

Companies Unpaid Dividend (Transfer to General Revenue Account of the Central Government) Rules, 1978

[As amended up-to-date]

In exercise of the powers conferred by sub-section (1) of section 642 read with sub-section (6) of section 205A of the Companies Act, 1956 (1 of 1956), the Central Government hereby makes the following rules, namely :-

1. Short title and commencement.-

- (1) These rules may be called The Companies Unpaid Dividend (Transfer to General Revenue Account of the Central Government) Rules, 1978.
- (2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.-

In these rules, unless the context otherwise requires :-

- (a) "Act" means the Companies Act, 1956 (1 of 1956) ;
- (b) "Central Government" means the department of Company Affairs of the Central Government for the time being in charge of the administration of the Act ;
- (c) "Form" means a form annexed to these rules ;
- (d) "Punjab National Bank" includes its branches.

3. Transfer of moneys to the General Revenue Account of the Central Government.-

Any money required to be transferred to the general revenue account of the Central Government under sub-section (5) of section 205A of the Act shall be transferred to any of the branches of the Punjab National Bank specified below, within a period of fourteen days from the date on which such money is required to be so transferred under the sub-section which shall be accounted under the Major/Minor Head of Account " 068-Miscellaneous General Services-Unpaid Dividends of Companies " :-

| City | Name of the branches of the Punjab National Bank |
|-----------------|--|
| 1. Ahmedabad | Ashram Road. |
| 2. Allahabad | Civil Lines. |
| 3. Bangalore | City Branch |
| 4. Bombay | Phiroz Shah Mehta Road. |
| 5. Calcutta | Brabourne Road. |
| 6. Chandigarh | Sector 17 |
| 6A. Coimbatore* | Oppanakara Street |
| 7. Cuttack | Cuttack. |

| | |
|---------------|-----------------------------|
| 8. Delhi | Barakhamba Road, New Delhi. |
| 9. Ernakulam. | Ernakulam |
| 10. Gwalior | Naya Bazar. |
| 11. Hyderabad | Bank Street. |
| 12. Jaipur | M. I. Road. |
| 13. Jodhpur | Ratnada Colony. |
| 14. Jullundur | Civil Lines. |
| 15. Kanpur | Swaroop Nagar. |
| 16. Madras | Mount Road. |
| 17. Nagpur | Kingsway |
| 18. Panaji | Piffurlekar Road. |
| 19. Patna | Boring Road. |
| 20. Shillong | Shillong |
| 21. Srinagar | Amirkadil |

* Inserted by Notification GSR 348(E), dated 31.3.1993

4. Statement to Registrar :-

- (1) A company shall, when making a transfer under rule 3, furnish to the Registrar of Companies concerned a statement in Form I in duly certified by a chartered accountant or a company secretary or a cost accountant practising in India or by the auditors of the company.
 - (2) Every company shall furnish a certificate along with the annual return to be filed immediately thereafter under section 156 to the Registrar concerned to the effect that the whole of the amount of dividend remaining unpaid or unclaimed for a period of three years from the date of transfer to the special account has been transferred to the General Revenue Account of the Central Government as required under sub-section (5) of section 205A.
- 4A.** Every company shall inform the shareholders concerned about the particulars of the dividend transferred to the General Revenue Account of the Central Government, along with the Notice of the next Annual General Meeting.

5. Maintenance of Account by the Registrar.-

The Registrar of Companies shall cause to be maintained in his office separate accounts in respect of each company whose unpaid dividend and interest thereon, if any, are transferred to the General Revenue Account of the Central Government.

6. Claim for payment.-

- (1) Any person applying to the Central Government under section 205B of the Act shall make such application in Form II, to the Registrar of Companies concerned under his own signature or through a person holding a power of attorney.
- (2) On receipt of the application referred to in sub-rule (1), the Registrar of Companies concerned shall verify from his records and certify whether the

claimant is entitled to the money claimed by him.

- (3) Where the claimant's title to the aforesaid money has been established to the satisfaction of the Registrar of Companies, the Registrar of Companies may direct the claimant (not being the Central Government, a State Government, a Government company within the meaning of section 617 of the Act or public financial institution within the meaning of section 4A of the Act or a local authority) to execute an indemnity bond with or without surety in Form III, or as near thereto as may be, on a non-judicial stamp paper of the value payable in the State of execution.
- (4) On receipt of the indemnity bond, if any, duly executed by the claimant, the Registrar of Companies shall issue a payment order in Part B of Form II sanctioning the payment of the amount due to the claimant giving directions to the Pay and Accounts Officer of the Department of Company Affairs to issue a cheque in favour of the claimant and the Pay and Accounts Officer shall draw the cheque accordingly and send it to the Registrar of Companies.
- (5) Notwithstanding anything contained in sub-rules (3) and (4), the Registrar of Companies may where the amount claimed is not more than Two thousand five hundred rupees and the claimant establishes his title to the money claimed to his satisfaction, issue an order sanctioning the payment of the amount due to the claimant without production of the indemnity bond referred to in sub-rule (4).
- (6) The claimant shall deliver to the Registrar of Companies a stamped pre-receipt bearing his signature and the signatures of two witnesses along with his application in Form III.
- (7) The Registrar of Companies shall in the accounts maintained by him, cause a note to be made of all payments made under sub-rule (6).
- (8) The amounts paid to the claimants under this rule shall be classified in the accounts as "Deduct Refunds" under " 068-Miscellaneous General Services-Unpaid Dividends of Companies".

FORM NO. I

THE COMPANIES ACT, 1956

Registration No.

Nominal Capital Rs.

STATEMENT OF UNPAID OR UNCLAIMED DIVIDEND AND INTEREST
THEREON TRANSFERRED TO GENERAL REVENUE ACCOUNT OF THE
CENTRAL GOVERNMENT

[Pursuant to section 205A (6)]

1. Name of the company and Address of its registered office.
2. Date of payment from the Company's Unpaid Dividend Account in the to

Punjab National Bank for credit to Central Government.

3. Particulars of the Challan under which paid into the Punjab National Bank.
4. Financial year to which the dividend relates.

| Sl. No. | Folio in ledger particulars | Register containing member whom amount dividend id (to be given alphabetical order) | Name of the person to whom amount due receive in amount | Last known address of the person (s) entitled to receive the amount | No. of shares held Equity Preference |
|---------|-----------------------------|---|---|---|--------------------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 |

| Particulars of dividends | Date of declaration | Date of transfer Unpaid Dividend Account | Amount due of On to share equity On preference share | Interest thereon, if any | Total amount and unpaid as per company's unpaid dividend account | Details of payment (Entries to be made by Registrar and when payment is made to him) |
|--------------------------|---------------------|--|--|--------------------------|--|--|
| 7 | 8 | 9 | 10 | 11 | 12 | 13 |

Certified that whole of the amount remaining unpaid or unclaimed for a period of three years from the date of transfer to the special account under sub-sections (1) and (2) of

section 205A has been transferred to the General Revenue Account of the Central Government.

Total amount Rs.

(Sd.)

1. Secretary
2. Director
3. Director

Dated the day..... of..... 19.

FORM II

[See Rule 6(i)]

PART 'A'

Application to the Central Government for an order for payment of the dividend amount out of the General Revenue Account of the Central Government pursuant to section 205B of the Companies Act, 1956.

1. Name of the applicant.
2. Postal address of the applicant.
3. Name, registration number and registered address of the company from which the amount is due.
4. Number of shares held :
 - (i) Preference shares (with distinctive numbers).
 - (ii) Equity shares (with distinctive numbers).
5. Financial year to which the dividend relates.
6. Amount due :
 - (i) On preference shares
 - (ii) On equity shares.
 - (iii) Interest, if any, payable to him pursuant to sub-section (4) of section 205A of the Act, and
 - (iv) Total of (i), (ii) and (iii) above.
7. Reasons for non-receipt of the amount from the company :

Place :

Date :

(Signature of the applicant
or a person holding a power of
attorney from the applicant)

Received from the Registrar of Companies..... the sum of Rs..... [Rupees..... (in words)]
being the amount payable to me/us from the General Revenue Account of the Central
Government as unclaimed or unpaid dividend (which was originally) due from M/s
.....

- | | |
|---|---|
| 1. Signature of witness. With Name, date, address occupation | Signature of the claimant with name, date, and address and occupation. (on revenue stamp of 20 paise, if the claim is for Rs. 20 or more). |
| 2. Signature of witness. With name, date, address and occupation. | |

Notes :-

1. Indemnity bond should be furnished on a non-judicial stamp paper of the requisite value, in case the claim exceeds Rs. 2500.
2. In the case of deceased shareholder, the legal representative (s) of the deceased shareholder, who is/are preferring the claim, is (are) required to furnish succession certificate/probate/letters of administration. In case the shares have been transmitted in the name of the claimant, a certificate in this behalf from the company be furnished.
3. Dividend warrant or a photo-copy of the share certificate should be furnished.
4. Separate applications should be made for claims in respect of each company.

PART 'B'

Payment Order by the Registrar

| | |
|--|---|
| Classification " 068-Miscellaneous General Services- Unpaid Dividends of Companies-Deduct Refunds". | Certified that the amount claimed, namely Rs.has actually been deposited by the company to the General Revenue Account of the Central Government under Major Head "068 Miscellaneous General Services - Unpaid Dividends Companies" on(date). Necessary note for refund has been kept in the accounts maintained by me. |
|--|---|

(Registrar)

Passed for payment for
Rs.....
in favour of Shri.....
.The cheque/ demand draft
may please be issued in
favour of
Shri.....

(Registrar)

FORM NO. III

[See Rule 6(3)]

Form of Indemnity Bond

To

The Registrar of Companies,

In consideration of your agreeing to pay me the sum of Rs. _____ (Rupees
_____) only, being the amount due to me on dividend for the year
_____ from M/s. _____ out of the General Revenue Account
of the Central

(Name of the Company)

Government, I _____ son/daughter/wife of _____ do hereby
agree to indemnify you to the extent of any claim not exceeding the amount
hereinbefore mentioned which may be preferred against you, and which you may
have to lawfully discharge.

(Signature)

Date : _____

Place : _____

Witnesses

1. _____
(Signature)
Address _____
2. _____
(Signature)
Address _____