

**MINISTRY OF CORPORATE AFFAIRS****NOTIFICATION**

New Delhi, the 17th April, 2023

**G.S.R. 298(E).**—In exercise of the powers conferred by sub-sections (1), (2) and (4) of section 248 read with section 469 of the Companies Act, 2013 (18 of 2013), the Central Government hereby makes the following rules further to amend the Companies (Removal of Names of Companies from the Register of Companies) Rules, 2016 , namely:-

1. **Short title and commencement.**- (1) These rules may be called the Companies (Removal of Names of Companies from the Register of Companies) Amendment Rules, 2023.

(2) They shall come into force on 01<sup>st</sup> May, 2023.

2. In the Companies (Removal of Names of Companies from the Register of Companies) Rules, 2016 (hereafter referred to as the said rules), in rule 4,-

(i) for sub-rule (1), following sub-rule shall be substituted, namely :-

“(1) An application for removal of name of a company under sub-section (2) of section 248 shall be made to the Registrar, Centre for Processing Accelerated Corporate Exit in Form No. STK-2 along with fee of ten thousand rupees.”;

(ii) in sub-rule (3), clause (iv) shall be omitted;

(iii) after sub-rule (3) the following shall be inserted, namely :-

“(3A) The Registrar, Centre for Processing Accelerated Corporate Exit established under sub-section (1) of section 396, shall be the Registrar of Companies for the purposes of exercising functional jurisdiction of processing and disposal of applications made in Form No. STK-2 and all matters related thereto under section 248 having territorial jurisdiction all over India.”.

3. In the said rules, for Form No. STK-2, Form No. STK-6 and Form No. STK-7 the following Forms shall be substituted, namely:-

**Form No. STK-2**

Form language

 English Hindi**Application by company to ROC for removing its name from register of companies**

[Pursuant to Section 248(2) of the Companies Act, 2013 and Rule 4(1) of the Companies (Removal of Names of Companies from the Register of Companies) Rules, 2016]

Refer instruction kit for filing the form

All fields marked in \* are mandatory

**Entity Details**

1 \*Corporate Identification Number (CIN)

2 (a) \*Name of the company

(b) \*Registered office address

(c) \*Email id of the company

(d) \*Whether notice has been received from Registrar in Form STK-1 under section 248(1)

 Yes No

(e) Reasons for closure of the company

*(Failed to commence business within one year of incorporation/ Not carrying on any business or operation for a period of two immediately preceding financial years and has not made any application within such period for obtaining the status of a dormant company under section 455/ The subscribers to the memorandum have not paid the subscription which they had undertaken to pay at the time of incorporation and a declaration to this effect has not been filed within one hundred and eighty days of incorporation under sub-section (1) of section 10A/The company is not carrying on any business or operations as revealed after the physical verification carried out under subsection (9) of the section 12)*

3 \*Whether the company has been delisted

 Yes No

4 \*Whether the company's activities is/are regulated by a Sectoral Regulator like RBI, SEBI, IRDAI etc. under a special Act

 Yes No

(a) If Yes, specify Name of the regulator

*(Reserve Bank of India/ Securities and Exchange Board of India/Insurance Regulatory and Development Authority/ Others)*

If Others, please specify \_\_\_\_\_

(b) Date of approval of regulatory body (DD/MM/YYYY)

5 \*Whether special resolution is passed for removal of name

 Yes No

SRN of related Form No. MGT-14 (for filing of Special Resolution)

6 \*Brief description of main objects of the company as per Memorandum of Association (MOA)

**7 Details of director(s), Managing Director, Manager, Secretary, CEO or CFO of the company**

\*Number of director(s), Managing Director, manager, secretary, CEO or CFO

(In case of director or Managing Director, enter Director Identification Number (DIN).

Otherwise provide Income tax-permanent account number (Income tax- PAN) or passport number)

(a) \*DIN or Income-tax PAN or Passport number  DIN  PAN  Passport number

(b) \*Name

*(Director(s)/ KMP(s) associated with the Company)*

(c) \*Designation

**(d) Present residential address**

\*Address Line I

Address Line II

\*Country

\*Pin code

\*Area/Locality

\*City

\*District

\*State

8 (a) \*Whether there are any litigations pending against or involving the company or any of its directors

Yes

No

(b) Details in respect of pending litigation

Act under which litigation is pending	Name of the authority before which it is pending	Case number	Subject matter
i	ii	iii	iv

Add Row

Delete Row

**Declaration**

9 I, \*  son/daughter of \*  MD/Director of \*

hereby make this application for removing the name of the company from the register of companies under section 248 of the Act and declare that:

- (i) I have been authorized by the Board of Directors' resolution No. \*  dated \*  to sign and submit this application for removal of name of the company from the register of companies;
- (ii) The application has been in accordance with the conditions mentioned under sub-section (1) and (2) of section 248 and sub-section (1) of section 249;
- (iii) There is no inspection or investigation ordered and carried out or yet to be carried out or being carried out against the company and where inspection or investigation have been carried out, no prosecution is pending in any court arising out of such inspection or investigation;
- (iv) The company is neither having any public deposits which are outstanding nor the company is in default in its repayment or interest thereon;
- (v) The company does not have any outstanding loans, secured or unsecured;
- (vi) The company does not have any dues towards income tax, VAT, excise duty, GST, service tax or any other tax or duty, by whatever name called, payable to the Central or any State Government, statutory authority or local authority.
- (vii) All the other liabilities of the company have been settled or discharged or extinguished;
- (viii) All the requirements of the Act and rules made there under relating to removing the name of the company from the register of companies and matters incidental or supplemental thereto have been complied with;
- (ix) To the best of my knowledge and belief, the information given in this application and its attachments is correct and complete;
- (x) The requisite fees would be paid;
- (xi) Consent of seventy-five percent members in terms of paid-up share capital has been obtained.

I/we understand that I/We shall be liable for punishment as provided under section 251 of the Companies Act, 2013 if the application is found to be fraudulent at any stage within the meaning of section 251 read with sections 248 and 249 of the Companies Act, 2013.

#### Attachments

- (a) \*A statement of accounts showing the assets and liabilities of      
the Company made up to a day, not more than thirty day before the date of application in STK-8.

**The statement of accounts showing the assets and liabilities of the Company attached to the form in excel is made up to a day, not more than thirty days before the date of application**

\*To be digitally signed by

\*Name

\*Designation

\*Membership Number/Certificate of Practice Number

(b) *Indemnity bonds [to be given individually or collectively by the director(s)] in Form No. STK-3 or Indemnity bonds by an authorised representative of administrative Ministry /Department in Form No. STK - 3A (as applicable)	Max 2 MB	Choose File	Remove	Download
(c) Copy of order / NoC of the concerned regulatory authority	Max 2 MB	Choose File	Remove	Download
(d) Copy of relevant order for delisting, if any, from the concerned Stock Exchange	Max 2 MB	Choose File	Remove	Download
(e) *Affidavit in Form No. STK-4	Max 2 MB	Choose File	Remove	Download
(f) Optional attachment - if any	Max 2 MB	Choose File	Remove	Download

\*To be digitally signed by

DSC BOX

\*Director identification number of the director;

**Certificate by practicing professional**

I declare that I have been duly engaged for the purpose of certification of this form. It is hereby certified that I have gone through the provisions of the Companies Act, 2013 and Rules thereunder relevant to this form and I have verified the above particulars (including attachment(s)) from the original records maintained by the Company/applicant which is subject matter of this form and found them to be true, correct and complete and no information material to this form has been suppressed.

\*To be digitally signed by

DSC BOX

 Chartered accountant (in whole-time practice)

 Cost accountant (in whole-time practice)

 Company secretary (in whole-time practice)

\*Whether associate or fellow

 Associate

 Fellow

\*Membership number

Certificate of practice number

\*Note: Attention is also drawn to provision of section 449 which provides for punishment for false evidence.

Save

Submit

**For office use only:**

e-Form Service request number (SRN)

e-Form filing date (DD/MM/YYYY)

Digital signature of the authorizing officer

This e-form is hereby approved

DSC BOX

This e-form is hereby rejected

DSC BOX

Date of signing (DD/MM/YYYY)

**FORM No. STK --6****PUBLIC NOTICE**

[Pursuant to sub-section (2) and sub-section (4) of section 248 of the Companies Act, 2013 and rule 7 of the Companies (Removal of Names of Companies from the Register of Companies) Rules, 2016]

**GOVERNMENT OF INDIA****MINISTRY OF CORPORATE AFFAIRS**

Centre for Processing Accelerated Corporate Exit

(Address and email id of C-PACE)

**Public Notice No.**-----

**Date:**-----

**Reference:**

In the matter of striking off or removal of names of companies under section 248 (2) of the Companies Act, 2013 in respect of :

1. M/s.\_\_\_\_\_ [RoC...../248(2)/...../Year]
2. M/s.\_\_\_\_\_
3. M/s.\_\_\_\_\_

Notice is hereby given that the Registrar of Companies had received applications from the above-mentioned companies under section 248(2) of the Companies Act, 2013 for removal of its/their name (s) from the register of companies either on the ground that they have failed to commence business within one year of their incorporation or on the ground that the company(ies) is/are not carrying on any business or operation for a period of two immediately preceding financial years and has/have not made any application (s) within such period for obtaining the status of a dormant company under section 455 of the Companies Act, 2013 or the company(ies) have obtained the status of dormant company/subscribers to the memorandum have not paid the subscription which they had undertaken to pay at the time of incorporation of a company and a declaration to this effect has not been filed within one hundred and eighty days of its incorporation under subsection (1) of section 10A/ have not been carrying on any business or operations, as revealed after the physical verification carried out under sub-section (9) of section 12, but it/they do not wish to continue its/their registration as companies and have, therefore, requested for removal/strike off of its/their names from the register of companies.

(2) Accordingly, the Registrar of Companies proposes to remove or strike off the names of the above-mentioned companies from the Register of Companies.

(3) Any person objecting to the proposed removal or striking off of name of the companies from the register of companies may send his or her objection to the office address mentioned here above within thirty days from the date of publication of this notice.

Digital Signature Certificate <Full name of the Authorising officer >  
Registrar of Companies/Additional Registrar of Companies/Joint Registrar of  
Companies/Deputy Registrar of Companies/Assistant Registrar of Companies  
For and on behalf of the Jurisdictional Registrar of Companies

Registrar of Companies

Centre for Processing Accelerated Corporate Exit

## FORM No. STK – 7

## NOTICE OF STRIKING OFF AND DISSOLUTION

[Pursuant to sub-section (5) of section 248 of the Companies Act, 2013 and rule 9 of the Companies (Removal of Names of Companies from the Register of Companies) Rules, 2016]

Government of India

Ministry of Corporate Affairs

≤Centre for Processing Accelerated Corporate Exit/ Office of the Registrar of Companies>

(Address of ≤C-PACE C-PACE/RoC>)

Notice No- -----

Date:

## Reference:

In the matter of Companies Act, 2013 and of Companies as per list attached as **Annexure "A"**.

This is with respect to this Office Notice Nos and application (Form STK 2) vide SRNs as mentioned in the Annexure-'A' and notice in form STK-5 issued on dated'-----'. Notice is hereby published that pursuant to sub-section (5) of Section 248 of the Companies Act, 2013 the name of Companies as per list attached as per Annexure "A" or the name of company-----have or has this day <date> been struck off from the Register of the Companies and the said Companies are dissolved.

## Annexure A

S. No	SRN of STK-2	Filing date of STK-2	CIN	Company Name	STK-6 Notice no.	STK-6 Notice generation date

Digital Signature Certificate <Full name of the Authorising officer >

Registrar of Companies/Additional Registrar of Companies/Joint Registrar of Companies/Deputy Registrar of Companies/Assistant Registrar of Companies  
For and on behalf of the Jurisdictional Registrar of Companies

Registrar of Companies

Centre for Processing Accelerated Corporate Exit

[Or]

Registrar of Companies  
Registrar of Companies/Additional Registrar of Companies/Joint Registrar of Companies/Deputy Registrar of Companies/Assistant Registrar of Companies

[F. No. 1/28/2013-CL-V(Part-III)]

MANOJ PANDEY, Jt. Secy.

**Note :** The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3 of Sub-section (i), vide number G.S.R. 1174(E), dated the 26<sup>th</sup> December, 2016 and amended, vide notification numbers G.S.R 355(E), dated the 12<sup>th</sup> April, 2017, G.S.R 350(E) dated the 8<sup>th</sup> May, 2019, G.S.R 420(E), dated the 29<sup>th</sup> June, 2020, G.S.R. 436(E), dated the 9<sup>th</sup> June, 2022 and G.S.R. 658(E), dated the 24<sup>th</sup> August, 2022 .