevant papers, statements, etc., in support thereof.

(b) The Court may order a meeting of the creditors or any class of creditors, or of contributories or any class of contributories, or of both creditors and contributories of the company to be called, held and conducted in such manner as may be directed so as to know their wishes.

(c) The Court shall, while directing a meeting of creditors or contributories or both, as the case may be, nominate a Chairman to preside over the said meeting. The Chairman so appointed may be a creditor or Contributory or Official Liquidator. The Official Liquidator shall notify by an advertisement in a paper or papers to be selected by the Court for the purpose, the date, time and place of the meeting. (Form No. 88).

(d) Notice will also be sent to the class of persons required to attend the meeting by registered post. The notice shall be accompanied by a copy of the order, directing the holding of meeting, a copy of the scheme to be considered at the meeting and a form of proxy to be used by them in case they are not attending the meeting personally.

(e) The result of the proceedings of this meeting shall be reported by the Chairman to the Court.

(f) ) The Manager of the company or the Official Liquidator, or the Manager's or Official Liquidator's attorney or clerk, shall file an affidavit of service of notices issued to the creditors and contributories and of the advertisement of the dates of the meetings.

(g) ) The Court may sanction the scheme adopted by the creditors and contributories with such modifications as it may think just and proper or may reject the same as a whole.

ATTENDANCE AND APPEARANCE

147. Every person for the time being on the list of Cost of contributories of the company as filed in Court by the Official Liquidator and every person whose debt or claim against the company, shall have been allowed by the Judge, shall be at liberty, at his own expense, to attend the proceedings before the Judge, and shall be entitled, upon payment of the cost occasioned thereby, to have notice of all such proceedings as he shall, by written request, desire to have notice of; but if the Judge shall be of opinion that the attendance of any such person upon any proceedings has occasioned any additional cost which ought not to have been borne by the funds of the company, he may direct such costs or a gross sum in lieu thereof to be paid by such person and such person shall not be entitled to attend any further proceedings until he has paid the same.

Cost of attendance of contributories, or creditors.

148. The Judge may from time to time appoint any one or more of the contributories or creditors, as he thinks fit, to represent before him, at the expense of the company, all or any class of contributories or creditors upon any question as to a compromise with any of the contributories or creditors, or in and about any other proceedings before him relating to the winding up of the company and may remove the person or persons so appointed. In case more than one person shall be so appointed, they shall employ the same attorney, advocate or agent to represent them.

Appointment or one or more contributories or creditors as representatives of other contributories or creditors.

149. No contributory or creditor shall be entitled to attend any proceedings before the Judge, unless and until he has entered in a book to be kept for that purpose, his name and address and the name and the address of his attorney, advocate (pleader) or agent (if any), and upon

Only contributories or creditors whose names are entered are entitled to attend.

any change of his address or of his attorney, advocate, pleader or agent, his new address and the name and address of his new attorney, advocate, pleader or agent. (Form No. 87).

#### SALE

Mode of sale.

150. Any movable or immovable property belonging to the company may, with the sanction of the Judge, be sold by the Official Liquidator or an agent or auctioneer appointed by him for such purpose or, if the Judge shall so direct, in the same manner as a sale under a decree or order of the Court.

151. Any movable or immovable property belonging to the company may be sold with the approbation of the Judge in such manner as the Judge shall direct, and the Judge may, on any sale by public auction, fix a reserve bidding; and unless on account of the small amount of the purchase money or other cause, it shall (having regard to the amount of security given by the Official Liquidator) be thought proper that the purchase money shall be paid to him, all conditions and contracts of sale shall provide that the purchase money shall be paid by the respective purchasers in any of the scheduled Banks, as defined in clause (e) of section 2 of the Reserve Bank of India Act, 1934, where the Official Liquidator has account.

Expenses of sale.

152. Where property forming part of a company's is sold by the Liquidator through an auctioneer or other agent, the gross proceeds of the sale, unless the Court shall otherwise direct, shall be paid over by such auctioneer or agent, and the charges and expenses connected with the sale shall afterwards be paid to such auctioneer or agent, if the Official Liquidator is satisfied of the correctness of such charges and expenses. Every Liquidator, by whom such auctioneer or agent is employed, shall, unless the Court otherwise orders, be accountable for the proceeds of every such sale.

#### ADVERTISEMENTS

Advertisement  
-how to be  
published.

153. When advertisement is required for any purpose, except when otherwise directed by these rules, the advertisement shall be published as the Judge shall direct,

or it may take the form of a public notification or proclamation. The Judge, however, may in such cases as he shall think fit, dispense with any advertisement required by these rules.

#### APPLICATIONS FOR RECOVERY OF MONEY

154. Every application to the Court for recovery of moneys due from contributories shall state particulars as nearly as in a plaint in a civil suit, and shall be accompanied by the document or copies of account supporting the claim. It shall be supported by an affidavit of the Liquidator. The further proceedings shall be of the nature of a suit as nearly as circumstances may require before a final order for payment is passed.

Application  
under section  
186.

#### REGISTRATION OF PETITIONS AND REPORTS

155. (1) All petitions shall be registered and numbered immediately on their receipt and placed before the Court for orders.

Procedure re:  
petitions and  
reports.

(2) ) All reports submitted by the Liquidator, the Provisional Liquidator or the Official Liquidator shall be registered and numbered (in a register kept for the purpose) and placed before the Judge in Chamber or in Court without delay for orders.

ppr

(3) ) The reports so received shall form part of the Court records. The Liquidator, Provisional Liquidator and the Official Liquidator, as the case may be, shall be supplied with true copies of the orders passed on the reports.

Notice of petition  
to Official  
Liquidator.

156. Every creditor or contributory or any other person connected with the affairs of the company in liquidation, who proposes to file a petition with regard to the affairs of the company, shall give notice of his doing so in writing to the Official Liquidator along with a copy of the same before filing such petition.

The Official Liquidator immediately on receipt of such notice shall find out from the Court the date of hearing of such petition and shall attend duly prepared to support or oppose the same on the date of hearing.

## APPEALS AGAINST ORDERS OF OFFICIAL LIQUIDATOR

Petition  
against the  
order of  
official  
Liquidator.

157. An application under section 183(5) of the Act shall be made by petition supported by an affidavit of the applicant on notice to the Official Liquidator and shall be made within 30 days from the date of the act or decision complained of. The application need not be accompanied by a copy of the order complained of.

## EXTENSION OF TIME

Extension of  
time.

158. The Court may, in any case in which it shall see fit, extend the time appointed by the rule or fixed by any order of the Court for doing any act or taking any proceedings.

Applicability  
of rules.

159. These rules shall apply to proceedings under the Indian Companies Act amended by Act XXII of 1936 and the winding up proceedings continued under the Indian Companies Act VII of 1913, in pursuance of section 246 of the Act, shall be regulated by the rules made under the Act of 1913.

Inspection of  
books by  
contributories  
creditors.

160. Every contributory of the company and every creditor thereof, whose debt has been allowed, shall, subject to the order of the Court, be entitled at all reasonable times to inspect all books of accounts papers or documents relating to the winding up of the company, in the custody of the Official Liquidator, and at his own expense to take copies or extracts from the same, or to be furnished with such copies or extracts.

The person intending to inspect the record or applying for copies of documents in possession of the Official Liquidator shall have to pay the same charges as are prescribed by the rules of the Court in respect of proceedings other than winding up.

Register of  
proceedings.

161. A register shall be kept by the court of all proceedings before the Court in each matter with proper dates, so that all the proceedings may appear consecutively and in chronological order with a short statement of the question or points decided or ruled at every hearing.

162. Where an order is made in the High Court for payment of any costs, the order shall direct the taxation thereof by the Registrar or the Deputy Registrar of the Court except in cases where a gross sum in lieu of the taxed costs is fixed by the order.

Taxation of costs.

#### TERMINATION OF WINDING-UP PROCEEDINGS

163. Upon the termination of the proceedings for the winding up of any company a balance sheet shall be brought in by the Official Liquidator showing the result of his receipts and payments, duly verified by his affidavit, and the Official Liquidator shall pass his final accounts and the balance, if any, due thereof, shall be certified by the Judge, and upon payment of such balance, in such manner as the Court shall direct, the recognizance entered into by the Official Liquidator and his sureties may be vacated.

Official Liquidator to present a balance sheet upon termination of proceedings.

164. When the Official Liquidator has passed his final accounts and the balance, if any, certified to be due thereof, has been paid in such manner as the Court shall direct, a certificate shall be made by the Judge that the affairs of the company have been completely wound up, and in case the company has not already been dissolved, the Official Liquidator shall, immediately after the issue of such certificate, supply to the Judge for an order that the company be dissolved from the date of such order. (Forms Nos. 89 and 90.)

Judge to certify that the company has been completely wound up.

165. The record shall consist of part A and part B. Part A shall contain the following papers:-

Destruction of records.

- (1) The index of papers.
- (2) The order sheet or chronological abstract of orders.
- (3) The plaint or petition together with any schedule annexed thereto.
- (4) The written statement.
- (5) The memorandum of issues with amended or additional issues, if any.

- (6) All depositions of witnesses.
- (7) All documents received by the Court during the trial as evidence between the parties other than copies of civil, revenue or municipal records.
- (8) Commissions, proceedings held thereunder and report of commissioners.
- (9) Applications to refer to arbitration, the award or other final return of the arbitrators, with the proceedings depositions and documents submitted therewith, and any application to set aside the award with the Court's orders thereon.
- (10) Instruments of withdrawal, compromise or confession of judgment.
- (11) The judgment or other final order.
- (12) The decree or order for payment and all documents relating to the preparation or amendment thereof.
- (13) All notes in the handwriting of the Judge.
- (14) Any order by the Court accepting an application for review of judgment or for a new trial.
- (15) Judgments and decrees on appeal, if any.
- (16) All orders passed in execution proceedings with all applications, objections, writs, of which service has been effected, notices, reports and returns relating thereto.
- (17) All receipts and acknowledgments filed in execution proceedings.

Part B shall consist of all papers not included in part A.

Destruction of judicial records, after the company has been dissolved finally, shall take effect so soon as the period for their retention under the supervision of the

Record Keeper has expired. (For detailed procedure see Chapter 16-F, Volume IV of the Rules and Orders of the Court).

The following instructions shall, however, be followed when destroying the records:

- (a) All objections and other proceedings involving the title to immovable property as well as records of attachment, sale and delivery of possession of immovable property in execution of decrees (or orders for payment) with orders passed thereon shall be preserved in perpetuity.
- (b) Part A of the records other than mentioned in (a) above shall be preserved for three years from the date of the final dissolution order and shall then be destroyed.
- (c) Part B of all cases relating to winding up shall be preserved for one year from the date of the dissolution order and shall then be destroyed Where appeal lies. Part B shall not be destroyed until the period of limitation for the instituting of such appeal has expired, or until the appeal, if instituted, has been decided.

166. When the proceedings for winding up of any company have been completed, all books, papers and documents belonging or appertaining to the company and the books containing the Official Liquidator's accounts shall be deposited in Court for disposal in such manner as the Court may direct having regard to sections 242 and 243 of the Act.

#### RESTRICTION OF REGISTER OF MEMBERS.

167. Notice of all applications for rectification of the register of members shall be given to the company and in case of transfer of shares to the transfer or the transferee, as the case may be.

#### REDUCTION OF CAPITAL

168. An application for an order confirming the reduction of the share capital of a company shall be in Form No. 91.

169. Orders on an application for permission to dispense with the addition of the words "and Reduced" may be made *ex parte*, or the Judge may direct notice to be given of such application.

170. In a case where the creditors of a company are not entitled to object to the proposed reduction, it shall not be necessary to obtain the certificate required by Rule 180 and on the Presentation of the Petition the Judge shall fix a day for the hearing thereof and shall give directions as to the advertisements to be published of the presentation of the petition, so that the first or only insertion of such notice shall be made not less than fourteen days before the date fixed for the hearing. Such notice shall be in Form No. 92.

171. In a case where the creditors are entitled to object to the proposed reduction, notice of the application shall be given to the directors as to the proceedings to be taken for settling the list of creditors entitled to object and for fixing the date with reference to which the list of such creditors is to be made out. (Form No. 92).

172. In a case where the creditors are entitled to object to the Proposed reduction, the company shall, within such time as the Judge shall direct, file a list containing the names and address of the creditors of the company at the date fixed under rule 171 and stating the nature and amounts of the debts due to each of them respectively or in case of any debt payable on a contingency or not ascertained or of any claim admissible to proof in a winding up of the company, the value so far as can be justly estimated of such debt or claim. Such list shall be verified by the affidavit of an officer of the company competent to make the same. Such affidavit shall be in Form No. 94.

173. Copies of such list, containing the names and addresses of the creditors and the total amount due to them, but omitting the amount due to them, respectively, or (if the Judge shall think fit) complete copies of such list shall be kept at the registered office of the company and at the office of its attorney, and any person desirous of inspecting the same may, at any time during the usual hours of business, inspect and take extracts from the same on payment of the sum of one rupee .

174. The company shall, within seven days after the filing of such affidavit, or such further time as the Judge may allow, send to each creditor whose name is entered in the said list, a notice stating the amount of the proposed reduction of the capital, and the amount or estimated value of the debt or claim for which such creditor is entered in the said list. Such notice shall be sent by prepaid letter post to each creditor at his last known address. Provided that where such address is not in India, or is not known to the company, the Judge may direct notice to be given to such creditor in such manner as he may think fit. Such notice shall be in Form No. 95.

175. Notice of the filing of the list of creditors shall be advertised by the company in such manner as the Judge shall direct. Such notice shall be in Form No. 96.

176. A creditor entered in the said list who claims to be a creditor for a larger amount than that stated therein shall send his name and address and particulars of the debt or claim, and the name and address of his attorney (if any) to the attorney of the company, within the time stated in such notice being not more than fourteen days from the date of the notice or such further time as the Judge may allow.

177. The company shall, within such time as the Judge shall direct file an affidavit made by its attorney verifying a list containing the names and addresses of persons (if any) who shall have sent in particulars of their debts or claims in pursuance of the notice prescribed by rule 175 and the amounts of such debts or claims. A competent officer of the company shall join in such affidavit proving the despatch and publications of such notices and distinguishing in such list which (if any) of such debts and claims are wholly, or as to any and what part thereof, admitted by the company, and which (if any) of such debts and claims are wholly, or as to any and what part thereof, disputed by the company. Such affidavit shall be in Form No. 97.

178. Where any debt or claim, the particulars of which have been so sent, is not admitted by the company in full, then and in every such case, unless the company is willing to set apart and appropriate in such manner as

the Judge shall direct the full amount of such debt or claim the company shall, where the Judge thinks fit so to direct, send to the creditor a notice that he is required to prove such debt or claim or such part thereof as is not admitted by the company, by affidavit by a day to be therein named being not less than fourteen days after such notice and being the time appointed by the Judge for adjudicating upon such debts and claims. Such notice shall be sent in the manner provided by Rule 174 and shall be in Form No. 98 and such affidavit in proof shall be in Form No. 99.

179. The costs of proof of a debt or claim in pursuance of the notice prescribed by Rule 178 shall be in the discretion of the Judge.

180. The result of the settlement of the list of creditors shall be stated in a certificate which shall be prepared by the attorney of the company and signed by the Judge. Such certificate shall (1) specify debts or claims (if any) which have been disallowed; (2) distinguish (a) debts or claims the full amount of which the company is willing to set apart and appropriate, (b) debts or claims (if any) the amount of which has been fixed by inquiry and adjudication in manner provided by section 59 of the Act, (c) debts or claims (if any) the full amount of which is not admitted by the company, and of which the company is not willing to set apart and appropriate the full amount or the amount of which has not been fixed by inquiry and adjudication as aforesaid; (3) show (a) which of the creditors have consented to the proposed reduction, and the total amount of the debts due to them, (b) the total amount of the debts or claims the payment of which has been secured in manner provided by section 59 of the Act and the person to or by whom the same are due or claimed. It shall not be necessary to show in such certificate the several amounts of the debts or claims of any person who has consented to the proposed reduction or the payment of whose debts or claims has been secured as aforesaid.

181. After the expiration of eight days from the filing of such last mentioned certificate, the petition shall be set down for hearing, by requisition addressed to the Deputy Registrar (Judicial) by the attorney of the company.

182. Notice of the day appointed for the petition to be heard shall, unless the Judge otherwise directs, be advertised in the same manner as the notice under rule 176 so that the first or only advertisement shall be published not less than fourteen days before such day. Such notice shall be in Form No. 100.

183. Any credit included in the said certificate whose debts or claims have not, before the hearing of the petition, been discharged or determined or been secured in manner provided by section 59 of the Act and who has not before the hearing consented to the proposed reduction of capital, may appear at the hearing of the petition and oppose the application. A creditor intending so to appear shall give two days' notice in writing of such intention to the attorney of the company and in default of such notice shall not without the leave of the Judge be entitled to appear. The cost of the appearance of a creditor shall be in the discretion of the Judge.

184. At the hearing of the petition the Judge may, if he thinks fit, give such directions as may seem proper with reference to the securing, in manner mentioned in section 59 of the Act, the payment of the debts or claims of any creditors who do not consent to the proposed reduction; and the further hearing of the petition may, if the Judge thinks fit, be adjourned for the purpose of allowing any steps to be taken with reference to the securing in manner aforesaid the payment of such debts or claims.

185. Where the Judge makes an order confirming a reduction such order shall give directions as to the manner in which, in what newspapers, and at what times notice of the registration of the order and of such minute as is mentioned in section 61 of the Act, shall be published and (unless the addition of the words "and Reduced" shall have been dispensed with altogether or shall be dispensed with henceforth) shall fix the date until which the words "and Reduced" are to be deemed part of the name of the company as provided in section 57 of the Act.

186. Where the Judge shall think fit to require the company to publish the reasons for the reduction of its capital, or any other information with regard thereto, or the causes which led to such reduction (as provided by section 65 of the Act) the same shall be advertised in such newspapers, in English and in the vernacular, as the Judge shall think fit.

## APPENDIX

## Form No. 1

## PETITION BY UNPAID CREDITOR

In the matter of \_\_\_\_\_ (*Title*)

The humble petition of (Insert full name [1] & age ], title, etc. of petitioner) showeth as follows:—

1. The \_\_\_\_\_ Company, Limited (hereinafter called the Company), was in the month of

19 \_\_\_\_\_ incorporated under the Companies Act.

2. The registered office of the Company is at

3. The nominal capital of the Company is Rs divided into shares of Rs.each. The amount of the capital paid up or credited as paid up is Rs.

4. The objects for which the Company was established are as follows :—

(a) (Here set out in paragraphs the facts on which the petitioner relies),

(b)

(c)

5. The Company is indebted to your petitioner in the sum of Rs. for (state consideration for the debt with particulars so as to establish that the debt is due).

6. On the \_\_\_\_\_ day of 19 \_\_\_\_\_ your petitioner served [or caused to be served by (name of person)] on the company by causing the same to be delivered by registered post, or otherwise, a demand notice under his hand in the words and figures following :—

(set out demand in full).

7. The company has neglected to pay the said sum of Rs. or to secure or compound for it to the reasonable satisfaction of your petitioner.



8. The Company is (insolvent and) unable to pay its debts.

9. In the circumstances, it is just and equitable that the Company be wound up.

Your petitioner, therefore, humbly prays as follows :—

( 1 ) That the Company, Limited, may be wound up by the Court under the provisions of the Companies Act.

\*(That the voluntary winding up of the Company, Limited, may be continued but subject to the supervision of the Court.)

( 2 ) Or that such other order may be made in the Premises shall be just.

†Note—It is intended to serve this petition on.

\*Add words in brackets (\*) if supervision order is asked for.

†This note will be necessary if the company is petitioner.

Form No. 2  
WINDING UP PETITION BY A CONTRIBUTORY  
(Title)

In the matter of

The humble petition of (name [ ] & age ], title, etc., of petitioner) showeth as follows:—

1. The Company, Limited, (hereinafter called the Company), was in the month of 19 incorporated under the Companies Act.

2. The registered office of the Company is at

3. The nominal capital of the Company is Rs. divided into shares of Rs. each. The amount of capital paid up or credited as paid up is Rs.

4. The objects for which the Company was established are as follows:-

(Here set out in paragraphs the facts on which the petitioner relies.)

5. That the petitioner is holder of shares of the Company and has paid Rs. towards these shares.



Form No. 4  
VERIFICATION OF PETITION

I, A.B. of \_\_\_\_\_, make oath (or solemnly affirm) and say that such of the statements in the petition now produced and shown to me, and marked with the letter 'A', as relate to my own acts and deeds are true, and such of the said statements as relate to the acts and deeds of any other person or persons, I believe to be true.

Sworn, etc,  
or solemnly affirmed, etc.

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Form No. 5  
ADVERTISEMENT OF PETITION FOR WINDING UP.  
(Title.)

Notice is hereby given that a petition for the winding up of the above-named Company by the Court (or, subject to the supervision of the Court) was on the day of \_\_\_\_\_ 19\_\_\_\_, presented to the Court of \_\_\_\_\_ by the said Company or by A B. of a \_\_\_\_\_ creditor (or contributory) of the said company or by the Registrar of Companies, as the case may be. And that it has been directed that the said petition shall be heard before the said Court on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, and any creditor or contributory of the said company desirous to support or oppose the making of an order for the winding up of the said company under the above Act, should appear at the time of hearing, by himself or this advocate, attorney, or agent for that purpose; and a copy of the petition will be furnished to any creditor or contributory of the said company requiring the same. on application to the said Court on payment of the charges for the same.

Given under my hand and the seal of the Court, this  
day, of \_\_\_\_\_ 19\_\_\_\_.

Deputy Registrar

Note.—Any person who intends to appear on the hearing of the *said* petition must serve on, or send by post to, the above named notice in writing of his intention so to do. The notice must state the name and address of the person, or, if a firm, the name and address of the firm and must be signed by the person or firm, or his/their duly authorised agent or advocate and must be served, or if posted, must be sent by post in sufficient time to reach the above named not later than 7 clear days before the date of hearing.

## Form No. 6

AFFIDAVIT OF SERVICE OR PETITION ON  
DIRECTORS OFFICERS OR SERVANTS OF THE  
COMPANY.

(Title.)

In the matter of \_\_\_\_\_ Company, Limited,  
and the petition of \_\_\_\_\_  
I, A.B. of \_\_\_\_\_ make oath and say :

1. (In the case of service of petition on a company by leaving it with a Director, Officer or Servant at the registered office, or in no registered office, at the principal or last known principal place of business of the Company).

That I did on \_\_\_\_\_ day, the  
day of 19 \_\_\_\_\_, serve the above-named company with the above-mentioned petition by delivering to and leaving with (name and description), director (or officer), (or servant) of the said company a copy of the above-mentioned petition, duly sealed with the seal of the Court, at (office or place of business as aforesaid), before the hour of \_\_\_\_\_ in the \_\_\_\_\_ noon

2. (In the case of no director, officer or servant of the company being found at the registered office or place of business).

That I did on \_\_\_\_\_ day, the  
day of 19 \_\_\_\_\_, having failed to find any director, officer or servant of the above-named company at (here state registered office or place of business), leave there a copy of the above-mentioned petition duly sealed with the  
seal of the Court before the hour of \_\_\_\_\_ in the  
\_\_\_\_\_ noon (add with whom such sealed copy was left, or where, e.g., affixed to door of office or place in letter box or otherwise).

3. (In the case of directions by the Court as to the director, officer or servant of the company to be served).

That I did on \_\_\_\_\_ day, the \_\_\_\_\_ day of  
\_\_\_\_\_ 19 \_\_\_\_\_, serve (name or names and description) with a copy of the above-mentioned petition duly sealed with the *seal* of the Court, by delivering the same together with a true copy of the order for substituted service,

dated the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ ,  
 personally to the said \_\_\_\_\_ (name) at \_\_\_\_\_ (place)  
 before the hour of \_\_\_\_\_ in the \_\_\_\_\_ noon  
 Sworn at \_\_\_\_\_ etc.

Form No. 7

AFFIDAVIT OF SERVICE OF PETITION ON  
 LIQUIDATOR  
*(Title.)*

In the matter of a petition, dated the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ , for winding up the above company by (or under the supervision of) the Court (as the case may be).

I, A. B. \_\_\_\_\_ of \_\_\_\_\_ , make oath and say :

That I did, on \_\_\_\_\_ day, the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ , serve (name and description), liquidator of the above-named company, with a copy of the above-mentioned petition, duly sealed with the seal of the Court, by delivering the same personally to the said \_\_\_\_\_ at \_\_\_\_\_ (place) \_\_\_\_\_ , before the hour of \_\_\_\_\_ in the \_\_\_\_\_ noon.  
 Sworn at, \_\_\_\_\_ etc.

Form No. 8

NOTICE OF INTENTION TO APPEAR ON THE  
 HEARING OF PETITION.

*(Title.)*

Take notice that \_\_\_\_\_ (state full name or if a firm, the name of the firm, and address), a creditor for Rs. \_\_\_\_\_ of the above-named company, or contributory (state number and class of shares held) holding shares in the above company, intends to appear on the hearing of the petition advertised to be heard on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ , and to support (or to oppose) such petition.

**Form No. 9**

## ORDER FOR WINDING UP BY THE COURT.

*(Title.)*

Upon the petition of the above-named company [(or A. B.) of , a creditor (or contributory of the above-named company), or of the Registrar of the Companies)] filed on the day of 19 , and the verification thereof by A. B., etc., filed, etc., and upon hearing the advocate for (or attorney or agent of) the petitioner and . for , and upon reading the "Local Gazette" of the day of 19 , the newspaper of the day of 19 (enter any other papers) each containing an advertisement of the said petition. This Court doth order that the said Company be wound up by this Court under the provisions of the Indian Companies Act, VII of 1913.

And it is ordered that the costs of the said petition be taxed and paid out of the assets of the said company.

Judge.

**Form No. 10**

## ORDER FOR WINDING UP SUBJECT TO SUPERVISION.

*(Title)*

Upon the petition, etc. (as in Form No. 9, this Court doth order that the voluntary winding up of the said company be continued but subject to the supervision of this Court, and any of the proceedings under the said voluntary winding up may be adopted as the Court shall think fit. And the creditors, contributories and liquidators of the said company, and all other persons interested, are at liberty to apply to the Court as there may be occasion.

Judge.

**Form No. 11**

## ADVERTISEMENT OF ORDER TO WIND UP.

*(Title.)*

By an order made by the in the above matter, dated the day of 19 , on the petition of the above-named company or ( ), it was ordered that the company be wound up by this Court (or under the supervision of the Court) under the provisions of the Indian Companies Act, VII of 1913.

Deputy Registrar

Form No. 12  
SUMMONS OR NOTICE OF MOTION FOR  
PROVISIONAL LIQUIDATORS.

*(Title)*

Notice is hereby given to  
that in the above-noted matter a petition for the  
appointment of a Provisional Liquidator has been presented  
and that such petition shall be heard by the Court on the  
day of \_\_\_\_\_ 19\_\_\_\_, or at any adjournment, if  
any. You are required to appear on the said date in person  
or through duly authorised agent to support or oppose the  
said petition. If you fail to do so, the petition will be decided  
according to law.

Given under my hand and the seal of the Court, this  
day of \_\_\_\_\_ 19\_\_\_\_.

Deputy Registrar.

Form No. 13  
ORDER APPOINTING A PROVISIONAL LIQUIDATOR  
AFTER PRESENTATION OF PETITION AND  
BEFORE WINDING UP ORDER

*(Title)*

Upon the application, etc., and upon reading; etc; the  
Court doth hereby appoint (one of) the Official Receiver (s)  
attached to the Court (or as the case may be) to be provi-  
sional Liquidator of the above-named company. (If security  
dispensed with, add "without security" or if security is to be  
given, add directions as to security, accounts and payments  
into the Bank). And the Court doth hereby limit and restrict  
the powers of the said Provisional Liquidator to the following  
acts, that is to say (describe the acts which the Provisional  
Liquidator is to be authorised to do and the property of  
which he is to take possession).

Judge

Form No. 14  
NOTICE TO SUBMIT STATEMENT OF AFFAIRS AND  
TO ATTEND PROVISIONAL LIQUIDATOR  
OR OFFICIAL LIQUIDATOR.

*(Title)*

Notice to

Take notice that by an order made by the High Court.  
In the case of on \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_  
in the above matter, I was appointed liquidator of the  
company \*(provisionally) You are, therefore, required to

In the case  
provisional  
Liquidator.

submit to me within 21 days from the said date the statement of affairs of the company duly verified by your affidavit containing the following particulars amongst others as provided by the forms hereafter mentioned:—

- (a) the assets of the company stating separately the cash balance in hand and at the Bank, if any ;
- (b) the debts and liabilities ;
- (c) the names, residence and occupations of the creditors, stating separately the amounts of secured debts and unsecured debts; and in the case of secured debts, particulars of the securities, their value and the date when they are given ;
- (d) the debts due to the company and the names residence and occupations of the persons from whom they are due and the amount likely to be realized therefrom.

Default on your part will make you guilty of offence under section 177-A, sub-clause 5 of the Act.

Official (Provisional Liquidator)

Form No. 15

ORDER TO SUBMIT OR CONCUR IN STATEMENT OF  
AFFAIRS, WITH DIRECTIONS TO ATTENDANCE

(Title.)

Upon the application of \_\_\_\_\_, the Official Liquidator (or Provisional Liquidator) of the above-named company and upon reading the order to wind up, dated the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, and affidavit of the Official Liquidator (or Provisional Liquidator, as the case may be) filed, the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, it is ordered that \_\_\_\_\_, formerly a director of the said company, do within \_\_\_\_\_ days after service upon him of this order, submit, verify or concur in and verify a statement of the affairs of the said company pursuant to the provisions of section 177-A of the Act, and to the company's winding up Rules.

And it is ordered that the said do attend on the applicant Official Liquidator (or the Provisional Liquidator, as the case may be) at his Office at \_\_\_\_\_ at \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon of \_\_\_\_\_ day of 19\_\_\_\_, and give the said applicant all information that he may require as

to the affairs of the company; and it is ordered that the said                    do pay to the applicant the sum of Rs. his ascertained costs of and, incidental to the said application.

Judge

ENDORSEMENT OF THE ORDER

If you, the within named                    neglect to obey the within order by the time therein limited, you will be liable to process of execution for the purpose of compelling you to obey the same order.

Judge,

Form No. 16

CERTIFICATE EXTENDING TIME FOR STATEMENT OF AFFAIRS.

*(Title.)*

I. A.B.,                    the Official Liquidator (or the Provisional Liquidator, as the case may be) do hereby certify that I have, under powers given me by section 177-A of the Act and Rules of the High Court for winding up of companies, extended the time for submitting the statement of affairs of the company required of

(name of person) from the                    day of 19                    , to the                    day of 19                    .

Official / Provisional Liquidator

Form No. 17

ADVERTISEMENT OF TIME AND PLACE FIXED FOR THE APPOINTMENT OF OFFICIAL LIQUIDATOR.

*(Title.)*

Notice is hereby given that the Hon'ble Mr. Justice of the Punjab High Court, has fixed the — day of                    at                    o'clock at                    as the time and place for the appointment of an Official Liquidator of the above-named company.

Deputy Registrar

Form No. 18

ORDER APPOINTING AN OFFICIAL LIQUIDATOR

*(Title.)*

Upon the application, etc., and upon reading, etc., the Court doth hereby appoint R.P.H. Official Liquidator of the above-named company. And it is

ordered that the said R. P. H. do on or before the day of  
 next give security (to be approved by the Court).  
 And it is ordered that the said R. P. H. do file an account of  
 his receipts and payments in the prescribed form into this  
 Court not less than twice in each year during his tenure of  
 office as required by section 182(2) of the Act.

It is further ordered that all moneys to be received by the  
 said R. P. H. be paid by him in any scheduled Bank as  
 defined in clause (e) of section 2 of the Reserve Bank of India  
 Act, 1934 (or into the Court) to the credit of the Official  
 Liquidator of the said company within 7 days next after the  
 receipt thereof (unless the Judge shall have otherwise  
 directed).

(In case two or more Official Liquidators are appointed,  
 add) :

And the Court doth declare that the following acts  
 required or authorised by the Act to be done by the Official  
 Liquidator may be done by either (or any one or two) of the  
 Official Liquidators hereby appointed, that is to say (describe  
 the acts), and that all other acts so required or authorised  
 shall be done by both (or all) the Official Liquidators hereby  
 appointed.

Judge

Form No. 19

RECOGNIZANCE OF THE OFFICIAL LIQUIDATOR  
 AND SURETIES

R. P. H. of , W. B. of and T. P. of before the  
 Court of personally appearing, do acknowledge  
 themselves, and every of them doth acknowledge himself, to  
 owe to the Hon'ble Mr. Justice a Judge of the said  
 High Court (or to Mr. A. B., Judge of the said Court of

the respective sum set opposite to their respective  
 names in the schedule hereto, to be paid to the said Hon'ble  
 Mr. Justice

(or to the said Mr. A.B., as the case may be), or his successors  
 in office and assignees and in default of payment' of the said  
 sums, the said R. P. H., W. B. and T. P. are willing and do  
 agree, and every of them is willing and doth agree for himself,  
 his heirs, executors and administrators,

by these presents, that the said sum shall be levied, recovered and received of and from and every of the, and of and from the movable and immovable property of them and every of them, wheresoever the same shall be found.

Dated the                      day of                      19     .

Whereas, in the matter of &c. (take title from order to wind up the Hon'ble Mr. Justice                      (or the Court of                      ), has by an order, dated the                      day of                      19     , appointed the said R. P. H. Official Liquidator of the said company, and has thereby directed him to give security to be approved of by the said Judge (or in case the security proceeds the order appointing) has approved of the said R. P. H., as a proper person to be appointed Official Liquidator of the said company upon his giving security. And whereas the said Judge has approved of the said W. B. and T. P. to be sureties for the said R. P. H. in the amounts set opposite to their respective names in the schedule hereto, and has also approved of the above written recognizance, with the under-written condition, as proper security to be entered into by the said R. P. H., W. B. and T. P., pursuant to the said order, and in testimony of such approbation the Judge (or Registrar) hath signed an allowance in the margin thereof. Now the condition of the above-written recognizance is such that if the said R. P. H., his executors or administrators, or any of them, do and shall duly account for what the said R. P. H. shall receive, or become liable to pay, as Official Liquidator of the said company, at such periods and in such manner as the said Judge shall appoint, and Pay the same as the said Judge hath (by the said order) directed or shall hereafter direct, then the above recognizance to be void, otherwise to remain in full force and virtue.

In the  
matter, & 6.

The Hon'ble  
Mr Justice or the  
Court of—has  
approved  
of and allowed this  
recognizance.

G.H. Judge or  
Registrar.

*THE SCHEDULE ABOVE REFERRED TO*

R.P.H.	...	thousand rupees
W.B.	...	thousand
T.P.	...	thousand

Taken and acknowledged by the above-named R.P.H., etc., etc., etc.

## Form No. 20

## AFFIDAVIT OF SURETIES

We, W. B. of &c., and T.P. of &c., severally make oath (or, solemnly affirm), and say as follows:—

(1) I, the said W. B. for myself say, that I am worth the sum of rupees over and above what is sufficient for the payment of all my just debts and liabilities.

(2) And I, the said T. P., for myself, say that I am worth the sum of rupees, &c. (as above.)

Sworn, &c.

Or solemnly affirmed

## Form No. 21

## CERTIFICATE THAT OFFICIAL LIQUIDATOR HAS GIVEN SECURITY

(Title.)

This is to certify that  
of \_\_\_\_\_ who was on  
day of \_\_\_\_\_ 19 \_\_\_\_\_, appointed Official Liquidator of the  
above-named company has duly given security as ordered by  
the Court.

*Judge or*  
Registrar

Dated :

## Form No. 22

## ADVERTISEMENT OF APPOINTMENT OF OFFICIAL LIQUIDATOR

(Title.)

NOTICE is hereby given that \_\_\_\_\_ of  
by an order, dated \_\_\_\_\_ has been appointed  
Official Liquidator of the above-mentioned company (if more  
than one person appointed, *add*) with joint and several  
powers.

Deputy Registrar

## Form No. 23

## NOTICE (OR ADVERTISEMENT) OF MEETING OF CREDITORS OR CONTRIBUTORIES

(Title.)

Notice is hereby given that the High Court of Punjab at Chandigarh (or the District Court of \_\_\_\_\_) has directed a meeting of creditors (or contributories) of the above-named company to be summoned, pursuant to the above Act, for the purpose of ascertaining their wishes at

to (state the object for which meeting called, unless notice is by advertisement, in which case say, certain matters relating to the winding up of the said company), and that such meeting will be held on \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, at \_\_\_\_\_ o'clock in the \_\_\_\_\_-at in the \_\_\_\_\_ at which time and place all the creditors (or contributories) of the said company are requested to attend. (The said Court has appointed H.T., etc., to act as Chairman of such meeting).

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_,

R.P.H.

*Official Liquidator*

Form No. 24

NOTICE TO CONTRIBUTORIES OF FIRST MEETING

*(Title.)*

Notice is hereby given that the first meeting of the contributories in the above matter will be held at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, at \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon, Forms of general and special proxies are enclosed herewith. Proxies to be used at the meeting must be lodged with me at not later than \_\_\_\_\_

O'clock on the \_\_\_\_\_ day of \_\_\_\_\_  
Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_,

*Official Liquidator*

[The Company's statement of affairs has not been lodged (or has been lodged, and summary is enclosed)].

AGENDA

To determine whether or not an application shall be made to the Court for the appointment of a Committee of Inspection to act with the Liquidator, and who are to be the members of the Committee if appointed.

Form No. 25

NOTICE TO CREDITORS OF FIRST MEETING

*(Title)*

(Under the order for winding up the above-named company, dated the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_).

Notice is hereby given that the first meeting of creditors in the above matter will be held at \_\_\_\_\_

On the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, at \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon.

To entitle you to vote there at your proof must be lodged with me not later than o'clock on the day of 19 .

Forms of proof and of general and special proxies are enclosed herewith. Proxies to be used at the meeting must be lodged with me at not later than o'clock on the day of 19 .

Official Liquidator.

Address.

[The statement of the Company's affairs has not been lodged (or has been lodged) and summary is enclosed.]

AGENDA

To determine whether or not an application shall be made to the Court for the appointment of a Committee of Inspection to act with Liquidator, and who are to be the members of the Committee, if appointed.

Form No. 26  
NOTICE TO DIRECTORS AND OFFICERS OF  
COMPANY TO ATTEND FIRST MEETING OF  
CREDITORS OR CONTRIBUTORIES

(Title)

Take notice that the first meeting of creditors (or contributories will be held on the day of 19 , at o'clock at (meeting place) and that you are required to attend thereat, and give such information as the meeting may require.

Dated this day of 19 ,

Official Liquidator.

To

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Form No. 27  
NOTICE OF MEETING (GENERAL FORM)  
(Title)

Take notice that a meeting of creditors (or contributories) in the above matter will be held at on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, at \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon.  
Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

*Official Liquidator.*

Agenda

Forms of general and special proxies are enclosed herewith. Proxies to be used at the meeting must be lodged with \_\_\_\_\_ at \_\_\_\_\_ not later than \_\_\_\_\_ o'clock on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

Form No. 28  
AFFIDAVIT OF POSTING OF NOTICE OF MEETING  
(Title.)

I, \_\_\_\_\_ a (description) \_\_\_\_\_, make oath and say as follows :—

1. That I did on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, send to each creditor mentioned in the Company's statement of affairs (or to each contributory mentioned in the register of members of the Company) a notice of the time and place of the (\*) in the form hereunto annexed marked "A".

2. That the notices for creditors were addressed to the said creditors respectively according to their respective name and address appearing in the statement of affairs of the company or the last known address of such creditors.

3. That the notices for contributories were addressed to the contributories respectively according to their respective names and registered or last known addresses appearing in the register of the company.

4. That I sent the said notice by putting the same prepaid into the post office at \_\_\_\_\_ before the hour of \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon on the said \_\_\_\_\_ day.

Sworn &c.

(\*) Insert here "general" or "adjourned general" or "first" meeting of creditors (or contributories, as the case may be.

## FORM NO. 29

## CERTIFICATE OF POSTING OF NOTICE (GENERAL)

*(Title.)*

I, \_\_\_\_\_, a clerk in the office of the  
Official Liquidator, hereby certify:—

I. That I did on the day of \_\_\_\_\_ 19\_\_\_\_, send to each creditor mentioned in the statement of affairs (or each contributory mentioned in the Register of Members of the Company, or as the case may be), a notice of the time and the place of the first meeting (or a general meeting or adjourned general meeting, or as the case may be) in the form hereunto annexed marked "A".

Paragraphs 2, 3 and 4 as the preceding form.

Dated

Signature

## Form No. 30

MEMORANDUM OF APPOINTMENT OF A PERSON  
TO ACT AS CHAIRMAN AT MEETING OF CREDITORS  
OR CONTRIBUTORIES

The Judge of \_\_\_\_\_ (or Court of —) has appointed Mr. H.T. of & C., one of the creditors (or contributories) of the above-named company, to act as Chairman of a meeting of the creditors (or contributories) of the said company, summoned by direction of the said Judge (or Court), pursuant to the above Act, to be held on the \_\_\_\_\_ day of 19\_\_\_\_, at \_\_\_\_\_ o'clock At \_\_\_\_\_, and to report the result of such meeting to the said Judge (or Court). The said meeting is summoned for the purpose of ascertaining the wishes of the creditors (or contributories) of the said company as to (state the object for which meeting called, and at such meeting the votes of the creditors (or contributories) may be given either personally or by proxy.

Dated this \_\_\_\_\_  
19\_\_\_\_.

Day of

G. H.

Deputy Registrar or  
Judge.

Form No. 31  
AUTHORITY TO ACT AS CHAIRMAN OF MEETING  
AND USE OF PROXIES.

(General Heading)

I, \_\_\_\_\_ the Official Liquidator \_\_\_\_\_ do hereby nominate Mr. \_\_\_\_\_ of \_\_\_\_\_ to be chairman of the meeting of creditors (or contributories) in the above matter, appointed to be held at \_\_\_\_\_ on the day of \_\_\_\_\_ 19\_\_\_\_, and I depute him \_\_\_\_\_ (here insert "Being a person in my employment or under my official control,") to attend such meeting and use, on my behalf, and proxy or proxies held by me in this matter.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.  
*Official Liquidator.*

Form No. 32  
MEMORANDUM OF APPOINTMENT OF A PERSON  
TO ACT AS A CHAIRMAN AT MEETING OF  
CREDITORS OR CONTRIBUTORIES

(General Heading).

In the matter of the Indian Companies Act, VII of 1913, etc.

Mr H. T, of etc.. one of the creditors (or contributories) of the above-named Company is appointed to act as Chairman of a meeting of the creditors (or contributories) of the said Company, summoned by direction of the said Judge, pursuant to the above Act, to be held on the

\_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, at \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon \_\_\_\_\_ at \_\_\_\_\_ and to report the result of such meeting to the said Judge.

The said meeting is summoned for the purpose of ascertaining the wishes of the creditors (or contributories) of the said company as to (state the object for which meeting called) and at such meeting the votes of the creditors (or contributories) may be given either personally or by proxy.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

## Form No. 33

## MEMORANDUM OF ADJOURNMENT OF MEETING

*(Title)*

Before \_\_\_\_\_ at \_\_\_\_\_ on the \_\_\_\_\_ day of  
 19\_\_\_\_, at \_\_\_\_\_ o'clock.

*Memorandum*—The (first or as the case may be) meeting of (creditors or contributories, as the case may be) in the above matter was held at the time and place above mentioned; but it appearing that (owing to, etc.) the meeting was adjourned until the day of \_\_\_\_\_ 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ in the noon, then to be held at the same place. Chairman. \_

## Form. No. 34

## CHAIRMAN'S REPORT OF RESULT OF MEETING OF CREDITORS OR CONTRIBUTORIES

*(Title)*

I, H. T., the person appointed by the Hon'ble Mr. Justice \_\_\_\_\_ (or by the Court of \_\_\_\_\_) to act as Chairman of a meeting of creditors (or contributories) of the above-named Company, summoned by advertisement (or notice), dated the day of \_\_\_\_\_ 19\_\_\_\_, and held on the day of \_\_\_\_\_ 19\_\_\_\_, at \_\_\_\_\_ do hereby report to the said Judge (or Court) the result of such meeting as follows :—

The said meeting was attended either personally or by proxy by \_\_\_\_\_, creditors, to whom debts against the said Company have been allowed, amounting in whole to the value of Rs.\_\_\_\_ (or by contributories), holding, in the whole, \_\_\_\_\_ shares in the said Company, and entitled respectively by the regulations of the Company to the number of votes hereinafter mentioned.

The question submitted to the said meeting was, whether the creditors (or contributories) of the said Company approved of the proposal of the Official Liquidator of the said Company, that, etc. (as the case may be) and wished that such proposal should be adopted and carried into effect. The said meeting was unanimously of opinion that the said proposal should (or should not) be adopted



As witness my hand this  
day of 19 .

W. S.

Signed by the said W. S. in the presence of

J. H. of &c.

Form No. 36

SPECIAL PROXY

(General Meeting)

I of , a creditor  
or contributory) hereby appoint  
as proxy at the meeting of creditors (or contributories) to be  
held on the day of  
19 , or at any adjournment thereof, to vote (for or against,  
as the case may require and specify the particular  
resolution).

Dated this day of 19

Signature of witness.

Address.

*Signature.*

CERTIFICATE TO BE SIGNED BY PERSON OTHER  
THAN CREDITOR OR CONTRIBUTORY FILLING  
UP THE ABOVE PROXY

I, of , being a  
hereby certify that all insertions in the  
above proxy are in my own handwriting, and have been  
made by me at the request of the above-named and in his  
presence before he attached his signature or mark thereto.

Dated this day of 19 .

*Signature.*

Form No. 37  
GENERAL ATTORNEY

(General Heading)

I, \_\_\_\_\_ of \_\_\_\_\_, a creditor  
(or contributory) hereby appoint  
to be \_\_\_\_\_ general proxy to vote at the meeting  
of creditors (or contributories) to be held in the above  
matter on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, or at any  
adjournment thereof.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.  
Signature of witness.

Address.

*Signature.*

*Notes*

1. The authorized agent of a Corporation may fill up  
blanks, and sign for the Corporation thus :—

For the \_\_\_\_\_ Company  
J. S. (duly authorised under the seal of the Company).

2. The person appointed general proxy must be  
either the Official Liquidator or a person in the regular  
employ of the creditor or (contributory).

CERTIFICATE TO BE BY PERSONS OTHER THAN  
CREDITOR OR CONTRIBUTORY FILLING UP  
THE ABOVE PROXY

I, \_\_\_\_\_ of \_\_\_\_\_, being a  
( \_\_\_\_\_ ) hereby certify that all insertions in the above  
proxy are in my own handwriting, and have been made by  
me at the request of the above-named and in his presence,  
before he attached his signature or mark thereto.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.  
*Signature.*

Form No. 38  
ADVERTISEMENT FOR CREDITORS

The creditors of the above-named Company are  
required on or before \_\_\_\_\_ day of \_\_\_\_\_  
to send in writing their names and addresses and the  
particulars of their debts or claims and the names and  
addresses of their Advocates or Attorneys (if any) to the  
undersigned as Official Liquidator of the said Company at  
(give place) and, if so required by notice in writing from



2. I have not, nor hath nor have any person or persons by my order or to my knowledge or belief for my use, received the sum of rupees \_\_\_\_\_ or any part thereof of any security or satisfaction for the same or any part thereof. [If any security, add except the said (describe the security) hereinbefore mentioned or referred to].

Form No. 41

NOTICE TO CREDITORS TO COME IN AND PROVE  
THEIR DEBTS BEFORE THE OFFICIAL LIQUIDATOR

Sir,

You are hereby required to come in and prove the debt claimed by you against the above-named company by filing your affidavit, and you are to attend at my office in person or by your Advocate, Attorney or Pleader on the

\_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, at  
\_\_\_\_\_ o'clock in the \_\_\_\_\_ noon, at  
being the time and place appointed for investigating the claims.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

*Official Liquidator.*

Form No. 42

AFFIDAVIT OF OFFICIAL LIQUIDATOR AS TO HIS  
INVESTIGATION OF DEBTS AND CLAIMS

(Title)

I, \_\_\_\_\_, of \_\_\_\_\_, the Official Liquidator of the above-named Company make oath (or solemnly affirm) and say as follows :—

1. I have, by the paper hereto annexed and marked with letter 'A', set forth a list of all the debts and claims the particulars of which have been sent to me by persons making claims upon, or claiming to be creditors of, the said Company, pursuant to the advertisement issued in that behalf, dated the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, and the names and addresses of the persons by whom such claims are made.

2. I have investigated the said debts and claims and examined the same with the books and documents of the said Company in order to ascertain, to the best of my ability, which of such debts and claims are justly due from the said Company.

3. I have, in the first part of the said list, set forth such of the said debts and claims as in my opinion are justly due from the said Company and proper to be allowed without further evidence and I have, in the seventh column of the said first part of the said list of debts and claims, stated my reasons for such belief. In the second part of the said list of debts and claims, I have set forth in separate columns such parts of the said debts and claims as in my opinion are proper to be allowed and as are not admitted to be due from the said Company, and I have, in the eighth column of the said second part of the said list, set out my reasons for such belief: and I have, in the third part of the said list of debts and claims, set forth such of the said debts and claims as in my opinion ought to be proved by the respective creditors, and I have in the sixth column of this part of the said list, given my reasons for such belief.

Deponent.

Sworn (or solemnly affirmed), etc.

Exhibit 'A' referred to in the affidavit of  
sworn (or solemnly affirmed)

before me, this

day of 19 .

*Signature.*

LIST OF DEBTS AND CLAIMS OF WHICH THE PARTICULARS HAVE BEEN SENT TO THE OFFICIAL LIQUIDATOR  
(FIRST PART)

*Debts and claims which ought to be allowed without further evidence.*

Serial No.	Name of Creditor	Address and description	Particulars of debt or claim	Amount claimed	Amount proper to be allowed	Reasons for belief that amounts are proper to be allowed
1	2	3	4	5	6	7
				Rs. N.P.	Rs. N.P.	

## SECOND PART

*Debts and claims which have been partly admitted.*

Serial No.	Name of Creditor	Address and description	Particulars of debt or claim	Amount claimed	Amount proper to be allowed (a)	Amount not admitted (b)	Reasons for belief that (a) amounts are proper to be allowed and (b) amounts not admitted.
1	2	3	4	5	6	7	8
				Rs. N.P.	Rs. N.P.	Rs. N.P.	

## THIRD PART

*Debts and claims which ought to be proved by the creditors*

Serial No.	Name of Creditor	Address and description	Particulars of debt or claim	Amount claimed	Reasons for belief
1	2	3	4	5	6
				Rs. N.P.	

Form No. 43

NOTICE TO CREDITORS TO PROVE THEIR CLAIMS  
BEFORE THE JUDGE*(Title)*

Notice to

Whereas, as the Official Liquidator of the above-named Company, I have rejected your claim for (or beyond) Rs. \_\_\_\_\_ on the grounds hereunder (or attached herewith).

Please take notice that you are hereby required to prove before the Judge (the rejected part of) your claim against the above-named company by appearing in person, or by your Attorney or Advocate at the High Court of Punjab at Chandigarh on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_ at o'clock in the forenoon, being the time appointed for hearing and adjudicating upon the claim.

Dated this \_\_\_\_\_ day of 19 .

*Official Liquidator.*

Form No. 44

AFFIDAVIT IN SUPPORT OF THE SERVICE OF  
NOTICE TO CREDITORS TO COME AND  
PROVE THEIR DEBTS

*(Title)*

I, \_\_\_\_\_, son of \_\_\_\_\_, attorney of the Official Liquidator of the above-named Company solemnly affirm and say as under :—

That I did on \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_ in the matter hereinafter mentioned cause a notice to be served upon the persons named in the 2nd column of the Schedule hereto annexed and marked with the letter "A".

That a true copy of the notice so served is annexed hereto and marked with the letter "B".

That I served the said respective copies of the said notice by putting such copies respectively, duly addressed to such persons respectively or their advocates or pleaders, according to their respective names and addresses, appearing in the said Schedule and with proper postage stamps affixed thereto as Registered Acknowledgment Due letters, into the Post Office at \_\_\_\_\_ on the said day of \_\_\_\_\_ 19 .

Deponent

Form No. 45

CERTIFICATE BY JUDGE AS TO SETTLEMENT OF  
LIST OF DEBTS AND CLAIMS

*(Title)*

I hereby certify that the result of the adjudication upon debts and claims against the above-named Company, brought in pursuance to the advertisement issued in that behalf, dated the \_\_\_\_\_ day of \_\_\_\_\_ 19 ,

so far as such adjudication has up to the date of this certificate been proceeded with, is as follows : —

The debts and claims which have been allowed are set forth in the first Schedule hereto, and with the interest thereon and cost mentioned in the said Schedule are due to the persons therein named, amount altogether to rupees

I have in the first part of the said Schedule set forth such of the said debts and claims as carry interest thereon has been computed at the rate they respectively carry down to the date of this certificate.

I have in the second part of the said Schedule set forth such of the said debts and claims as do not carry interest.

The claims set forth in the second Schedule hereto have been brought in by the persons therein named, and have been disallowed.

### THE FIRST SCHEDULE ABOVE REFERRED TO

#### FIRST PART

#### *Debts and claims which carry interest*

No.	Name of Creditor	Address and Description	Particulars of debt	Total Due
1	J.L.		On Bill of Exchange, dated & c. Principal Rs. _____ Interest at-per cent per annum from-to date of the certificate. Rs. _____ Cost of  Total First Part Rs.	Rs. N.P.

## SECOND PART

*Debts and claims which do not carry interest*

No.	Name of Creditors	Addresses and Descriptions	Particulars of Debt	Interest on Principal	Total Due
25	W.P.		Goods sold- Principal Rs. 500-00 Cost of proof Rs.20-00 Total Rs. .. Add total First Part, Rs. Total First and Second Parts, Rs.	Rs.N.P. }20 00	Rs. N.P. 540 00

The Second Schedule above referred to

*Debts and claims which have been disallowed*

No.	Name of Creditors	Addresses and Descriptions	Particulars of Claims	Amount claimed
				Rs.N.P.

Dated this

day of

19

*Judge*

**Form No. 46****LIST OF CONTRIBUTORIES MADE OUT BY THE  
OFFICIAL LIQUIDATOR/LIQUIDATORS***(Title)*

The following is a list of members of the Company liable to be placed on the list of contributories of the said Company made out by me/us from the books and papers of the said Company together with their respective addresses and number of shares (or extent of interest) to be attributed to each, so far as I/we have been able to make out or ascertain the same.

In the first part of the list, the persons who are contributories in their own right have been distinguished. In the 2nd part of the said list, the persons who are contributories as being representatives of, being liable to, the debts of others are distinguished.

*Official Liquidator*

Serial No.	Name	Address and description	No. of shares or extent of interest	CALLS PRIOR TO LIQUIDATION STILL UNPAID		Uncalled liabilities
				(a) Principal	(b) Interest at per cent	
				Rs. N.P.	Rs. N.P.	Rs. N.P.

## SECOND PART

*Contributories as being representatives of or liable for the debts of others*

Serial No.	Name	Address and description	In what character included	No. of shares or extent of interest	CALLS PRIOR TO LIQUIDATION STILL UNPAID		Uncalled liabilities
					(a) Principal	(b) Interest at per cent	
					Rs. N.P.	Rs. N.P.	Rs. N.P.

**Form No. 47****NOTICE TO CONTRIBUTORIES OF APPOINTMENT TO SETTLE THE LIST OF CONTRIBUTORIES**

Take notice that I/we, the Official Liquidator/Liquidators of the above-named Company, has/have appointed \_\_\_\_\_ day of 19 \_\_\_\_ at \_\_\_\_\_

\_\_\_\_\_ o'clock in the \_\_\_\_\_ noon at \_\_\_\_\_ (insert place or appointment) to settle the list of contributores of the above-named Company made out by me/us pursuant to the Indian Companies Act and the rules thereunder, and that you are included in such list in the character and for the number of shares (or extent of interest) stated below and if no sufficient cause is shown by you to the contrary at the time and place aforesaid, the list will be settled including you therein.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_ .

*Official Liquidator*

To

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Note- Contributories are under no obligation to attend the appointment referred to in the above notice if they are satisfied that the particulars contained in the notice are correct.

Serial No.	Name	Address and description	In what character included	No. of shares or extent of interest	CALLS PRIOR TO LIQUIDATION STILL UNPAID		Uncalled liabilities
					Principal	Interest at per cent	
					Rs. N.P.	Rs. N.P.	Rs. N.P.

A share-holder's name cannot be omitted from the list of contributories on account of his inability to pay calls; this question will be dealt with when applications made for payment of the calls.

A change of address may be notified by giving notice by petitioner before the date for the appointment.

**Form No. 48**AFFIDAVIT OF POSTING OF NOTICE OF APPOINTMENT TO  
SETTLE LIST OF CONTRIBUTORIES*(Title)*

I, \_\_\_\_\_ attorney/clerk to the Official Liquidator of the above-named Company, solemnly affirm and say as follows:-

1. That I did on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_  
in the manner hereinafter mentioned send to each contributory mentioned in the list of contributories made out by the Official Liquidator of the above-named Company on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_  
and now on the file of proceedings of the above-named Company at the address appearing in such list, a notice of the time and place of the appointment to settle a list of contributories in the form hereunto annexed and marked A, except that in the tabular form at the foot of such copies respectively, I inserted the No.

name, address, description, in what character included, and No. of shares (or extent of interest) call prior to the liquidation still unpaid and uncalled liabilities of the persons on whom such copy of the said notice was served.

2. That I served the said respective copies of the said notice by putting such copies respectively duly addressed to such persons respectively or their Advocates or Pleaders or Attorneys, according to their respective names and addresses appearing in the said list and with proper postage stamps affixed thereto, as registered letters with acknowledgments due into the Post Office at \_\_\_\_\_ on the said day of \_\_\_\_\_ 19\_\_\_\_.

*Deponent.***Form No. 49**AFFIDAVIT OF OFFICIAL LIQUIDATOR IN SUPPORT OF  
LIST OF CONTRIBUTORIES*(Title)*

I, \_\_\_\_\_ the Official Liquidator of the above-named Company, make oath (or solemnly affirm) and say as follows:-

1. The paper writing now produced and shown to me and marked with the letter "A" contains a list of contributories of the said Company, made out by me, after hearing objections (if any) of the contributories to their settlement on the list of contributories, from the books and





SECOND SCHEDULE REFERRED TO ABOVE  
*Persons whose names have been excluded from the list*

	1	2	3	4	5		6	7
Serial No.	No. on provisional list	Name	Address and description	No. of shares or extent of interest for which it was intended to incl	CALLS PRIOR TO LIQUIDATION STILL UNPAID		Uncalled liabilities	Date when exclude from the list
					(a) Principal	(b) Interest		

## Form No. 50

CERTIFICATE OF OFFICIAL LIQUIDATOR OF FINAL  
SETTLEMENT OF THE LIST OF CONTRIBUTORIES*(Title)*

Pursuant to the Indian Companies Act, VII of 1913, and to the rules made thereunder, I/we the undersigned being the Official Liquidator (s) of the above-named Company, hereby certify that the result of the settlement of the list of contributories of the above-named Company so far as the said list has been settled up to the date of the certificate is as follows :—

1. The several persons whose names are set forth in the second column of the First Schedule hereto have been included in the said list of contributories as contributories of the said Company in respect of the number of shares or extent of interest set opposite the names of such contributories respectively in the said Schedule.

I have in the first part of the said Schedule distinguished such of the several persons included in the said list as are contributories in their own right.

I have in the second part of the said Schedule distinguished such of the said several persons included in the said list as are contributories as being representatives of, or being liable to, the debts of others.

2. The several persons whose names are set forth in the second column of the second Schedule hereto were included in the provisional list of contributories and have been excluded from the said list of contributories.

3. I have in the 7th column of the first part of the first Schedule and in the 8th column of the second part of the first Schedule and in the 7th column of the second Schedule set forth opposite the names of each of the several persons, respectively, the date when such persons were included in, or excluded from the said list of contributories.

4. I have in the 5th and 6th columns of the first part of the said Schedule hereto and in 6th and 7th columns of the second part of the said Schedule set forth opposite the



FIRST SCHEDULE REFERRED TO ABOVE  
PART FIRST  
Contributors in their own right

	1	2	3	4	5		6	7
Serial No.	No. on provisional list	Name	Address and description	No. of shares or extent of interest for which it was intended to incl	CALLS PRIOR TO LIQUIDATION STILL UNPAID		Uncalled liabilities	Date when exclude from the list
					(a) Principal	(b) Interest at percent		

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PART SECOND  
*Contributors as being representatives of, or liable for, the debts of others*

	1	2	3	4	5	6		7	8
Serial No.	No. on provisional list	Name	Address and description	In what character included	No. of shares or extent of interest	CALLS PRIOR TO LIQUIDATION STILL UNPAID		Uncalled liabilities	Date when included in the list
						(a) Principal	(b) Interest at percent		

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SECOND SCHEDULE REFERRED TO ABOVE  
Persons whose names have been excluded from the list

	1	2	3	4	5		6	7
Serial No.	No. on provisional list	Name	Address and description	No. of shares or extent of interest for which it was intended to incl	CALLS PRIOR TO LIQUIDATION STILL UNPAID		Uncalled liabilities	Date when excluded from the list
					(a) Principal	(b) Interest		

## Form No. 51

NOTICE TO CONTRIBUTORY OF FINAL SETTLEMENT  
OF LIST OF CONTRIBUTORIES AND THAT HIS  
NAME IS INCLUDED

*(Title)*

Take notice that I/we \_\_\_\_\_ the Official Liquidator/  
Liquidators of the above-named Company have by certificate  
dated the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, under my/our  
hand/hands, so far settled the list of contributories of the said  
Company (and that you are included in such list) in the  
character and for the number of shares (or extent of interest)  
stated below. The amount due from you in respect of call made  
prior to liquidation and the uncalled liabilities is also shown  
therein. Any application by you (to vary the said list of  
contributories or) that your name may be excluded therefrom  
must be made by you to the Court, as the case may be, within  
30 days from the service on you of this notice, or the same will  
not be entertained.

The said list may be inspected by you in the said Court on  
any day between the working hours.

Dated \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

*Official Liquidator*

FIRST SCHEDULE REFERRED TO ABOVE  
PART FIRST  
*Contributories in their own right*

	1	2	3	4	5		6	7
Serial No.	No. on provisional list	Name	Address and description	No. of shares or extent of interest	CALLS PRIOR TO LIQUIDATION STILL UNPAID		Uncalled liabilities	Date when included in the list
					(a) Principal	(b) Interest		

PART SECOND  
*Contributories as being representatives of, or liable for, the debts of others*

	1	2	3	4	5	6		7	8
Serial No.	No. on provisional list	Name	Address and description	In what character included	No. of shares or extent of interest	CALLS PRIOR TO LIQUIDATION STILL UNPAID		Uncalled liabilities	Date when included in the list
						(a) Principal	(b) Interest		

AFFIDAVIT OF SERVICE OF NOTICE TO  
CONTRIBUTORIES OF FINAL SETTLEMENT  
OF THE LIST

1. I did on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, in the manner hereinafter mentioned serve a true copy of the notice now produced and shown to me and marked 'A' upon each of the said respective persons whose names, addresses and descriptions appear in the second and third columns of the said first schedule to the list of contributories of the said Company made out by the Official Liquidator of the Company on the day of \_\_\_\_\_ and now on the file of proceedings of the said Company. In the tabular form of the foot of such copies respectively I inserted the number of list, name, address, description, in what character included, number of shares or extent of interest, the amount of calls made prior to liquidation and the amount of uncalled liabilities in respect of the shares (or interest) of the persons on whom such copy of the said notice was served, in the same words and figures as the same particulars are set forth in the said list of contributories.

2. I served the said respective copies of the said notice by putting such copies respectively, duly addressed to such persons respectively or their advocates or pleaders or attorneys according to their respective names and addresses appearing in the said list of contributories and with proper postage stamps affixed thereto as registered letters with acknowledgment due into the Post Office at \_\_\_\_\_ on the said \_\_\_\_\_ day of \_\_\_\_\_

*Deponent.*

Form No. 53

SUMMONS TO RECTIFY LIST OF CONTRIBUTORIES

(Title)

Let \_\_\_\_\_, the Official Liquidator of the above-named company, attend at \_\_\_\_\_ on the day of \_\_\_\_\_ 19\_\_\_\_, on the hearing of the application on the part of (name of applicant, etc.), contributory of the above-named Company and the Liquidator's certificate finally settling the same may be varied by excluding the

name of the applicant therefrom and that the Liquidator may be ordered to pay to the applicant the costs of this application out of the assets of the Company.

*Deputy Registrar*

**Form No. 54**

ORDER ON APPLICATION TO VARY LIST OF  
CONTRIBUTORIES

*(Title)*

Upon the application of W. N., by summons, dated the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, for an order that the list of contributories of the Company and the Liquidator's certificate finally settling the same be varied by excluding the name of the applicant therefrom (or, as the case may be), and upon hearing \_\_\_\_\_, for the petitioner and \_\_\_\_\_ for the Liquidator, and upon reading \_\_\_\_\_

IT IS ORDERED that the list of contributories of the above-named Company and the Liquidator's certificate finally settling the same be varied by excluding the name of the said W.N. from the said list of contributories (or by including, as the case may be), or the Court does not think fit to make any order on the said application, except that the said W. N. do pay to A. B., the Liquidator of the said Company, his costs of this application.

(Costs payable to \_\_\_\_\_ )

Given under my hand and the seal of the Court, this  
\_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

*Judge*

or

Deputy Registrar

**Form No. 55**

ENDORSEMENT BY JUDGE ON SETTLEMENT OF  
THE LIST OF CONTRIBUTORIES

List settled as filed by the Official Liquidator (except that Nos. \_\_\_\_\_ are expunged from the list and Nos. \_\_\_\_\_ stand over for determination and subsequent endorsement thereon).

Dated \_\_\_\_\_

Judge

## Form No. 56

PETITION TO MAKE A CALL  
(Title)

The humble petition of \_\_\_\_\_, Official Liquidator of the above-named Company showeth as follows :

1. The above-named Company was, by an order of this Court, dated the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, ordered to be wound up by this Court (or, under the supervision of this Court, as the case may be).
2. By an order of this Court, dated the \_\_\_\_\_ day of 19\_\_\_\_, I was appointed Official Liquidator of the said Company.
3. On the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, the list of contributories was finally settled by me and endorsed by the Judge on \_\_\_\_\_ day of 19\_\_\_\_.
4. The amount of debts proved and admitted against the said Company and the estimated amount of costs, charges and expenses incidental to the winding up aggregate the sum of Rs. \_\_\_\_\_ or thereabout.
5. Of the assets set forth in the statement of assets, I have realized the sum of Rs. \_\_\_\_\_ of which I still have in hand the sum of Rs. \_\_\_\_\_, I estimate that the assets still remaining to be collected will realize approximately Rs. \_\_\_\_\_. There are no other assets belonging to the said Company except the amounts due from the contributories.
6. In the settled list of contributories of the said Company appear the names of \_\_\_\_\_ persons in respect of \_\_\_\_\_ shares.
7. For the purpose of satisfying the debts and liabilities of the Company and of paying the costs, charges and expenses of the winding up, I believe the sum of Rs. \_\_\_\_\_ will be required in addition to the amount I now have in hand and the amount still to be collected by realization of the outstanding assets.

8. In order to provide the said sum of Rs. it is necessary to make a call upon the several persons who have been settled on the list of contributories and to provide for the contingency of some of such contributories partly or wholly failing to pay the amount of such call. I believe that for the purpose of realizing the said amount required, it is necessary that a call of Rs. per share be made.

Your petitioner, therefore, humbly prays that leave be given to make a call of Rs. per share on all the contributories of the said Company,

or

that such order may be made in the premises as may be fit and proper.

*Official Liquidator*

*Verification.*

I, the Official Liquidator of the above-named Company solemnly affirm that the statements contained in the foregoing petition are true to the best of my knowledge, information and belief.

*Official Liquidator*

Form No. 57

— AFFIDAVIT OF LIQUIDATOR  
IN SUPPORT OF  
PROPOSAL FOR CALL

*(Title)*

I, of, &c., the Liquidator of the above-named Company, make oath and say as follows :—

1. I have in the Schedule now produced and shown to me, and marked with the letter "A", set forth a statement showing the amount due in respect of the debts proved and admitted against the said Company and the estimated amount of the costs, charges and expenses of, and incidental to, the winding up the affairs thereof, and which several amounts form in the aggregate the sum of Rs. or thereabouts.

2. I have also in the said Schedule set forth a statement of the assets in hand belonging to the said Company, amounting to the sum of Rs. and no more. There are no other assets belonging to the said Company except the amounts due from certain of the contributories of the said Company, and, to the best of my information and

belief, it will be impossible to realise in respect of the said amounts more than the sum of Rs.        or thereabouts.

3. Persons have been settled by me on the list of contributories of the said Company in respect of the total number of shares.

4. For the purpose of satisfying the several debts and liabilities of the said Company and of paying the costs, charges and expenses of, and incidental to, the winding up the affairs thereof, I believe the sum of Rs.        will be required in addition to the amount of the assets of the said Company mentioned in the said Schedule "A", and the said sum of Rs.

5. In order to provide the said sum of Rs.       , it is necessary to make a call upon the several persons who have been settled on the list of contributories as before mentioned, and, having regard to the probability that some of such contributories will partly or wholly fail to pay the amount of such call, I believe that, for the purpose of realizing the amount required as before mentioned, it is necessary that a call of Rs.        per share should be made.

Sworn, & c.

Form No. 58

SCHEDULE REFERRED TO IN THE  
PRECEDING FORM

In the matter of the limited, in liquidation and the Indian Companies Act, VII of 1913.

*Schedule of Liabilities and Assets*

Liabilities			Amount with the Bank		
	Rs.	N.P.		Rs.	N.P.
Amounts of debts and liabilities ..	..	..	Government treasury and in hand ..	..	..
Estimated amount of cost, charges, and expenses of, and incidental to, winding up of the company, including Liquidator's remuneration ..	..	..	Book debts and other property, nominal value ..	..	..
			Expected to realize ..	..	..
			Amount of probable deficiency ..	..	..
Total ..			Total ..		

Dated

*Official Liquidator*

Form No. 59  
 SUMMONS FOR INTENDED CALL  
 (Title)

Let all parties concerned attend at \_\_\_\_\_ on the  
 day of \_\_\_\_\_ 19\_\_\_\_, at \_\_\_\_\_ o'clock on the hearing of an  
 application on the part of the Official Liquidator of the above-  
 named Company that a call to the amount of Rs. \_\_\_\_\_ per  
 share may be made on all the contributories (or, if upon any  
 particular class, specify the same) of the said Company.

Given under my hand and the seal of the Court,  
 this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

*Judge or*

*Deputy Registrar*

To

Mr. C. D. of \_\_\_\_\_, a contributor  
 of the said company, proposed  
 to be included in the said call.

Form No. 60  
 ADVERTISEMENT OF INTENDED CALL  
 (Title)

Notice is hereby given that the \_\_\_\_\_ day of \_\_\_\_\_  
 19\_\_\_\_ at \_\_\_\_\_ o'clock at the Court House has been appointed  
 to make a call on all the contributories of the said Company (or,  
 as the case may be), and that the Official Liquidator of the said  
 Company proposes that such call shall be for Rs. \_\_\_\_\_  
 per share. All persons interested are entitled to attend at such  
 day, hour and place to offer objections to such call.

Given under my hand and the seal of the Court, this  
 \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

*Judge or*  
*Deputy Registrar*

## Form No. 61

## GENERAL ORDER FOR CALL

*(Title)*

Upon the application, dated the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, of the Official Liquidator of the above-named Company and upon reading the order, dated the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, directing winding up of the Company the list of contributories of the said Company and the Official Liquidator's certificate of the final settlement of the same filed on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, the affidavit of the said Official Liquidator filed on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, and the exhibit marked 'A' referred to therein, and an affidavit of \_\_\_\_\_ filed on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, it is ordered that a call of Rs. \_\_\_\_\_ per share be made on all the contributories of the said Company (or as the case may be).

And it is ordered that each such contributory do on or before the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, pay into the \_\_\_\_\_ Bank or into the Court to the account of the said Official Liquidator or to the said Official Liquidator at \_\_\_\_\_ the amount which will be due from him or her in respect of such call.

In case of failure to pay the amount set forth above, payment order for the amount due together with interest at the rate of \_\_\_\_\_ per cent \_\_\_\_\_ per annum from the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, until payment will be passed on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, without any further notice.

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

*Judge.*

Form No. 62

NOTICE TO BE SERVED WITH ORDER  
SANCTIONING A CALL

*(Title)*

The amount due from you \_\_\_\_\_ in respect of the call made by the above order is that sum of Rs. \_\_\_\_\_, which sum is to be paid by you on or before the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, into the \_\_\_\_\_ (Bank) or to the Court into my account or to the undersigned, Official

Liquidator of the said Company, at my office at \_\_\_\_\_. You may pay the same in person or through a Banker or other agent but this notice and copy of the order attached must be produced at the \_\_\_\_\_ (Bank) or the Court. Upon such payment the Bank or the Court will deliver to you a certificate of the payment; you must immediately upon such payment cause written notice of the payment and of the date thereof to be given to me as the Official Liquidator of the said Company at my above-named office.

In default of payment of the amount set forth above, payment order of the amount due together with interest at the rate of—per cent per annum from the day of \_\_\_\_\_ 19 until payment will be passed by the Court on the \_\_\_\_\_ day of \_\_\_\_\_ 19 without any further notice.

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 19 .

*Official Liquidator*

*Note.*---Interest will not be more than 4% P. A.

To

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Form No. 63

AFFIDAVIT OF SERVICE OF ORDER FOR CALL  
ALONG WITH THE NOTICE FOR PAYMENT.

I \_\_\_\_\_ solemnly affirm and say as follows :—

1. I did on \_\_\_\_\_ day of \_\_\_\_\_ 19 serve in the manner hereinafter mentioned on all the persons named in the Schedule marked "A" hereunto attached, with a copy of the Court's order, dated directing a call to be made from each of them along with a notice of payment issued to each of them by the Liquidator as per form marked "B" attached herewith except with the amounts shown as due from each of such persons as noted in the said Schedule marked "A".

2. That I caused the said respective copies of the said notice and order to be served by putting such copies

respectively duly addressed on such persons respectively and with the proper postage stamps affixed thereto as Registered Acknowledgement Due letters into the Post Office at \_\_\_\_\_ on the said \_\_\_\_\_ day of \_\_\_\_\_ 19 .

*Official Liquidator*  
or  
*Clerk or Agent.*

Form No. 64 \_\_\_\_\_

APPLICATION OF OFFICIAL LIQUIDATOR FOR  
AN ORDER OF PAYMENT AGAINST  
CONTRIBUTORIES

*(Title)*

That by an order, dated \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ 19 , the contributories named in the Schedule annexed to the enclosed affidavit, dated \_\_\_\_\_ day of \_\_\_\_\_ 19 , they were ordered to pay the several sums of money set opposite their respective names on or before \_\_\_\_\_ day of \_\_\_\_\_ 19 .

2. That notwithstanding the petitioner having served upon the said persons, with a copy of the said order along with a notice directing payment of the amount due from them as stated above, they have failed to pay the amounts due from each of them.

3. It is prayed that order may kindly be made against them for payment of the amount set opposite their respective names together with interest at \_\_\_\_\_ for the future period till the amount is paid.

The necessary affidavit is herewith attached.

*Official Liquidator*

\_\_\_\_\_

AFFIDAVIT IN SUPPORT OF APPLICATION FOR ORDER OF PAYMENT OF CALL DUE FROM CONTRIBUTORIES

(Title)

I \_\_\_\_\_ Official Liquidator (Clerk or Attorney) of the above-named Company solemnly affirm and say :

1. That none of the contributories of the said Company whose names are set-forth in the Schedule hereunto annexed, marked A, have paid or caused to be paid the respective sums set opposite their respective names in the said Schedule and which sums are the respective amounts now due from them respectively in respect of the call made in pursuance of the order on that behalf dated \_\_\_\_\_ day of \_\_\_\_\_ 19 .

2. That the respective amounts or sums set opposite the names of such contributories respectively in such Schedule are the true amounts due and owing by such contributories respectively in respect of the said call.

Deponent.

Form No. 66

ORDER FOR PAYMENT OF CALL

(Title)

Upon the application of the Official Liquidator of the above-named Company and upon reading the order, dated the day of 19 , and his affidavit, dated the \_\_\_\_\_ day of 19 , filed with the said application, and affidavit of \_\_\_\_\_ dated the \_\_\_\_\_ day of 19 , (re service, of notice) and hearing \_\_\_\_\_ . It is ordered that the several persons named in the second column of the Schedule to this order, being respectively contributories of the said Company, pay to the Official

Liquidator of the said Company the amount mentioned against their respective names in column No. 8, which are due in respect of calls made on them and are still unpaid.

This order of payment may be enforced as a decree under the provision of sections 199 and 208 of the Indian Companies Act, VII of 1913, and if the contributories residing out of jurisdiction of this Court do not pay, application may be made to proper courts by the Official Liquidator for enforcement of order of payment with a copy of this order under section 201 of the above Act.

Dated this                      day of                      19   .

*Judge.*

SCHEDULE "A"

1	2	3	4	5	6		7
Serial No.	No. on the list	Name and address	Description	In what character	AMOUNT OF CALL DUE		Prop na cos
					Principal	Interest	
					Rs. N.P.	Rs.N.P.	Rs. M

## Form No. 67

LIQUIDATOR'S STATEMENT OF ACCOUNT  
(GENERAL DIRECTIONS AS TO STATEMENTS)

(NAME OF COMPANY)

(1) Every statement must contain a detailed account of all the Liquidator's realizations and disbursements in respect of the Company. The statement of realizations should contain a record of all receipts derived from assets existing at the date of the winding up order of resolution and subsequently realized, including balance in bank, book debts, and calls collected, property sold, etc., and the account of disbursements should contain all payments for costs and charges, or to creditors or contributories. Where property has been realized, the gross proceeds of sale must be entered under realizations, and the necessary payments incidental to sales must be entered as disbursements. These accounts should not contain payments into the Company's liquidation account (except unclaimed dividends—see paragraph 4) or payments into or out of bank, or temporary investments by the Liquidator, or the proceeds of such investments when realized, which should be shown separately—

(a) by names of the bank pass book;

(b) by a separate detailed statement of moneys invested by the Liquidator, and investments realized.

Interest allowed or charged by the Bank, commission, etc., and profit or loss upon the realization of temporary investment should, however, be inserted in the accounts of realizations or disbursements, as the case may be. Each receipt and payment must be entered in the account in such a manner as sufficiently to explain its nature. The receipts and payments must severally be added up at the foot of each sheet, and the totals carried forward from one account to another without any intermediate balance, so that the gross total shall represent the total amount received and paid by the Liquidator respectively.

2. When the Liquidator carried on a business, a trading account must be forwarded as a distinct account,

and the totals of receipts and payments on the trading account must alone be set out in the statement.

3. When dividends or instalments of compositions are paid to creditors, or a return of surplus assets is made to contributories, the total amount of each dividend, or instalment of composition, or return to contributories, actually paid, must be entered in the statement of disbursements as one sum; and the Liquidator must forward separate accounts showing in lists the amount of the claim of each creditor, and the amount of dividend or composition payable to each creditor and of surplus assets payable to each contributory distinguishing in each list the dividends or instalments of composition and shares of surplus assets actually paid and those remaining unclaimed.

4. When unclaimed dividend, instalments of composition, or return of surplus assets are paid into the Company's liquidation account, the total amount so paid in should be entered into the statement of disbursements as one sum .

5. Credit should not be taken in the statement of disbursements for any accounts in respect of the Liquidator's remuneration unless it has been duly allowed by resolution of the Company in general meeting, or by order of Court.

#### Liquidator's Statement of Account

*(Pursuant to section—of the Indian Companies Act, 1913).*

Name of Company.

Nature of proceedings (whether wound up by the Court, or under the supervision of the Court, or voluntarily).

Date of commencement of winding up.

Date to which statement is brought down.

Name and address of Liquidator.

This statement is required in duplicate.

---

LIQUIDATOR'S STATEMENT OF ACCOUNT  
PURSUANT TO SECTION OF THE INDIAN  
COMPANIES ACT, 1913

Date	REALIZATIONS		Amount
	Of whom received	Nature or assets realized	
		<i>Brought forward</i> ..	Rs. N.P.
		<i>Carried over</i> ..	
Date	DISBURSEMENTS		Amount
	To whom paid	Name of disbursements	
		<i>Brought forward</i> ..	Rs. N.P.
		<i>Carried forward</i> ..	

Note.- No balance should be shown on this account, but only the total realizations and disbursements which should be carried forward to the next account.

<i>Analysis of Balance</i>				<i>Analysis</i>	
				<i>Rs. n..P.</i>	
Total realizations	..	..	..	..	..
Total disbursements	..	..	..	..	
	Balance		..		
The balance is made up as follows:-					
1. Cash in hands of Liquidator				..	
2. Total payments into Bank, including balance at date of commencement of winding up (as per bank book)				..	
Total withdrawals from Bank				..	
Balance at Bank				..	

<i>Analysis of Balance</i>		<i>Analysis Rs. n.P.</i>
3. Amount in Company's liquidation Account.	..	..
4. Amounts invested by Liquidator less amounts realized from same		
Balance		..
Total balance as shown above	..	..

(Note.—Full details of stocks purchased for investment and of realization thereof should be given in a separate statement).

Note.—The Liquidator should also state:—

- |   |  |
|---|--|
| <p>1. The amount of the estimated assets and liabilities at the date of the commencement of the winding up.</p> | <p>Assets (after deducting amounts charged to secured creditors and debenture-holders.)</p> <p>Liabilities :-<br/>Secured creditors, Debenture-holders. Unsecured creditors. Paid-up in cash. Issued as paid-up otherwise than for cash.</p> |
| <p>2. The total amount of the capital paid up at the date of the commencement of the winding up.</p>            |  |
| <p>3. The general description and estimated value of outstanding assets (if any.)</p>                           |  |
| <p>4. The causes which delay the termination of the winding up.</p>   |  |
| <p>5. The period within which the winding up may probably be completed.</p>                                     |  |

Form No. 68

**AFFIDAVIT VERIFYING STATEMENT OF  
LIQUIDATOR'S ACCOUNT**  
(Name of Company)

I \_\_\_\_\_, of \_\_\_\_\_, the Official Liquidator of the above-named Company, make oath and say;

If no receipts or payments, strike out the words in bracket.

That (the account hereunto annexed marked, \_\_\_\_\_ contains a full and true account of any \_\_\_\_\_

receipts and payments in the winding up of the above-named Company), from the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, to the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, inclusive, and (that) I have not, nor has any other person by my order or for my use during such period, received or paid any moneys on account of the said Company (other than and except the items mentioned and specified in the said account).

I further say that the particulars given in the annexed Form \_\_\_\_\_ marked \_\_\_\_\_, with respect to the proceedings in, and position of, the liquidation are true to the best of my knowledge and belief. Sworn, at \_\_\_\_\_

The affidavit is not required in duplicate, but it must in every case be accompanied by a statement in Form in duplicate.

Form No. 69 \_\_\_\_\_ LIQUIDATOR'S TRADING  
 ACCOUNT  
 (Name of Company)  
 \_\_\_\_\_, the Liquidator of the above-named  
 Company, in account with the estate.

This account is required in duplicate in addition to Form No. \_\_\_\_\_

Dr.	Receipts				Payments				Cr.
Date					Date				

Dated \_\_\_\_\_

\_\_\_\_\_  
 Liquidator,

## LIST OF DIVIDENDS OR COMPOSITION

*(Name of Company)*

I hereby certify that a dividend (or composition) of \_\_\_\_\_ in the Rupee was declared payable on and after the \_\_\_\_\_ day of \_\_\_\_\_ 19 , and that the creditors whose names are set-forth below are entitled to the amounts set opposite their respective names and have been paid such amounts except in the cases specified as unclaimed.

Dated the \_\_\_\_\_, day of \_\_\_\_\_ 19 .

*Liquidator.*

Name	Amount of proof	AMOUNT OF DIVIDEND OR (COMPOSITION)			
		Paid		Unclaimed	
	Rs.            N.P.	Rs.            N.P.	Rs.            N.P.	Rs.            N.P.	

This list is required in duplicate.

Form No.71

LIST OF AMOUNT PAID OR PAYABLE TO  
CONTRIBUTORIES*(Name of Company)*

I hereby certify that a return of surplus assets was declared payable to contributories on and after the \_\_\_\_\_ Day of \_\_\_\_\_ 19 , at the rate of \_\_\_\_\_ per share, and that the contributories whose names are set-forth below are entitled to the amounts set opposite their respective names and have been paid such amounts except in the cases specified as unclaimed.

Date the \_\_\_\_\_ day of \_\_\_\_\_ 19 .

*Liquidator*

Name	Number of shares	AMOUNT RETURNED ON SHARES	
		Paid	Unclaimed
		Rs. N.P.	Rs. N.P.

This list is required in \_\_\_\_\_ duplicate.

Form No. 72 \_\_\_\_\_ AFFIDAVIT VERIFYING  
ACCOUNT OF UNCLAIMED  
AND UNDISTRIBUTED FUNDS.

I, \_\_\_\_\_, of \_\_\_\_\_, make oath and say that the particulars entered in the statement hereunto annexed marked A, are correct; and truly set-forth all moneys in my hands or under my control representing unclaimed or undisbursed assets of the above Company, and that the amount due by me to the Company's Liquidation Account in respect of unclaimed dividends and undistributed funds is Rs.

Sworn, etc.

*Signature*

Form No. 73 \_\_\_\_\_ DIRECTION TO OPEN  
ACCOUNT AT ANY  
SCHEDULED BANK AS DEFINED IN  
CLAUSE (E) OF SECTION 2 OF THE  
RESERVE BANK OF INDIA  
ACT, 1934.

*Heading*

To

\_\_\_\_\_  
\_\_\_\_\_  
The Agent,

Sir,

An order, dated \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_, having been made in the above matter by the Punjab High

Court at \_\_\_\_\_ for winding up of the above-named Company by the Court (or under supervision of the Court), Mr. \_\_\_\_\_ having by order, dated \_\_\_\_\_, been appointed to be Official Liquidator of the said Company, you are requested to open an account to be entitled. "The account of the Official Liquidator of \_\_\_\_\_ Company", in your books pursuant to the Indian Companies Act, VII of 1913. All cheques drawn upon such account must be signed by the Official Liquidator whose signature is attached hereto and countersigned by \_\_\_\_\_ whose signature is also attached herewith (or \_\_\_\_\_ dispensed with).

(Signature of Official Liquidator).

I am,  
Your most obedient servant,  
*Deputy Registrar.*

Form No. 74

SUMMONS FOR PERSONS TO ATTEND TO BE  
EXAMINED

*(Title)*

A.B. of &c. and R.P. of &c. are hereby severally summoned to attend at \_\_\_\_\_ on \_\_\_\_\_ day of 19\_\_\_\_, at \_\_\_\_\_ o'clock to be examined on the part of the Official Liquidator (or of W. D. of & C.) for the purpose of proceedings directed by the Hon'ble Mr. Justice \_\_\_\_\_ (or by the Court) to be taken before me in the above matter (and the said A. B. is hereby required to bring with him and produce at the time and place aforesaid, a certain indenture (describe documents) and all other books, papers, deeds, writings and other documents in his custody or power in anywise relating to the above-named Company.

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

*Judge*

This summons was taken out by Messrs. G. and D. of Advocate or Pleader for the Official Liquidator (or for the said W.D.).

Form No. 75

ORDER DIRECTING PUBLIC EXAMINATION

(Title)

Upon reading the application, dated \_\_\_\_\_ together with affidavit of the Official Liquidator (or creditor or contributory) in the above matter, dated respectively, the day of 19 ,the day of 19 , and , it is ordered that the several persons whose names and addresses are set-forth in the schedule hereto do attend before the Court on a day and at a place to be named for the purpose, and be publicly examined as to the promotion or formation of the Company and as to their conduct of the business of the company, and as to the conduct and dealings as directors or officers of the Company.

The Schedule referred to

Name	Address	Connection with the Company

Form No. 76

ORDER APPOINTING A TIME FOR PUBLIC EXAMINATION.

(Title)

Upon the application of the Official Liquidator in the above matter, it is ordered that the public examination of \_\_\_\_\_, who, by the order of the Court, dated the day of 19 , was directed to attend before \_\_\_\_\_ to be publicly

examined, be held at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_ . And it is ordered that the above-named do attend at the place and time above-mentioned.

*Note.*—It is also ordered that if you, the above-named fail, without reasonable excuse to attend at the time and place aforesaid, you will be liable to be committed to prison without further notice

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_ .

*Deputy Registrar.*

Form No. 77

NOTICE TO ATTEND PUBLIC EXAMINATION

*(Title)*

WHEREAS by an order of this Court, made on the day of \_\_\_\_\_ 19 \_\_\_\_ , it was ordered that you, the under-mentioned \_\_\_\_\_ , should attend before the

Court on a day and a place to be named for the purpose, and be publicly examined as to the promotion or formation of the Company, and as to the conduct of the Company and as to your conduct and dealings as

(a) \_\_\_\_\_ AND WHEREAS THE day of \_\_\_\_\_ 19 \_\_\_\_ at \_\_\_\_\_ o'clock in the noon before the sitting at

has been appointed as the time and place for holding the said examination:

NOTICE is hereby given that you are required to attend at the said time and place, and, at any adjournments of the examination which may be ordered, and to bring with you and produce all books, papers, and writings and other documents in your custody in any way relating to the above-named Company.

AND TAKE NOTICE that, if you fail without reasonable excuse, to attend at said time and place, and at the adjournments of the said public examination which may be ordered, you will be liable to be committed to prison without further notice.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_ .

*Deputy Registrar, or  
Official Liquidator.*

Form No. 78

ADVERTISEMENT OF DAY, TIME AND PLACE FOR  
PUBLIC EXAMINATION OF DIRECTORS AND  
OFFICERS OF THE COMPANY

(Title)

To

All concerned.

Notice is hereby given that the      day of  
19      , at      o'clock in the      noon  
at      has been appointed for holding the public  
examination of      , Director, or Officer of the  
above-named Company, . All persons interested are entitled  
to attend at such day, hour and place and to take part in  
the examination of the aforesaid Director or Officer of the  
Company.

Dated this      day of      19      .

*Official Liquidator,  
or  
Deputy Registrar.*

\_\_\_\_\_  
Form No. 79

WARRANT AGAINST PERSON WHO FAILS TO  
ATTEND EXAMINATION

(Title)

To

The Bailiff of this Court and to the Superintendent  
of the Jail, at \_\_\_\_\_.

WHEREAS by evidence taken upon oath, it has been  
made to appear to the satisfaction of the Court that by  
order of the Court, dated the      day of  
19      , and directed to (name of person required to attend)  
he was directed TO ATTEND PERSONALLY AT  
AND BE EXAMINED BEFORE the Hon'ble  
which order was afterwards.

as hath been duly stated on oath, duly served upon the said (name of required to attend), has absconded and gone abroad (or quit his place of residence) with a view to avoiding examination under the Companies Act (VII of 1913).

AND WHEREAS the \_\_\_\_\_ (name of the person required to attend) did without good cause fail to attend on the said day of 19\_\_\_\_, for the purpose of being examined, according to the requirements of the said order of this court made on the \_\_\_\_\_ day of 19\_\_\_\_, directing him so to attend.

THESE ARE THEREFORE TO REQUIRE YOU the said Bailiff, to take the said \_\_\_\_\_ (name of person required to attend) and to deliver him to the Superintendent to receive the said (name of person to attend) and to keep him safely in the said prison until such time as this Court may order.

Given under my hand and seal of the Punjab High Court at \_\_\_\_\_, this day of \_\_\_\_\_ 19\_\_\_\_.

*Deputy Registrar.*

\_\_\_\_\_  
Form No. 80

ADVERTISEMENT AS TO DECLARATION OF  
DIVIDEND

*(Title)*

Notice is hereby given that a first (or, as the case may be) dividend of \_\_\_\_\_ in the rupee has been declared that the same will be payable on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, at the office of the Official Liquidator (give full address).

Every person entitled to participate in this dividend will receive notice to that effect and no payment will be made except upon production of such notice.

Dated this \_\_\_\_\_ day of 19\_\_\_\_.

\_\_\_\_\_  
*Official Liquidator,*

Form No. 81  
NOTICE OF DIVIDEND  
(Title)

Dividend of \_\_\_\_\_ in the Rupee

(Address)

(Date)

Notice is hereby given that a first (or as the case may be) dividend of \_\_\_\_\_ in the rupee has been declared, and that the same will be payable at my office as above, on the day of \_\_\_\_\_ 19\_\_\_\_, or on any subsequent day between the hours of \_\_\_\_\_ and \_\_\_\_\_

Upon applying for payment THIS NOTICE MUST BE PRODUCED, together with bills of exchange, promissory notes or other negotiable securities held by you. If you desire the dividend to be paid to some other person, you may sign and lodge with the Liquidator an authority in the prescribed Form No. \_\_\_\_\_. If you do not attend personally you must fill up and sign the adjoined Forms of Receipts and Authority.

*Official Liquidator.*

To \_\_\_\_\_

Note.—The receipt and authority should, in the case of a firm, be signed in the firm's name.

RECEIPT

(Title)

(Address)

(Date)

Received from the Official Liquidator the sum of Rs. \_\_\_\_\_, being the amount payable to me (us) in respect of the dividend of \_\_\_\_\_ in the rupee.

Rs. \_\_\_\_\_

*Payee's Signature.*

AUTHORITY FOR DELIVERY  
(Title)

(Address)  
(Date)

Sir

, At my/our risk and expense please deliver to me/us by post or to the bearer the cheque or order for the dividend payable to me/us in this matter or send by money order the dividend payable to me/us in this matter.

To

*Payee's Signature.*

The Official Liquidator

Form No. 82

AUTHORITY TO LIQUIDATOR TO PAY DIVIDENDS  
TO ANOTHER PERSON  
(Title)

(Address)  
(Date)

To

The Official Liquidator.

SIR,

I (we) hereby authorise you to pay the dividend referred to in the enclosed notice (Notice, of dividend) to of (a specimen of whose signature is given below) whose receipt shall be sufficient discharge.

*Signature (b)*

Witness

Address

Occupation

Specimen of signature of person appointed as above.

Witness

Address

Occupation.

Note.—(b) If signed by a firm, sign the Firm's name and add by H.B.A. partner in the said firm.

Form No. 83  
 SCHEDULE OR LIST OF CONTRIBUTORIES TO WHOM A RETURN IS TO BE PAID  
 (Title)

No. in settled list.	
Name of contributory as in settled list	
Address	
No. of shares held as per settled list	
Total called-up value	
Total paid-up value	
Arrears of calls at date of return	
Previous returns of capital appropriated by Liquidator for arrears of calls	
Amount of return payable at per share	
Net return payable	
Date and particulars of transfer of interest or variation in list	
REMARKS	

Form No. 84  
NOTICE OF RETURN TO CONTRIBUTORIES  
(Title)

Return of Rs. \_\_\_\_\_ per share.  
(Address)  
(Date)

NOTICE is hereby given that a first (or as the case may be) return of Rs. \_\_\_\_\_ per share has been declared, and that the same will be payable at my office, as above on the \_\_\_\_\_ day of \_\_\_\_\_ 19, or on any subsequent day between the hours of \_\_\_\_\_ M. and \_\_\_\_\_ M.

Upon applying for payment THIS NOTICE MUST BE PRODUCED together with share certificate (s). If you do not attend personally you must forward the share certificate and fill up and sign the subjoined Forms of Receipt and Authority.

*Official Liquidator.*

NOTE—The receipt should be signed by the contributory personally or in the case of joint contributories, by each.

RECEIPT  
(Title)

(Address)  
(Date)

No.

Received from the Official Liquidator the sum of Rupees \_\_\_\_\_ being the amount payable to me (us) in respect of \_\_\_\_\_ the return of \_\_\_\_\_ per share held by me (us).

*Signature(s).*

Rs. \_\_\_\_\_

AUTHORITY FOR DELIVERY

(Address)  
(Date)

SIR,

Please deliver to bearer post, at my/our risk) the return of Rs. \_\_\_\_\_ to me/us.

(or me/us by payable

*Signature(s).*

To

The Official Liquidator.

## Form No. 85

AFFIDAVIT OF LIQUIDATOR AS TO PROPOSED  
COMPROMISE WITH A CONTRIBUTORY*(Title)*

I, \_\_\_\_\_, of \_\_\_\_\_, the Official Liquidator of the above-named Company make oath (or solemnly affirm) and say :

1. That \_\_\_\_\_ has been settled on the list of contributories of the above-named Company in respect of \_\_\_\_\_ shares therein and by an order in these matters dated \_\_\_\_\_ a call of Rs. \_\_\_\_\_ per share has been made on him in respect thereof amounting to Rs. \_\_\_\_\_.

2. That the said \_\_\_\_\_ has applied to me to accept a compromise of Rs. \_\_\_\_\_ to be paid as follows in full discharge of his liability in respect of the said sum of Rs. \_\_\_\_\_.

3. I have investigated the affairs of the said \_\_\_\_\_ who has made an affidavit to his means filed the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, and as a result of such investigation it appears that the said \_\_\_\_\_ cannot pay the said sum of Rs. \_\_\_\_\_ and I believe I shall not be able to obtain from his estate as much as I shall by the said compromise. I believe it will be beneficial to the said Company that the said compromise shall be accepted.

Sworn (or solemnly affirmed).

Official *Liquidator*.

## Form No. 86

## NOTICE TO ALL CREDITORS AND SHAREHOLDERS

In the matter of the winding up \_\_\_\_\_ Company,

Ltd.

(In Liquidation)

To

(1) All Creditors.

(2) All Share-holders.

NOTICE is hereby given that by an order, dated

\_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, the Hon'ble \_\_\_\_\_ has directed meeting of creditors and contributories of the

above-named Company for the purpose of considering and if thought fit, approving of, with or without modifications the scheme of arrangement

(1) Which has been circulated and of which copies may be obtained on application from the under-mentioned Official Liquidators.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(2) a copy whereof is enclosed herewith.

The meetings will be held on \_\_\_\_\_ day of 19\_\_\_\_, at \_\_\_\_\_ at \_\_\_\_\_ o'clock for creditors and at \_\_\_\_\_ o'clock the same day for contributories, at respective place and time; the creditors and contributories of the above-named Company are requested to attend or may do so by executing and depositing with the Official Liquidator at \_\_\_\_\_ not later than 48 hours the time appointed for the meetings, i.e., by (day) the form of proxy.

(1) Which has been approved of and circulated. \_\_\_\_\_

(2) Sent herewith.

provided that such proxy may be held only by persons who are themselves entitled to vote at the meeting also in their own right.

The Court has appointed Mr. \_\_\_\_\_ and failing him Mr. \_\_\_\_\_ to act as Chairman of the creditors' meeting and Mr. \_\_\_\_\_ failing him Mr. \_\_\_\_\_ to act as Chairman of the contributories' meeting.

The above scheme will be subject to the approval of the Court.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

*Official Liquidator.*

\_\_\_\_\_

Form No. 87

## APPEARANCE BOOK

(Title)

Date when appearance entered	Party's name	Whether creditor or contributory	If he appears in person his address for service	If he appears by an advocate or pleader his advocate's or pleader's name	Advocate's or pleader's address	Amount of debt or number of shares.

Form No. 88

IN THE PUNJAB HIGH COURT AT \_\_\_\_\_  
LIQUIDATION CASE No.

Re :

*versus*

Application under section 186 of the Indian Companies Act, VII of 1913, for recovery of Rs. \_\_\_\_\_ with interest and costs.

Petition presented on \_\_\_\_\_.

*Order*

Upon the application of the Official Liquidator of the above-named company and upon hearing for the petitioner and \_\_\_\_\_ for the respondent, it is ordered under section 186 of the Act, that the above-named \_\_\_\_\_ do pay to the Official Liquidator of

the said Company the sum of Rs. \_\_\_\_\_ due from him \_\_\_\_\_ on the basis of a pronote for Rs. dated \_\_\_\_\_ with costs and Rs. \_\_\_\_\_ as interest and further interest at \_\_\_\_\_ p.a. from \_\_\_\_\_ till the date of realization on the balance remaining unpaid from time to time.

This payment order may be enforced as a decree under the provision of section 199, 200 and 201 of the Act.

Dated :

*Judge*

\_\_\_\_\_  
Form No. 89

CERTIFICATE OF THE COMPANY BEING  
COMPLETELY WOUND UP AND OF THE  
OFFICIAL LIQUIDATOR HAVING PASSED  
HIS FINAL ACCOUNT

*(Title)*

I hereby certify that R. P. H., the Official Liquidator of the above named Company, has passed his final account as such Official Liquidator, and that the balance of Rs. \_\_\_\_\_ thereby certified to be due to (or from) said Official Liquidator, has been paid in the manner directed by the order, dated the \_\_\_\_\_ day of 19\_\_\_\_, and that the affairs of the Company have been completely wound up.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.  
*Judge*

\_\_\_\_\_  
Form No. 90

ORDER TO DISSOLVE THE COMPANY

*(Title)*

Upon the application of the Official Liauidator of the above named Company, and upon reading an order, dated

the \_\_\_\_\_ day of \_\_\_\_\_ 19 , and the certificate, dated the \_\_\_\_\_ day of 19 , whereby it appears that the affairs of the said Company have been completely wound up, and that the balance of Rs. \_\_\_\_\_ due from (or to) the Official Liquidator has been paid in the manner directed by the said order it is ordered that the said \_\_\_\_\_ Company be dissolved as from this day of 19 , and that the recognizance, dated the day of 19 , entered into by the said Official Liquidator, together with W. B. and T. P. his sureties be vacated.

*Judge*

Form No. 91

PETITION FOR REDUCTION OF CAPITAL

*(Title)*

The humble petition of \_\_\_\_\_ Limited and Reduced.

*Showeth-*

1. Your petitioner the above-named Company (hereinafter called "the company") was incorporated on the day of 19 , under the provisions of the Indian Companies Act, as a company limited by shares.

2. The registered office of the Company is situated at (state full address).

3. The objects of the Company are as follows : —(state principal objects according to Memorandum of Association) and other objects set forth in the Memorandum of Association thereof.

4. The nominal capital of the Company is Rs. \_\_\_\_\_ divided into \_\_\_\_\_ of which \_\_\_\_\_ have been issued and are fully paid up or credited as fully paid up.

5. Shortly after its incorporation, the Company commenced to carry on and it has since been and still is carrying on business.

6. By article (s) \_\_\_\_\_ of the Articles of Association of the Company, it is provided that the Company may (set out Article or Articles of Association authorising a reduction of capital).

7. (Set out the reasons for reduction stating all material facts and circumstances).

8. Under the provisions of section 55 of the Indian Companies Act, 1913, and in pursuance of the powers in that behalf contained in the said Articles of Association the Company by special Resolution of its shareholders duly passed at Extraordinary General Meeting duly convened and held on the \_\_\_\_\_ day of 19\_\_\_\_, resolved:—

(Set out the special resolution for reduction of capital).

9. \*The reduction of capital does not involve either diminution of liability in respect of unpaid capital or the payment to any share holder of any paid-up capital and in consequence no creditor is entitled to object to the reduction under the provisions of section 58 of the said Act.

\*Omit if creditors are entitled to object to the reduction.

10. (If the petition asks that the use of the words "and reduced" be dispensed with, here state reasons).

11. The form of minute proposed to be registered under the provisions of section 61 of the said Act is as follows —

(Set out proposed Minute of Reduction).

Your petitioner, therefore, humbly pray-

†(1) That the reduction of capital to be effected by the Special Resolution set out in paragraph 8 hereof be confirmed and that the minute set forth in paragraph 11 hereof be approved by the Court.

Omit or alter paragraphs(2) and (3) according to circumstances

(2) That the addition of the words "and reduce" to the Company's name be dispensed with.

(3) That the obtaining of the Certificate provided for by Rule 180 of the Rules of this Hon'ble Court may be

dispensed with and that in accordance with Rule 169 of the said Rules a day may be fixed for the hearing of this petition and directions given as to the advertisements to be published.

(4) That such other order may be made/passed in the premises as the Court shall think fit.

*Petitioners.*

VERIFICATION

I \_\_\_\_\_, of \_\_\_\_\_, make oath (or solemnly affirm) and say as follows :—

(1) That I am a (director) of the petitioner Company and as such I am fully acquainted with the affairs of the said Company.

(2) That the facts stated in the foregoing petition are true to my knowledge.

Sworn (or solemnly affirmed), etc.

Form No. 92

ADVERTISEMENT OF PRESENTATION OF PETITION  
(Title)

Notice is hereby given that a petition has been presented to the above-named Court for an order confirming the reduction of the share capital of the above-named Company from Rs. \_\_\_\_\_ to Rs. \_\_\_\_\_ resolved on by the special resolution passed at extraordinary general meeting of the said Company, held, on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_ .

The said petition is directed to be heard by the said Court at the Court House, at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_ .

*Attorney(s) for the Company.*

\_\_\_\_\_

Form No. 93  
ORDER WHERE CREDITORS ARE ENTITLED TO  
OBJECT

*(Title)*

Upon the application by summons, dated 19 of  
Limited, and reduced, and upon hearing  
for the Company and upon reading the petition presented  
to this Court on the day of 19, and the  
affidavit in verification thereof, it is ordered that an enquiry  
be made as to what are the debts, claims and liabilities of  
or affecting the said Company as on the day of  
19  
, and it is further ordered that a list of creditors of the said  
Company be made out as at the said day of 19,  
and that such list shall (not) disclose the amounts due to  
the creditors respectively and that such list be filed by the  
said Company in this Court on or before the day of  
19, and that a copy of such lists shall be kept at the  
registered office of the said Company and at the office of its  
attorney; and that notice of the said application shall be  
sent to each creditor on or before the day of 19,  
and that such notice in the cases of those creditors whose  
addresses are not within British India shall be given by  
(registered post or advertisement) and that such notices in  
the cases of those creditors whose addresses are not  
known to the said Company shall be given by  
advertisements to be published in [newspaper (s)]; and  
that any creditor whose name does not appear in such list  
or who claims to be a creditor for a larger amount than  
that stated in the said list shall give notice thereof in  
manner prescribed in Rule 174, and send his name and  
address and particulars of his debt or claim and the name  
and address of his attorney if any to the attorney of the  
said Company within 14 days (or such period as the judge  
may direct) from the date of the said notice; and that notice  
of the filing of the said list shall be advertised by the said  
Company in (newspaper) (or as the judge may direct); and  
that the said Company shall on or before the day of  
19, file an affidavit verifying such list of creditors, if any  
as may have given such notice (or, made such claim as  
aforesaid)

distinguishing which, if any, of such claims are wholly or as to any and what part thereof admitted by the said Company and which, if any, of such claims are wholly or at/to any and what part thereof disputed by the said Company.

Dated

*Judge*

Form No. 94 \_\_\_\_\_

AFFIDAVIT IN VERIFICATION ON  
LIST OF CREDITORS

*(Title)*

I, \_\_\_\_\_, of \_\_\_\_\_,  
make oath (or solemnly affirm) and say as follows :—

1. I am a (director) of the Company above-named, and duly authorised to make this affidavit.

2. The schedule hereto annexed is a list containing the names of the creditors of, and persons having claims upon the said Company on the (a) day of 19\_\_\_\_, together with their respective addresses, and stating the nature and amount of the debts or claims due to or had by them respectively and such list is, to the best of my knowledge, information and belief, a complete, true and accurate list of such creditors and persons, and in the cases of debts payable on a contingency or not ascertained, and of claims admissible to proof in a winding up of the said Company, the values thereof as stated in such list, are, in my belief, just estimates of the values of such debts and claims, respectively.

3. To the best of my knowledge, information and belief, there was not, at the date aforesaid, any debt, claim or liability which, if such date were the commencement of the winding up of the said company, would be admissible in proof against the said Company other than and except the debts and claims set forth in the said list. I make this statement upon facts within my knowledge as

such (director) of the said Company, and upon information derived by me from my investigation of the affairs and the books, documents and papers of the said Company.

Sworn (solemnly affirmed).

SCHEDULE

(1) Ascertained Debts and Liquidated Claims.

Names, addresses and descriptions of the creditors of claimants	Nature of debt or claim	Amount of debt or claim
1	2	3

(2) (a) Debts payable on a contingency, or not ascertained.

(b) Claims not liquidated, but admissible to proof in a winding up of the Company.

Names, addresses and descriptions of the creditors of claimants	Nature of debt or claim	Amount of debt or claim
1	2	3

(Signature of deponent)

**Form No. 95**

NOTICE TO CREDITORS

(Title)

Notice is hereby given that a petition has been presented to the above-named Court praying for an order

confirming the reduction of the share capital of named Company from Rs.        to Rs.        resolved on by the special resolution passed and confirmed at extraordinary general meeting of the said company held respectively, on the        day of        19        and the        day        of        19        .

Take notice that your name has been entered in the list of creditors of the said Company as a creditor (or, as claiming to be a creditor) of the said Company for the sum (or, for the estimated sum) of Rs.        in respect of (here state nature of debts or claims as in list of creditors).

If you claim to be a creditor for a large amount than the said sum, you must within 14 days (or, as the Judge may allow) from the date of this notice send to the undersigned particulars of your debt or claim, together with your name and address, as also the name and address of your attorney, if any.

Dated        19        .        *Attorney for the Company.*

Form No. 96

ADVERTISEMENT OF LIST OF CREDITORS

*(Title)*

Notice is hereby given that a list of the creditors of the above-named Company has been filed in Court.

Any person may, upon payment of the sum of Re. 1, inspect a copy of such list during the usual hours of business, either at the registered office of the above-named Company, at No.        or at the office of the undersigned.

Dated        *Attorney for the Company.*

## Form No. 97

AFFIDAVIT IN VERIFICATION OF LIST OF  
CREDITORS*(Title)*

We, \_\_\_\_\_ of \_\_\_\_\_ and \_\_\_\_\_ of \_\_\_\_\_  
make oath (or, solemnly affirm) and say as follows :—

1. I, the said \_\_\_\_\_, make oath (or solemnly affirm) and say as follows :—

I am the attorney (or a partner, or an assistant of Messrs \_\_\_\_\_, the attorneys) of the Company above-named. The annexure hereto marked "A" is a list containing the names and addresses of all persons who have sent in particulars of their debts or claims in pursuance of notice given in accordance with Rule 174 and the amounts of such debts or claims (or, no creditor has sent in particulars of any debts or claim in pursuance of notice given in accordance with Rule 174).

2. And I, the said \_\_\_\_\_, make oath (or solemnly affirm) and say as follows :—

I am a (director) of the Company above-named. Notice complying in all respects with the requirements of Rule 174 has been duly given to all the creditors whose names are entered in the list of creditors of the Company above-named filed in Court.

In the cases of notices sent by prepaid letter post, such notices were despatched by posting the same at the post office at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, before the hour of \_\_\_\_\_.

In the cases of notices directed by the Court to be given otherwise than by sending the same by post, such notices were given in the manner directed, namely :—

(Here state particulars. If by advertisement, state names of publications and dates thereof).

In the said annexure "A", I have truly stated the particulars required by Rule 177 in respect of each of the debts or claims therein mentioned.

Sworn (or solemnly affirmed), etc.

\_\_\_\_\_  
Form No. 98

NOTICE TO CREDITORS TO PROVE DEBT  
(Title)

Notice to

Place and date.

Sir

,

You are hereby required to prove (such part of) the debt claimed by you against the above-named Company (as is not admitted by the Company) by filing your affidavit and giving notice thereof to \_\_\_\_\_ of \_\_\_\_\_ the attorney of the Company on or before the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_, the day appointed for adjudication and you are to attend in person or by your attorney at the Court house, Chandigarh on the said date being the date appointed for hearing and adjudicating upon the claim and to produce any documents or securities relating thereto.

In default of compliance with the above directions, you will be precluded from objecting to the proposed reduction of the capital of the Company (or, in all proceedings relative to the proposed reduction of the capital of the Company be treated as a creditor for such amount only as is set against your name in the list of creditors).

\_\_\_\_\_  
*Attorney for the said Company.*

## Form No. 99

## AFFIDAVIT OF CREDITOR IN PROOF OF DEBT

*(Title)*

I, \_\_\_\_\_ of \_\_\_\_\_  
make oath (or solemnly affirm) and say as follows :—

1. (If not made by the creditor personally, the deponent must state his authority for making the affidavit and his means of knowledge).

2. The above-named Company is justly and truly indebted to me (or the said \_\_\_\_\_) in the sum of Rs. \_\_\_\_\_ for, etc. (describe shortly the nature of the debt and exhibit any security for it and in the case of a trade debt, exhibit vouchers).

3. I have not, nor has, nor have, any person or persons by my order or to my knowledge or belief for my use received the said sum of Rs. \_\_\_\_\_ or any part thereof or any security or satisfaction for the same or any part thereof (except the said security hereinbefore referred to)\*.

\*This paragraph to be adapted in the case of a person other than the creditor being the deponent..

Sworn (or solemnly affirmed). etc.

Form No. 100

NOTICE OF THE DAY APPOINTED TO HEAR THE  
PETITION FOR REDUCTION OF CAPITAL

*(Title)*

Notice is hereby given that a petition presented to the said Court on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, for an order confirming the reduction of the capital of the

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Company from Rs.                      to Rs.  
heard by the said Court on the  
19     .

is directed to be  
day of

*Attorney for the Company.*

*(High Court Notification No. 55-R, dated the 14th March,  
1946).*