

## EASY EXIST SCHEME, 2010

### Gist of the Scheme.

1. **Purpose :** In order to give opportunity to the defunct companies for getting their names struck off from the "Register of Companies" under Section 560 of the Companies Act, 1956.
2. The scheme has come in to force w.e.f. 30-5-2010 and shall remain open up to 31-8-2010.
3. **Applicability:** (a) Any defunct company having active status on Ministry's Portal, may apply under this scheme for getting its name struck off u/s 560( of the Act.  
(b) Any defunct Govt. Company shall submit "No objection" along with the application from concerned Admn. Ministry/Department of State/Central Govt. apply under this scheme.
4. **Companies to which this scheme is not applicable. :**
  - ✓ listed companies,
  - ✓ Companies registered u/s 25 of the Act.
  - ✓ Vanishing companies
  - ✓ Companies in which inspection /investigation are carried out and pending and prosecutions are pending in Court(s).
  - ✓ Companies whose Technical scrutiny is carried out and/or information u/s 234 has been called for and matter is pending for finalization or prosecution is pending in Court(s).
  - ✓ Companies against which prosecutions for non-compoundable offence are pending in Court(s).
  - ✓ Companies accepted public deposits and such deposits are outstanding for repayment or the companies defaulted in repayment of deposit.
  - ✓ Companies having secured loans.
  - ✓ Companies having management dispute.
  - ✓ The companies in which the filing of documents is stayed by the Court or CLB or C.G. or any other competent authority.
  - ✓ Companies having dues towards income tax or sales tax or Cent. Excise or Banks and Financial Institutions or State or Cent. Govt., Departments or authorities or any local authorities..
5. **Procedure for making an application.**
  - ✓ a defunct company desirous of getting its name struck off from the Register u/s 560 of the Act, may apply under this scheme in Form EES 2010.
  - ✓ The form EES 2010 to be filed electronically,
  - ✓ In case EES 2010 form is not digitally signed by the Director/MD/Secretary, a physical copy of form shall be

signed manually and shall be attached with application form at the time of its filing electronically.

- ✓ In all the above cases, the form EES, 2010 is to be certified by a CA/CS in whole time practice/Cost Accountant.
- ✓ The Company to disclose pending litigations.
- ✓ The form to be accompanied by an affidavit which should be sworn by each of the existing directors and must be duly notarized before competent authority as per proforma prescribed. In Annexure A of Form EES-2010.
- ✓ The form shall be accompanied with an Indemnity Bond duly notarized indemnifying the dues to the others even after the company is struck off as per the proforma prescribed in Annexure B of Form ESS-2010.
- ✓ The company to file Statement of Account as on the date not prior to more than one month preceding the date of filing application in Annexure c of Form No. EES-2010.

6. Action by ROC for removal of names of defunct companies.

- ✓ The ROC on receipt of application shall examine and if found in order, shall issue notice u/s 560(3) of the Act on its e-mail address intimated in the form giving 30 days time stating that unless shown cause to the contrary, the name of the company shall be struck off from the Register and the company will be dissolved.
- ✓ --- The ROC shall put the name of applicants and date of making applications, under EE Scheme 2010 on daily basis on the MCA portal [www.mca.gov.in](http://www.mca.gov.in) giving 30 days time for raising objection if any, by the stakeholders to the concerned ROC.
- ✓ In the cases of companies like NBFC, Collective Investment Management Companies being regulated by RBI, SEBI, the ROC shall at the end of every week, after the Scheme commences, send intimation of such companies availing EES, 2010 to the concerned Regulators and also to the Income Tax authority giving 30 days time for their objection if any.
- ✓ The ROC, shall, immediate after passing of time given above, and upon being satisfied that the case is otherwise in order, shall issue notice u/s 560(5) of the Act for publication in the Official Gazette and thereafter from the date of publication of notice the applicant company under the Scheme shall stand dissolved.