

Company Law Regulations, 1991	National Company Law Tribunal Rules, 2016
<p>Regulation 18. Documents to accompany the petition</p> <p>Documents to accompany the petition- (1) A petition shall be accompanied by documents as prescribed in Annexure III and shall be accompanied by an index of documents, brief of synopsis within two pages and date of events within two pages. (No. 10/36/2001-CLB dated 25.09.2013).</p> <p>(2) Documents referred to in sub-regulation (1) may be attested by the party or the authorized representative or the advocate and the documents shall be marked serially as Annexures A1, A2, A3 and so on.</p> <p>(3) Where the petition is filed by the authorized representative, memorandum of appearance shall be appended to the petition as in Form No. 5 in Annexure II.</p> <p>Provided that where the petition is filed by an advocate, it shall be accompanied by a duly executed Vakalatnama.</p> <p>Annexure III</p> <p>27. Petition to exercise powers in connection with prevention of oppression and/ or mismanagement:</p> <ol style="list-style-type: none"> 1. Documentary and/or other evidence in support of the statements made in the petition, as are reasonably open to the petitioner(s). 2. Documentary evidence in proof of the eligibility and status of the petitioner(s) with the voting power held by each of them. <p>3. <u>Where the petition is presented on behalf of members, the letter of consent given by them.</u></p> <ol style="list-style-type: none"> 4. Statement of particular showing names, addresses, number of shares held and whether all calls and other monies due on shares have been paid in respect of members who have given consent to the petition being presented on their behalf. 5. Where the petition is presented by member or members authorised by the Central Government under section 399(4), the order of the Central Government authorising such member or members to present the petition shall be similarly annexed to the petition. 6. Affidavit verifying the petition. 7. Bank draft evidencing payment of application fee. 8. Memorandum of appearance with copy of the Board Resolution or the executed Vakalatnama, as the case may be. 8. Three spare copies of the petition 	<p>Rule 81.</p> <p><i>Application under section 241. -</i></p> <p>(1) An Application under clause (a) or clause (b) of sub-section (1) of section 241 of the Act, shall be filed in the Form NCLT-1 and shall be accompanied with such documents as are mentioned in Annexure B.</p> <p>(2) Where an application is presented under section 241 on behalf of any members of a company entitled to apply under sub-section (1) of the said section, by any one or more of them, the <u>letter of consent signed by the rest of the members</u> so entitled authorising the applicant or the applicants to present the petition on their behalf, shall be annexed to the application, and the names and addresses of all the members on whose behalf the application is presented shall be set out in a schedule to the application, and where the company has a share capital, the application shall state whether the applicants have paid all calls and other sums due on their respective shares.</p> <p>(3) A copy of every application made under this rule shall be served on the company, other respondents and all such persons as the Tribunal may direct.</p>

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<p>Regulation 44. <i>Saving of inherent power of the Bench. –</i></p> <p>Nothing in these rules shall be deemed to limit or otherwise affect the inherent power of the Bench to make such orders as may be necessary for the ends of justice or to prevent abuse of the process of the Bench.</p>	<p>Rule 11. <i>Inherent Powers.-</i></p> <p>Nothing in these rules shall be deemed to limit or otherwise affect the inherent powers of the Tribunal to make such orders as may be necessary for meeting the ends of justice or to prevent abuse of the process of the Tribunal.</p>
<p>Regulation 48.</p> <p><i>Power to dispense with the requirement of the Regulations. –</i></p> <p>Every Bench shall have power, for reasons to be recorded in writing, to dispense with the requirements of any of these Regulations, subject to such terms and conditions as may be specified.</p>	<p>Rule 14.</p> <p><i>Power to exempt.-</i></p> <p>The Tribunal may on sufficient cause being shown, exempt the parties from compliance with any requirement of these rules and may give such directions in matters of practice and procedure, as it may consider just and expedient on the application moved in this behalf to render substantial justice.</p>
<p>Regulation 24.</p> <p><i>Power of the Bench to call for further information/ evidence.</i></p> <p>The Bench may, before passing orders on the petition, require the parties or any one or more of them, to produce such further documentary or other evidence as the Bench may consider necessary—</p> <p>(a) for the purpose of satisfying itself as to the truth of the allegations made in the petition; or</p> <p>(b) for ascertaining any information which, in the opinion of the Bench, is necessary for the purpose of enabling it to pass orders on the petition.</p>	<p>Rule 43.</p> <p><i>Power of the Bench to call for further information or evidence. –</i></p> <p>(1) The Bench may, before passing orders on the petition or application, require the parties or any one or more of them, to produce such further documentary or other evidence as it may consider necessary:- (a) for the purpose of satisfying itself as to the truth of the allegations made in the petition or application; or (b) for ascertaining any information which, in the opinion of the Bench, is necessary for the purpose of enabling it to pass orders in the petition or application. (2) Without prejudice to sub-rule (1), the Bench may, for the purpose of inquiry or investigation, as the case may be, admit such documentary and other mode of recordings in electronic form including e-mails, books of accounts, book or paper, written communications, statements, contracts, electronic certificates and such other similar mode of transactions as may legally be permitted to take into account of those as admissible as evidence under the relevant laws. (3) Where any party preferring or contesting a petition of oppression and mismanagement raises the issue of forgery or fabrication of any statutory records, then it shall be at liberty to move an appropriate application for forensic examination and the Bench hearing the matter may, for reasons to be recorded, either allow the application and send the disputed records for opinion of Central Forensic Science Laboratory at the cost of the party alleging fabrication of records, or dismiss such application</p>