

**COMPANIES (APPEALS TO THE CENTRAL GOVERNMENT)
RULES, 1957**

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**COMPANIES (APPEALS TO THE CENTRAL GOVERNMENT)
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S.R.O. 1380, dated 27-4-1957.1-In exercise of the powers conferred by Cl. (b) of sub-section (1) of Sec. 642 of the Companies Act, 1956 (1 of 1956), the Central Government hereby makes the following rules, namely :-

1. 1 :-

These Rules may be called the companies (appeals to the Central Government) Rules, 1957.

2. 2 :-

In these Rules, 'Act' means the Companies Act, 1956 (1 of 1956).

3. 3 :-

Every appeal to the Central Government under sub-section (3) of Section 111 of the Act shall be by a petition in writing and shall specify.

(a) the full name and address of the appellant;

(b) the full name and address of the company against which the appeal has been presented;

(c) the numbers of share certificate and debentures;

(d) the date of application for transfer of shares or the date of application for transmission of the right to any shares or interest in

debentures of the company, as the case may be, together with the date on which the instrument of transfer or the intimation of such transmission, as the case may be, was delivered to the company;

(e) the date of refusal of the company as well as the date of receipt of notice of refusal;

(f) whether the share certificates, together with the transfer form duly executed both by the transferor as well as the transferee were lodged with the company;

(g) the grounds of appeal, which shall be precise and specific; and

(h) the reliefs sought.

4. 4 :-

Every memorandum of appeal shall be accompanied by an affidavit and documentary evidence, if any, in support of the statements made therein, including a copy of the letter written by the appellant to the company for the purpose of registering the transfer of, or the transmission of the right to, any shares or interest in, or debentures as also a copy of the letter of refusal of the company.

4A. 4A :-

(a) Every memorandum of appeal shall be accompanied by a fee as specified in the Table below :- Where the nominal value of the shares involved in the transfer or transmission-

(b) The fee referred to in Cl. (a) shall be paid into a Government Treasury for credit under the Head ¹ [104-Other General Economic Services-Joint Stock: Companies-Fees realised by the Central Government on applications made to it under the Companies Act, 1956] and the relevant treasury receipt or challan shall be attached to the memorandum of appeal].

1. Subs. by G.S.R. No. 2598, dated 25th October, 1975.

5. 5 :-

On the appeal being admitted, notice thereof shall be served by registered post acknowledgement due on the company and the transferor or the person giving intimation of the transmission, in the Form appended to these Rules.

6. 6 :-

The Central Government may, before considering the appeal, require the appellant or the company against which the appeal has

been presented, to produce within a specified period such further documentary or other evidence as it considers necessary.

7. 7 :-

Parties concerned shall within such time as may, in the opinion of the Central Government, be reasonable in the circumstances, make their representations, if any, in writing, accompanied by affidavits and documentary evidence, if any, in support.

8. 8 :-

The Central Government shall, after considering the representations made to it Under Rule 7, and making such further inquiry as it considers necessary, pass such orders as it thinks fit under subsection (5) of Section 111 of the Act and communicate the said order to the parties concerned and the Registrar.