



CH.MANAVENDRANATH ROY
REGISTRAR GENERAL

HYDERABAD,
Dt: 15.02.2017.

ROC.NO. 38/2017-B.SPL.

Sir / Madam,

SUB: NATIONAL COMPANY LAW APPELLATE TRIBUNAL (NCLAT) - Filling up of one post of Technical member in National Company Law Appellate Tribunal (NCLAT), New Delhi- Willingness from the eligible officers - Called for - Regarding.

REF: Letter No. A-12023/04/2013--IV, Dated: 12.01.2017, from the Under Secretary to the Government of India, Ministry of Corporate Affairs, Shastri Bhawan, New Delhi.

-oOo-

I am to state that the Registry received a letter from the Under Secretary to the Government of India, Ministry of Corporate Affairs, New Delhi, informing that applications are invited to fill up one post of Technical member in National Company Law Appellate Tribunal (NCLAT), New Delhi, to be constituted under Section 410 of the Companies Act, 2013. The letter of the Under Secretary to the Government of India, Ministry of Corporate Affairs, New Delhi, along with its enclosures were placed in the High Court's Web site i.e., <http://hc.tap.nic.in>.

I am, therefore, directed, to request you to circulate the same among the District & Sessions Judges, working in your District / Unit and the Officers eligible may download the copy of above said letter along with its enclosures from the High Court's Web Site and submit their willingness applications (in original), directly to the High Court, on or before 18.02.2017 by **SPEED POST** or any other source. Applications received after 18.02.2017 will not be forwarded.

Yours faithfully


REGISTRAR GENERAL 15/2

To

1. The Chief Judge, City Civil Court, Hyderabad.
2. The Metropolitan Sessions Judge, Hyderabad.
3. The Chief Judge, City Small Causes Court, Hyderabad.
4. **THE PRL. DISTRICT AND SESSIONS JUDGES:**
Adilabad, Anantapur, Chittoor, Cuddapah, East Godavari at Rajahmundry, Guntur, Karimnagar, Khammam, Krishna at Machilipatnam, Kurnool, Mahabubnagar, Medak at Sangareddy, Nalgonda, Nellore, Nizamabad, Prakasam at Ongole, Rangareddy District at L.B.Nagar, Srikakulam, Visakhapatnam, Vizianagaram, Warangal and West Godavari at Eluru.
5. The Central Project Co-ordinator, High Court of Judicature at Hyderabad.
(with a request to upload the letter Roc No. 38/2017, dated 15.02.2017 of the Under Secretary to the Government of India, New Delhi along with its enclosures in the High court's Official website.)

(नियोक्ता/कार्यालय प्रमुख/अग्रेषणकर्ता अधिकारी द्वारा उपलब्ध कराए जाने वाला प्रमाण पत्र)

प्रमाणित किया जाता है कि द्वारा दिए गए विवरण सही हैं तथा वे रिक्ति परिपत्र में उल्लिखित शैक्षिक योग्यता एवं अनुभव रखते करते हैं। यह भी प्रमाणित किया जाता है कि:-

- (i) श्री/श्रीमती के विरुद्ध कोई सतर्कता या अनुशासनात्मक मामला लंबित/विचाराधीन नहीं है।
- (ii) उनकी सत्यनिष्ठा प्रमाणित है।
- (iii) उनका गोपनीय प्रतिवेदन (सीआर/एपीएआर) मूल रूप में संलग्न हैं। पिछले 5 वर्षों के वार्षिक गोपनीय प्रतिवेदनों (एसीआर/एपीएआर) की भारत सरकार के अवर सचिव या उससे उच्च स्तर के अधिकारी द्वारा साक्ष्यांकित छाया प्रतियां संलग्न हैं।
- (iv) "पिछले 10 वर्षों के दौरान उन पर कोई प्रमुख/गौण शास्ति नहीं लगाई गई है।"
- (v) पिछले 10 वर्षों के दौरान उन पर लगाए गए प्रमुख/गौण शास्तियों की सूची संलग्न है।"

हस्ताक्षर

नाम और पदनाम

दूरभाष

कार्यालय मुहर

स्थान :

दिनांक :

अनुलग्नकों की सूची :

- 1.
- 2.
- 3.
- 4.
- 5.

(जो लागू न हो उसे काट दें)

	वर्तमान वेतन सहित वेतनमान	प्रतिनियु क्ति/तदर्थ आधार पर हैं			
			से	तक	
13.	(i) व्यावसायिक वृत्ति के ब्यौरे (जहां लागू हो) (ii) परिपत्र के पैरा 2 में उल्लिखित अर्हताओं के अंतर्गत योग्यता (क) अनुभव के वर्षों की संख्या, (ख) अनुभव का संबंधित क्षेत्र, (ग) ऐसे अनुभव का अवधि सहित ब्यौरे, (घ) विशेषज्ञता का क्षेत्र, यदि कोई हो। (इसके समर्थन में संबंधित दस्तावेजों और साथ ही पात्रता प्रमाणित करने वाले दस्तावेजों की साक्ष्यांकित प्रतियां संलग्न की जाएं)				
14.	कोई अन्य विशेष योग्यता अथवा अनुभव अथवा योग्यताओं में यथा विनिर्दिष्ट मामलों को डील करने के संबंधित अनुभव सहित आवेदक के प्रकाशन। (अलग शीट संलग्न करें, यदि आवश्यक हो)				
15.	पदभार ग्रहण करने हेतु अपेक्षित सूचना की अवधि				
16.	यदि उम्मीदवार सरकारी सेवा में न हो, तो दो जिम्मेदार व्यक्तियों (जो रिश्तेदार न हों) के नाम व पते				

प्रमाणित किया जाता है कि उपरोक्त सूचना मेरी जानकारी के अनुसार सही और सत्य है। चयन होने की दशा में, मैं सरकार द्वारा समय-समय पर विनिर्धारित पद से संबंधित शर्तों का पालन करूंगा।

स्थान :-

तिथि :-

(हस्ताक्षर)

नाम : _____

अनुलग्नक-1

राष्ट्रीय कंपनी विधि अपील अधिकरण (एनसीएलएटी) में तकनीकी सदस्य के पद के लिए आवेदन का फार्मेट

1.	पूरा नाम (बड़े अक्षरों में)					पासपोर्ट साईज फोटोग्राफ की सत्यापित प्रति चिपकाएं
2.	आवेदित पद का नाम					
3.	जन्म तिथि (मान्य दस्तावेज साक्ष्य संलग्न किया जाना है)					
4.	पिता का नाम					
5.	क्या अ.जा/अ.ज.जा/अ.पि.व के सदस्य हैं					
6.	(i) पत्राचार हेतु पता (ii) दूरभाष संख्या- (आवास/कार्यालय)/मोबाईल (iii) फैक्स संख्या (iv) ई-मेल आईडी (अनिवार्य)					
7.	स्थायी पता (दूरभाष/फैक्स संख्या सहित)					
8.	वर्तमान व्यवसाय/वृत्ति/नौकरी					
9.	पिछले तीन वर्षों की व्यावसायिक आय/परिलब्धियां (वर्ष-वार ब्यौरे दें)					
10.	विपरीत कालानुक्रम में शैक्षिक योग्यताएं (डिग्री/डिप्लोमा की स्वयं साक्ष्यांकित प्रतियां संलग्न करें)					
	विश्वविद्यालय/समकक्ष संस्थान का नाम	डिग्री	उत्तीर्ण करने का वर्ष	प्राप्तांकों का प्रतिशत	शैक्षिक विशेष योग्यता	विषय/ विशेषज्ञता
11.	बताएं कि पैरा 2 और पैरा 3 में उल्लिखित संबंधित योग्यता मानदंड पूरे किए गए हैं।					
12.	नीचे दिए गए प्रपत्र में विपरीत कालानुक्रम में वर्तमान और पूर्व रोजगार के ब्यौरे:					
	नियोजक का नाम और पता	धारित पद और	क्या नियमित/	कार्यकाल की अवधि	कार्य की प्रकृति/अनुभव	

4. नियुक्ति की शर्तें: सदस्य 80,000/- रुपए (नियत) (पूर्व संशोधन) और यथा अनुमेय भत्ते प्राप्त करेगा। वेतनमान तथा अन्य सेवा शर्तें राष्ट्रीय कंपनी विधि अपील अधिकरण (अध्यक्ष और अन्य सदस्यों के वेतन, भत्ते और सेवा की अन्य शर्तें एवं निबंधन) नियम, 2015 के अध्यक्षीन होंगे। सेवा की नियमों की एक प्रति कारपोरेट कार्य मंत्रालय की वेबसाइट पर भी दर्शाई गई है।
5. प्रत्येक सदस्य अपना कार्यभार संभालने की तारीख से पांच वर्ष की अवधि के लिए पद पर बना रहेगा, परंतु वह अतिरिक्त पांच वर्ष की अवधि के लिए पुनर्नियुक्ति का पात्र होगा। तथापि नियुक्ति का कार्यकाल 67 वर्ष की अधिकतम आयु सीमा के अध्यक्षीन है।
6. चयनित व्यक्तियों को कार्यभार ग्रहण करने से पूर्व एक चिकित्सा योग्यता प्रमाणपत्र प्रस्तुत करना होगा।
7. पहले से ही सरकारी सेवा वाले व्यक्तियों के आवेदन पत्र उचित माध्यम से अग्रेषित किए जाने चाहिए। अग्रेषण प्राधिकारी को यह भी प्रमाणित (अनुलग्नक II में दिए गए प्रपत्र में) करना होगा कि आवेदन पत्र में दी प्रविष्टियों का सत्यापन अभिलेखों से कर लिया गया है तथा इन्हें सही पाया गया है और अधिकारी के विरुद्ध कोई अनुशासनात्मक/सतर्कता कार्यवाहियां न तो लंबित हैं अथवा न ही करने का विचार है एवं पिछले 10 वर्षों के दौरान इस अधिकारी पर कोई बड़ी/छोटी शास्ति नहीं लगाई गई है। अग्रेषण अधिकारी को आवेदक के पिछले 5 वर्षों के अद्यतन गोपनीय रिपोर्ट डोजियर भी संलग्न करने होंगे। यदि चयनित व्यक्ति पहले से ही सरकारी सेवा में हो तो वह अपने मूल संवर्ग या मंत्रालय या विभाग, जैसा भी मामला हो, में धारणाधिकार रख सकता है जिसकी अवधि एक वर्ष से अधिक नहीं होगी।
8. अनुलग्नक-1 में दिए गए प्रपत्र में विधिवत रूप से पूर्ण आवेदन-पत्र श्री नवनीत चौहान, निदेशक, कारपोरेट कार्य मंत्रालय, कमरा सं. 530, 'ए' विंग, 5वां तल, शास्त्री भवन, नई दिल्ली-110001 को 23 फरवरी, 2017 तक मिल जाने चाहिए। आवेदनपत्र मंत्रालय की वेबसाइट www.mca.gov.in तथा कार्मिक एवं प्रशिक्षण विभाग की वेबसाइट www.persmin.nic.in से भी डाउनलोड किए जा सकते हैं।

भवदीय,

राकेश

(राकेश कुमार)

अवर सचिव, भारत सरकार

दूरभाष-2338 7939

प्रतिलिपि:

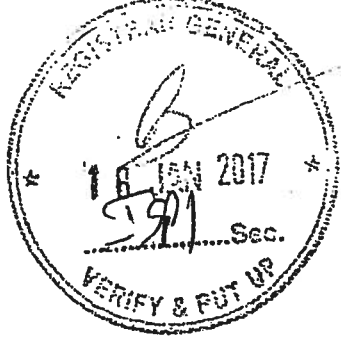
1. कारपोरेट कार्य मंत्रालय के मुख्यालय के सभी अधिकारी, नई दिल्ली।
2. तकनीकी निदेशक, एनआईसी, कार्मिक एवं प्रशिक्षण विभाग को इस अनुरोध के साथ कि इस रिक्ति परिपत्र कार्मिक एवं प्रशिक्षण विभाग की वेबसाइट पर अपलोड करें।
3. ई-गवर्नेंस सेल कारपोरेट कार्य मंत्रालय, को इस अनुरोध के साथ कि इस रिक्ति पत्र को मंत्रालय की वेबसाइट पर अपलोड करें।

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संख्या ए-12023/4/2013-प्रशा.IV

भारत सरकार

कारपोरेट कार्य मंत्रालय



पांचवा तल, 'ए' विंग, शास्त्री भवन,
डा. राजेन्द्र प्रसाद रोड, नई दिल्ली-110001

दिनांक 12 जनवरी, 2017

सेवा में,

1. सभी उच्च न्यायालयों के महारजिस्ट्रार।
2. भारत सरकार से सचिव, भारत सरकार के सभी मंत्रालय/विभाग।
3. सभी राज्य सरकारों/संघ शासित प्रदेशों के मुख्य सचिव।
4. कारपोरेट कार्य मंत्रालय में सभी क्षेत्रीय निदेशक/कंपनी रजिस्ट्रार/शासकीय समापक।
5. रजिस्ट्रार, राष्ट्रीय कंपनी विधि अपील अधिकरण।
6. सचिव, राष्ट्रीय कंपनी विधि अधिकरण।
7. रजिस्ट्रार, प्रतिस्पर्धा अपीलीय अधिकरण।

विषय: राष्ट्रीय कंपनी विधि अपील अधिकरण (एनसीएलएटी) में तकनीकी सदस्य के 01 (एक) पद को भरना-आवेदन पत्र आमंत्रित करने के लिए।

महोदय,

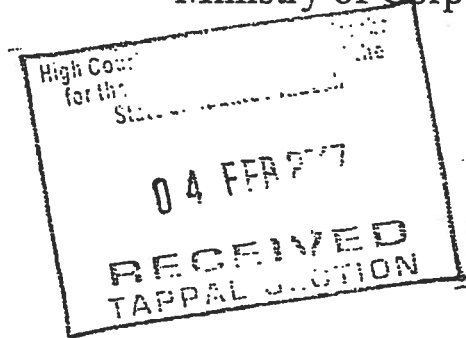
मुझे यह कहने का निदेश हुआ है कि कंपनी अधिनियम, 2013 की धारा 410 के अन्तर्गत गठित राष्ट्रीय कंपनी विधि अपील अधिकरण में एक तकनीकी सदस्य के पद के लिए अनुलग्नक-1 में दिए गए प्रपत्र में आवेदन पत्र आमंत्रित किए जाते हैं। एनसीएलएटी का मुख्यालय दिल्ली में स्थित है। यदि एनसीएलएटी की अन्य खंडपीठों देश के अन्य किसी भी स्थान पर गठित की जाती है तो चयनित उम्मीदवारों को राष्ट्रीय कंपनी विधि अपील अधिकरण की इन खण्ड पीठों में कार्य करना अपेक्षित होगा और अखिल भारतीय स्तर पर स्थानांतरण हो सकता है।

2. अर्हताएं: कंपनी अधिनियम, 2013 की धारा 411(3) के उपबंधों के साथ पठित सर्वोच्च न्यायालय के दिनांक 14 मई, 2015 के फैसले डब्ल्यू.पी.(सी.)सं.1072/2013 के अनुसार पद के लिए योग्यताएं निम्नानुसार हैं:-

“एक तकनीकी सदस्य सिद्ध सक्षम, सत्यनिष्ठ होगा तथा औद्योगिक वित्त, औद्योगिक प्रबंधन, औद्योगिक पुनर्निर्माण, निवेश और लेखांकन के क्षेत्र में न्यूनतम पच्चीस वर्षों का विशेष ज्ञान और व्यावसायिक अनुभव होगा।”

3. कोई व्यक्ति तकनीकी सदस्य के रूप में नियुक्ति का पात्र तब तक नहीं होगा जब तक कि वह आवेदन प्राप्त की अंतिम तारीख तक 50 (पचास) वर्ष की आयु [कंपनी अधिनियम, 2013 की धारा 413(4)] पूरी न कर चुका हो।

No. A-12023/4/2013-IV
Government Of India
Ministry of Corporate Affairs



5th floor A wing,
Shastry Bavan,
Dr. Rajendra Prasad Road,
New Delhi-110001
Dated 12-1-2017

To,

1. All the Registrar general of the High Courts
2. The Secretaries of Government of India. All ministry/Department of Government of India
3. All the Principal Secretaries of State Government/ Union Territory.
4. All the Directors/ Company Registrars/ Official Liquidators of Ministry of Corporate Affairs
5. The Registrar, National Company Law Appellate Tribunal.
6. The Secretaries, Nation Company Law Appellate Tribunal
7. The Registrar, Competent Appellate Tribunal.

Sub: Inviting Application to fill up one post of Technical Member by National Company Law Appellate Tribunal.

Sir,

I am directed to assert that under the company Law 2013 section 410 Constituted National Company Law Appellate Tribunal inviting applications to fill up one post of Technical Member as per the Annexure-I Form. National Company Law Tribunal is located in Delhi. If the Division Bench of National Company Law Tribunal established in other parts of nation then the selected candidates are expected to work in this Division benches of National Company Law Tribunal and it can be transferable on all India level.

2. Qualification: Under Companies Act 2013 Section 411 (3) read with provisions of Supreme Court dated 14/5/2015 WP (c) No. 1072/2013 as per the decisions abilities for the post are as follows:

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“A Technical Member have to be prove Competant, Truthful and Industrial Finance, Industrial Management, Industrial Reconstruction, Minimum twenty five years specialize knowledge in investment and Accounting and Business experience.”

3. As per the Company Law 2013 Section 413 (4) any person will not be qualified to appoint as technical member who has not completed the age of (50) fifty years at the time of last date of application

4. Condition for Appointment: Member will get Rs. 80,000/- (fixed) (already decided) and surmisable salarys and other services as per the national Company Law Tribunal (terms and Conditions of President and other members Salaries, Allowances and services) under consideration of Rule 2015 a copy of service Rules has been placed on website of the ministry of Corporate Affairs.

5. A Member will hold his change in that post for five years, from the date of appointment, but, he will be liable to re-appoint further extended five years. However appointment depends on the tenure of maximum age 67 years.

6. Selected candidates has to produce a medical fitness certificate before resuming charge.

7. Already those who are in Government Service their application should be forwarded through proper channel.

Forwarding officer has to Certify (as per the form Annexure-II) That the entries in the application has been verified from the records and found true and during last ten years neither single remarks or disciplinary/ Suspension action has been taken nor pending against the officer. Forwarding officer has to forward application enclosed with latest confidential reports dozier since five years. If the selected candidate already in Government

service then he can hold the original cadre, ministry or department in my matters retaining is not more than one year.

8. As per the Annexure -I Application forms formally completed should be reached to Sri Navnit Chowhan, Director, Ministry of Corporate Affairs Room No. 530 'A' wing 5th floor, shahstry Bhavan, New Delhi-110001 on or before 23/2/2017. Application forms can be downloaded from websites WWW mea.gov.in and Workmen and training WWW. persmin.nic.in.

Copy to:

1. The Officers of the Head Offices of Ministry of Corporate Affairs.
2. The Technical Director NCI, Workmen & Training Department by requesting Workmen and training Department to upload the filin forms.
3. E- Governance cell Ministry of Corporate Affairs by requesting to upload the filin forms on website.

Application for the post of Technical Member in the National
Company Law Appellate Tribunal (NCLAT) format

1.	Full Name (in block letters)				Paste passport size photo with Attestation	
2.	Name of the applied post					
3.	Date of Birth (Enclose attested Certified Copy)					
4.	Father's name					
5.	Whether a member of AJ/AJJ/APV					
6.	1. Address for correspondence 2. Phone No. (Residence/Office) mobile 3. Fax No. 4. E-mail Id (must)					
7.	Permanent address (with phone No & Fax No)					
8.	Present Occupation/Profession/ Service					
9.	Occupational Income/ Perquisite since three years (details year wise)					
10	Different Periodical Educational Qualification (Enclose self attested Copies of Degree/Diploma.					
	Name of the university/ equivalent organisation	Degree	Year of the passing	percentage	Specialized educational qualification	Subject Specialisation
	1	2	3	4	5	6
11	State mentioned in the para 2 & 3 related suitable standards completed					
12	Following mentioned form present salary periodical details					
	Name and Add of the Employer	Post Hold	Whether Regular	Period of Working	Nature of work & experience	
	1	2	3	4	5	

	With present salary	By virtue of deputation/ Adhoc				
	6	7				
	From					to
13	(1) Details of the occupational profession (if applicable) (2) Mentioned circular para 2 Qualifying Qualification (a) number of years of experience (b) related file of experience (c) Field of experience if any (Enclose attested copies in support related documents and proving eligibility documents)					
14	Any other specialize qualification or mentioned experience in dealing with Specialized matters, with Applicants Publications (Enclose separate sheet if necessary)					
15	Expected notice period to take Charge					
16	If a candidate is not in Government Service then two responsible persons(those are not relatives) Name and Address)					

It is to certify that as per my knowledge above mentioned information is true and correct, after selection I will abide by the conditions with regard to the post, time to time set by the Government.

Place:

Date:

Sd/-

Name: _____

h
30/1/19

Certificate Received from the Employer/ Head Office/ Forwarding Officer.

It is to certify that details given by _____ are true and having Educational Qualifications and Experience mentioned in the vacancy circular. This is also certified that:

- (i) Sri/Smt _____ against no suspension or disciplinary matters are pending/ in consideration
- (ii) Their Truthfulness is certified
- (iii) Their Original Confidential record (CR/APR) is enclosed herewith. Since 5 years of Confidential records (ACR/APR) Xerox copies have attested by the under Secretary or Higher than that
- (iv) Since 10 years no minor or major remarks have been marked.
- (v) Since 10 years marked Minor/Major remarks lists have enclosed.

Place:

Date:

Sd
Name & Post
Phone No _____
Office Seal

List of Annexures:

- 1.
- 2.
- 3.
- 4.
- 5.

Strike out which is not applicable

Translated by Smt Jayawanthi Mehtha

THE COMPANIES ACT, 2013

ARRANGEMENT OF SECTIONS

CHAPTER I

PRELIMINARY

SECTIONS

1. Short title, extent, commencement and application.
2. Definitions.

CHAPTER II

INCORPORATION OF COMPANY AND MATTERS INCIDENTAL THERETO

3. Formation of company.
4. Memorandum.
5. Articles.
6. Act to override memorandum, articles, etc.
7. Incorporation of company.
8. Formation of companies with charitable objects, etc.
9. Effect of registration.
10. Effect of memorandum and articles.
11. [Omitted].
12. Registered office of company.
13. Alteration of memorandum.
14. Alteration of articles.
15. Alteration of memorandum or articles to be noted in every copy.
16. Rectification of name of company.
17. Copies of memorandum, articles, etc., to be given to members.
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19. Subsidiary company not to hold shares in its holding company.
20. Service of documents.
21. Authentication of documents, proceedings and contracts.
22. Execution of bills of exchange, etc.

CHAPTER III

PROSPECTUS AND ALLOTMENT OF SECURITIES

PART I.—*Public offer*

23. Public offer and private placement.
24. Power of Securities and Exchange Board to regulate issue and transfer of securities, etc.
25. Document containing offer of securities for sale to be deemed prospectus.
26. Matters to be stated in prospectus.
27. Variation in terms of contract or objects in prospectus.
28. Offer of sale of shares by certain members of company.
29. Public offer of securities to be in dematerialised form.
30. Advertisement of prospectus.
31. Shelf prospectus.
32. Red herring prospectus.
33. Issue of application forms for securities.
34. Criminal liability for mis-statements in prospectus.
35. Civil liability for mis-statements in prospectus.

(b) "Judicial Member" means a member of the Tribunal or the Appellate Tribunal appointed as such and includes the President or the Chairperson, as the case may be;

(c) "Member" means a member, whether Judicial or Technical of the Tribunal or the Appellate Tribunal and includes the President or the Chairperson, as the case may be;

(d) "President" means the President of the Tribunal;

(e) "Technical Member" means a member of the Tribunal or the Appellate Tribunal appointed as such.

408. Constitution of National Company Law Tribunal.— The Central Government shall, by notification, constitute, with effect from such date as may be specified therein, a Tribunal to be known as the National Company Law Tribunal consisting of a President and such number of Judicial and Technical members, as the Central Government may deem necessary, to be appointed by it by notification, to exercise and discharge such powers and functions as are, or may be, conferred on it by or under this Act or any other law for the time being in force.

409. Qualification of President and Members of Tribunal.— (1) The President shall be a person who is or has been a Judge of a High Court for five years.

(2) A person shall not be qualified for appointment as a Judicial Member unless he—

(a) is, or has been, a judge of a High Court; or

(b) is, or has been, a District Judge for at least five years; or

(c) has, for at least ten years been an advocate of a court.

Explanation.—For the purposes of clause (c), in computing the period during which a person has been an advocate of a court, there shall be included any period during which the person has held judicial office or the office of a member of a tribunal or any post, under the Union or a State, requiring special knowledge of law after he become an advocate.

(3) A person shall not be qualified for appointment as a Technical Member unless he—

(a) has, for at least fifteen years been a member of the Indian Corporate Law Service or Indian Legal Service out of which at least three years shall be in the pay scale of Joint Secretary to the Government of India or equivalent or above in that service; or

(b) is, or has been, in practice as a chartered accountant for at least fifteen years; or

(c) is, or has been, in practice as a cost accountant for at least fifteen years; or

(d) is, or has been, in practice as a company secretary for at least fifteen years; or

(e) is a person of proven ability, integrity and standing having special knowledge and experience, of not less than fifteen years, in law, industrial finance, industrial management or administration, industrial reconstruction, investment, accountancy, labour matters, or such other disciplines related to management, conduct of affairs, revival, rehabilitation and winding up of companies; or

(f) is, or has been, for at least five years, a presiding officer of a Labour Court, Tribunal or National Tribunal constituted under the Industrial Disputes Act, 1947 (14 of 1947).

410. Constitution of Appellate Tribunal.— The Central Government shall, by notification, constitute, with effect from such date as may be specified therein, an Appellate Tribunal to be known as the National Company Law Appellate Tribunal consisting of a chairperson and such number of Judicial and Technical Members, not exceeding eleven, as the Central Government may deem fit, to be appointed by it by notification, for hearing appeals against the orders of the Tribunal.

411. Qualifications of chairperson and Members of Appellate Tribunal.— (1) The chairperson shall be a person who is or has been a Judge of the Supreme Court or the Chief Justice of a High Court.

(2) A Judicial Member shall be a person who is or has been a Judge of a High Court or is a Judicial Member of the Tribunal for five years.

(3) A Technical Member shall be a person of proven ability, integrity and standing having special knowledge and experience, of not less than twenty-five years, in law, industrial finance, industrial management or administration, industrial reconstruction, investment, accountancy, labour matters, or such other disciplines related to management, conduct of affairs, revival, rehabilitation and winding up of companies.

412. Selection of Members of Tribunal and Appellate Tribunal.— (1) The President of the Tribunal and the chairperson and Judicial Members of the Appellate Tribunal, shall be appointed after consultation with the Chief Justice of India.

(2) The Members of the Tribunal and the Technical Members of the Appellate Tribunal shall be appointed on the recommendation of a Selection Committee consisting of—

- (a) Chief Justice of India or his nominee—Chairperson;
- (b) a senior Judge of the Supreme Court or a Chief Justice of High Court— Member;
- (c) Secretary in the Ministry of Corporate Affairs—Member;
- (d) Secretary in the Ministry of Law and Justice—Member; and
- (e) Secretary in the Department of Financial Services in the Ministry of Finance— Member.

(3) The Secretary, Ministry of Corporate Affairs shall be the Convener of the Selection Committee.

(4) The Selection Committee shall determine its procedure for recommending persons under sub-section (2).

(5) No appointment of the Members of the Tribunal or the Appellate Tribunal shall be invalid merely by reason of any vacancy or any defect in the constitution of the Selection Committee.

413. Term of office of President, chairperson and other Members.— (1) The President and every other Member of the Tribunal shall hold office as such for a term of five years from the date on which he enters upon his office, but shall be eligible for re-appointment for another term of five years.

(2) A Member of the Tribunal shall hold office as such until he attains,—

- (a) in the case of the President, the age of sixty-seven years;
- (b) in the case of any other Member, the age of sixty-five years.

Provided that a person who has not completed fifty years of age shall not be eligible for appointment as Member:

Provided further that the Member may retain his lien with his parent cadre or Ministry or Department, as the case may be, while holding office as such for a period not exceeding one year.

(3) The chairperson or a Member of the Appellate Tribunal shall hold office as such for a term of five years from the date on which he enters upon his office, but shall be eligible for re-appointment for another term of five years.

(4) A Member of the Appellate Tribunal shall hold office as such until he attains,—

- (a) in the case of the Chairperson, the age of seventy years;
- (b) in the case of any other Member, the age of sixty-seven years:

Provided that a person who has not completed fifty years of age shall not be eligible for appointment as Member:

Provided further that the Member may retain his lien with his parent cadre or Ministry or Department, as the case may be, while holding office as such for a period not exceeding one year.

414. Salary, allowances and other terms and conditions of service of Members.— The salary, allowances and other terms and conditions of service of the Members of the Tribunal and the Appellate Tribunal shall be such as may be prescribed:

Provided that neither the salary and allowances nor the other terms and conditions of service of the Members shall be varied to their disadvantage after their appointment.

415. Acting President and Chairperson of Tribunal or Appellate Tribunal.— (1) In the event of the occurrence of any vacancy in the office of the President or the Chairperson by reason of his death, resignation or otherwise, the senior-most Member shall act as the President or the Chairperson, as the case may be, until the date on which a new President or Chairperson appointed in accordance with the provisions of this Act to fill such vacancy enters upon his office.

(2) When the President or the Chairperson is unable to discharge his functions owing to absence, illness or any other cause, the senior-most Member shall discharge the functions of the President or the Chairperson, as the case may be, until the date on which the President or the Chairperson resumes his duties.

416. Resignation of Members.— The President, the Chairperson or any Member may, by notice in writing under his hand addressed to the Central Government, resign from his office:

Provided that the President, the Chairperson, or the Member shall continue to hold office until the expiry of three months from the date of receipt of such notice by the Central Government or until a person duly appointed as his successor enters upon his office or until the expiry of his term of office, whichever is earliest.

417. Removal of Members.— (1) The Central Government may, after consultation with the Chief Justice of India, remove from office the President, Chairperson or any Member, who—

(a) has been adjudged an insolvent; or

(b) has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude; or

(c) has become physically or mentally incapable of acting as such President, the Chairperson, or Member; or

(d) has acquired such financial or other interest as is likely to affect prejudicially his functions as such President, the Chairperson or Member; or

(e) has so abused his position as to render his continuance in office prejudicial to the public interest:

Provided that the President, the Chairperson or the Member shall not be removed on any of the grounds specified in clauses (b) to (e) without giving him a reasonable opportunity of being heard.

(2) Without prejudice to the provisions of sub-section (1), the President, the Chairperson or the Member shall not be removed from his office except by an order made by the Central Government on the ground of proved misbehaviour or incapacity after an inquiry made by a Judge of the Supreme Court nominated by the Chief Justice of India on a reference made to him by the Central Government in which such President, the Chairperson or Member had been informed of the charges against him and given a reasonable opportunity of being heard.

(3) The Central Government may, with the concurrence of the Chief Justice of India, suspend from office, the President, the Chairperson or Member in respect of whom reference has been made to the Judge of the Supreme Court under sub-section (2) until the Central Government has passed orders on receipt of the report of the Judge of the Supreme Court on such reference.

(4) The Central Government shall, after consultation with the Supreme Court, make rules to regulate the procedure for the inquiry on the ground of proved misbehaviour or incapacity referred to in sub-section (2).

418. Staff of Tribunal and Appellate Tribunal.— (1) The Central Government shall, in consultation with the Tribunal and the Appellate Tribunal, provide the Tribunal and the Appellate Tribunal, as the case may be, with such officers and other employees as may be necessary for the exercise of the powers and discharge of the functions of the Tribunal and the Appellate Tribunal.