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कार्योपोषण कार्य मंत्रालय
विभिन्न कार्य

नई दिल्ली, 23 सितम्बर, 2019

साक्षर.मि. 682(व)-केंद्रीय सरकार, कंपनी अधिनियम, 2013 (2013 का 18) की धारा 469 की उपधारा (1) और उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, राष्ट्रीय कंपनी विधि अधिकरण (अध्यक्ष और अन्य सदस्यों के वेतन, भत्ते और सेवा की अन्य निवेशन और शर्तें) नियम, 2015 का और संशोधन करने के लिए निरस्त्रितित नियम बनाती है, अर्थात् :-

1. (1) इस नियमों का संक्षिप्त नाम राष्ट्रीय कंपनी विधि अधिकरण (अध्यक्ष और अन्य सदस्यों के वेतन, भत्ते और सेवा की अन्य निवेशन और शर्तें) संशोधन नियम, 2019 है।

(2) ये राजपत्र में उनके प्रकाशन की तारीख को प्रबुद्ध करने।

2. राष्ट्रीय कंपनी विधि अधिकरण (अध्यक्ष और अन्य सदस्यों के वेतन, भत्ते और सेवा की अन्य निवेशन और शर्तें) नियम, 2015 में, नियम 15 के पारदर्श निरस्त्रितित नियम अंत:स्थापित किया गया, अर्थात् :-

"15क. सदस्यों की तैनाती और स्थानांतरण— (1) किसी सदस्य की आर्धिक तैनाती अध्यक्ष के परामर्श से केंद्रीय सरकार द्वारा की जाएगी।

(2) विभिन्न व्यापारों के लिए प्रशासनवाली स्थानांतरण अध्यक्ष द्वारा साधारणतया निरस्त्रितित को ध्यान में रखते हुए किया जाएगा।

(3) किसी सदस्य की तैनाती के प्रयोजन के लिए उसकी कमता या अन्यथा उसकी दशता, निपटान और अन्य सुसाग कार्य सम्मिलित होगें;"
(x) the capacity or otherwise of the Member for the purpose of his posting, including his efficiency, disposal and other relevant factors.

MINISTRY OF CORPORATE AFFAIRS
NOTIFICATION

New Delhi, the 23rd September, 2019

G.S.R. 682(E).— In exercise of the powers conferred by sub-section (1) and sub-section (2) of section 469 of the Companies Act, 2013 (18 of 2013), the Central Government hereby makes the following rules further to amend the National Company Law Tribunal (Salary, Allowances and other Terms and Conditions of Service of President and other Members) Rules, 2015 namely:—

1. (1) These rules may be called the National Company Law Tribunal (Salary, Allowances and other Terms and Conditions of Service of President and other Members) Amendment Rules, 2019.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the National Company Law Tribunal (Salary, Allowances and other terms and conditions of service of President and other Members) Rules, 2015, after rule 15, the following rule shall be inserted, namely:—

"15 A. Posting and transfer of Members. - (1) Initial posting of a Member shall be done by the Central Government in consultation with the President.

(2) Subsequent transfers to different Benches shall be done by the President having regard ordinarily to the following:—

(a) the capacity or otherwise of the Member for the purpose of his posting, including his efficiency, disposal and other relevant factors;
(b) a Member save and except for sufficient and cogent reasons shall not be posted at a place where he had earlier been practising as an Advocate or a Chartered Accountant, Company Secretary or Cost Accountant, as the case may be;

(c) a Member may not be posted at a place where any of his parents, spouse or other close relation is practising as an Advocate or a Chartered Accountant, Company Secretary or Cost Accountant in Company Law matters;

(d) save and except for sufficient and cogent reasons, the Member shall not be posted at a place for a period exceeding three years, and ordinarily, a Member may not be posted at a place where he was earlier posted unless a period of two years has elapsed;

(e) ordinarily a Member shall not be transferred before completion of three years at a station except on administrative grounds or on personal request basis.

(3) Transfer on personal request basis shall include considerations such as serious medical grounds, serious dislocation in children’s education, unavoidable family responsibilities; however consideration of transfer on personal request shall be subject to consideration of factors enumerated in sub-rule (2).

(4) Transfer on administrative grounds shall be made only in consultation with the Central Government.”.


K.V.R. MURTY, Jt. Secy.

Note: The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) vide number G.S.R. 729(E), dated the 21st September, 2015 and subsequently amended vide number 632(E) dated the 12th July, 2018.