

29-11-2005

COMPANY LAW SETTLEMENT SCHEME, 2010

Gist of the Scheme

1. Purpose: An opportunity is given to the default companies to enable them to make their defaults good by filing belated documents as per the scheme and to become regular compliant in future.
2. The scheme shall come in to force on 30-5-2010 and shall remain open up to 31-8-2010.
3. The scheme shall be applicable to defaulting companies provided that only defaulting private company or public companies which has not increased its paid up capital upto the threshold limit of rupees one lakh and rupees five lakhs respectively as provided in sub-section (3) and (4) of Section 3 of the Companies Act, 1956 as the case may be shall first file its documents to increase their paid up capital up to the threshold limit under the Scheme and thereafter would be allowed to file other belated documents.
4. If any company has filed appeal against the prosecution launched for the offences shall withdraw such appeal/application before making application for availing benefit under this scheme and shall submit proof thereof along with such application.
5. The company shall have to apply electronically as per format prescribed, for obtaining immunity certificate after closure of the scheme but not after the expiry of six months from the date of closure of the scheme. No fees is payable on application for obtaining immunity certificate.
6. The designated authority viz. Registrar of Companies shall consider the applications and grant immunity certificate in respect of documents filed in the Scheme upon being satisfied.
7. This scheme shall not apply to the filing of certain documents viz. 1) documents for incorporation, 2) establishment of place of business in India 3) specific order for condonation of delay or prior approval under Act is required to be obtained from CLB/C/G. or Court or any other competent authority and 3) to the companies against whom the action u/s 560 of the Act is initiated by the ROC.
8. The ROC shall withdraw the prosecution if any filed and pending against the company before the concerned Court(s) after granting immunity certificate.
9. At the conclusion of the Scheme on 31-8-2010, the ROC shall take necessary actions under the Companies Act, 1956 against the companies who have not availed the Scheme and are in default in filing documents.
