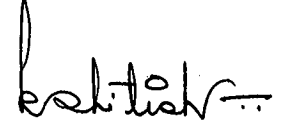


No. A-36011/02/2015-Ad.I  
Government of India/Bharat Sarkar  
Ministry of Corporate Affairs/Korporate Karya Mantralaya

'A' Wing, 5<sup>th</sup> Floor, Shastri Bhawan,  
New Delhi, the 06<sup>th</sup> July, 2015

Subject: Internal Delegation of powers for disposal of cases in respect of various items of work handled by Sections/Divisions of Ministry of Corporate Affairs.

The Hon'ble CAM has approved the attached dispensation for disposal of cases in respect of work assigned to Sections/Divisions of the Ministry. The approved dispensation comes into force with immediate effect.



( Kshitish Kumar )

Under Secretary to the Govt. of India  
Tel: 2338 4502

Encl: As above (8 pages).

All Sections/Divisions of MCA

Copy, for information, to :

- i) PS to CAM
- ii) PSO to Secretary
- iii) PS to AS
- iv) JS(M)/JS(SP)/JS(B)/JS(K)/EA/ADV.(Cost)/DIIs
- v) All RDs/ROCs/OLs.
- vi) e-Governance Cell, MCA with the request to upload the order under the category 'Delegation of powers'
- vii) Guard file

**GOVERNMENT OF INDIA  
MINISTRY OF CORPORATE AFFAIRS**

**INTERNAL DELEGATION OF POWERS FOR FINAL  
DISPOSAL OF CASES IN RESPECT OF VARIOUS  
ITEMS OF WORK HANDLED BY VARIOUS DIVISIONS  
OF THIS MINISTRY**

**MAY 2015**

# INDEX

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STATEMENT INDICATING THE ITEMS OF WORK TO BE SUBMITTED TO CAM FOR FINAL DISPOSAL IN THE MINISTRY OF CORPORATE AFFAIRS

<u>Sl.No.</u>	<u>Items of Work</u>
1.	Draft as well as final Notes for Cabinet/Cabinet Committees
2.	Draft Cabinet Notes received from the Ministries for comments.
3.	Starred Questions/ Unstarred Questions/ Matters relating to Special Mentions in Rajya Sabha/under Rule 377 of Lok Sabha, fulfilment of Parliament Assurances, extension of time for Parliament Assurances and laying of reports in Parliament in r/o MCA and organizations under MCA.
4.	Matters relating to Disciplinary cases against Group 'A' officers, sanction for prosecution of Group 'A' Officers, appeal/petitions filed by Group 'A' officers against penalty/suspension and cases of disagreement by the disciplinary authority with the advice of CVC/cases of disagreement between CVC and UPSC in disciplinary matters and memorials submitted by group 'A' officers.
5.	Replies to references received by CAM.
6.	Deputation abroad of officers including those for attending Conferences/Training courses.
7.	Extension of the period of deputation to ex-cadre post for the fifth year or beyond fifth year and/or for the second year in excess of the period prescribed in the recruitment rules.
8.	Approval of Rules/amendments/Clarifications on matter pertaining to Companies Act, 2013.

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**ANNEXURE -II**

**2. CHANNEL OF SUBMISSION AND LEVEL OF FINAL DISPOSAL OF CASES IN RESPECT OF COMMON ITEMS OF WORK HANDLED BY ALL DIVISIONS OF THE MCA.**

S. No.	Types of cases	Channel of Submission	Level of final Disposal
1.	Action taken note on the recommendations of Parliamentary Committees and furnishing of replies to Questionnaire and other references received from Parliamentary Committees.	US/DS or Dir./JS/AS	Secretary
2.	Furnishing of facts of Question to Lok Sabha/Rajya Sabha Secretariat	SO/US/DS or Dir.	AS
3.	Comments on Note for Cabinet/Committee of Cabinet received from other Ministries/Departments.	US/DS or Dir/JS/AS	CAM
4.	Court cases in which the Ministry is a respondent and where the issues raised are covered by existing rules/orders/policy decisions	SO/US/DS or Dir	JS
5.	Court cases where the issues raised have major policy implications/contempt against Secretary	SO/US/DS or Dir/JS/AS	Secretary
6.	Court matters – Institutions/advice to other Branches of MCA/Field offices on receipt of petition/case etc.	SO/US/JD	AS
7.	Extension of the period of deputation to ex – cadre posts beyond the initial 3 years for the 4th year	DS or Dir./JS or AS	Secretary
8.	Posting and Transfers & work allocation at MCA Hq. (a) DS and equivalent posts (b) All Group 'A' officers below DS (c) All Group 'B' and 'C' officers and staff	DS or Dir/JS DS or Director SO/US	Secretary JS DS or Dir
9.	Nomination/Deputation for participation in various Training programmes within the country and forwarding of applications for deputation to ex-cadre posts/appointment to outside posts in response to advertisements or circulars (a) JS and above (b) All other officers and staff subject to the recommendation of concerned Divisional Head /controlling officers	US/DS or Dir/JS SO/USDS or Dir	Secretary JS(Admn)
10.	Appeal/Petitions(against penalty/suspension/APARS) (a) Group 'B' (Gazetted and Non-Gazetted) Officers (b) Group 'C' staff	US/DS or Dir/JS SO/US/DS or Dir	Secretary JS(Admn)

11.	Permission/Intimation under the Conduct Rules (i) Cases of officers of the level of DS/Dir/JS/AS (ii) All others	US/DS or Dir/JS SO/US/DS or Dir	Secretary JS(Vig.)
12.	Grant of permission to receive fees from outside agencies for talks, articles etc. [(as per Appendix 4 SR2(6)) (a) JS and above (b) All other officers/staff	US/DS or Dir/JS SO/US/DS or Dir	Secretary JS(Vig.)
13.	Payments of OTA to staff (As per Deptt. of Expenditure instructions and GFRs) (a) Staff car drivers (upto 100 hours per month) (b) Staff of Administration Division detained for parliamentary, budget and other urgent work (subject to 40 hours in a month) (c) All other cases	SO / US SO / US SO / US / DS or Dir.	DS or Dir(HoD)) DS or Dir (HoD) JS(Admn)
14.	(i) Declaration of US(Admn.) as Head of Office (ii) Declaration of a Gazetted Officer as DDO	SO/US/DS or Dir SO/US	JS(Admn) JS(Admn)
15.	Grant of Advances (i) leave salary advance ( as per GFRS) (ii) TA advance to non-official (as per GFRS) (iii) House Building Advance (as per HBA rules) (iv) Conveyance, Computer, Bicycle/ Scooter/ Motor cycle (as per GFRS) (v) Pay and TA on transfer, LTC, TA advance for tour etc.(as per GFRS)	SO/US SO/US SO/US SO/US SO	DS or Dir (HoD) DS or Dir (HoD) DS or Dir (HoD) DS or Dir(HoD) US(HoO)
16.	Medical Expenses(as per CS(MA) Rules 1944)	SO/US	DS or Dir ( Admn)
17.	General Provident Fund (as per GPF Rules) (i) Allotment of Accounts Nos. to Subscribers (ii) Acceptance of nominations of subscribers (iii) Grant of permissible advance/withdrawal (iv) Grant of advance/withdrawal in excess of permissible limit but not exceeding 75% (and 90% in case of construction/renovation of a residential house) of the balance or before repayment of last advance. (v) Advance/withdrawal upto 90% of the balance for special reasons (vi) 90% of the withdrawal within one year of retirement without any reason.	--- SO(cash) SO(Admn.I) SO(Admn I) SO/US  US/DS or Dir/JS SO/US	SO(cash) US(H.O.O.)* US(H.O.O.)* DS/Director (H.O.D)**  Secretary DS/Director (H.O.D.)**

\* H.O.O. – Head of the Office

\*\*H.O.D. – Head of the Department

Company Law Section (Policy Section)

S.No	Type of cases	Channel of Submission	Level of final disposal
1	General Policy issues	AD or DD/JS/DII/JS/AS	Secy.

Legal Section

S.No	Type of cases	Channel of Submission	Level of final disposal
5	Order u/s 399(4) of the Companies Act, 1956 (Section 241(2) of new Companies Act, 2013) (Application to the Tribunal in cases of oppression)	JD/JS/Secy	CAM
6	Tendering of legal advice to Divisions of MCA/Field Offices (i) Ordinary cases (ii) Important cases	US/JD US/JD/JS	JS Secy.
7	Payments of Counsel fee/fee bills in cases of approved engagement of counsel	SO/US/JD	JS
8	Engagement of counsel	SO/US/JD	JS
9	Withdrawal of prosecution (i) Prosecution of non-filing of statutory returns /documents (ii) Rest of prosecution cases	US/JD/JS US/JD/JS/Secy.	Secy. CAM
10	Statistical data for Annual Report	SO/US/JD	JS/EA

Insolvency Section

S.No	Type of cases	Channel of Submission	Level of final disposal
11	Examination of Draft Rehabilitation Scheme (DRS).	DD/DS	JS
12	Examination of sanctioned Rehabilitation Scheme.	DD/DS/JS	Secretary
13	Approval of monetary concession in r/o Govt. Companies as per Benchmark Policy to deal with BIFR matters.	DD/DS/JS/Secy.	CAM
14	Deviation from the Benchmark Policy on specific grounds.	DD/DS/JS/Secy.	CAM

Admn. II Section (for ICLS Officers)

S.No	Type of cases	Channel of Submission	Level of final disposal
15	Recruitment and Appointment –		
	(i) Recruitment Rules/Service Rules for Gr. A and recruitment Rules/Service Rules for Gr. B	SO/US/DS/Dir/JS/AS/Secy	CAM
	(ii) Reporting of vacancies of Gr. A post to UPSC and reporting of vacancies of Gr. B Gazetted post to UPSC & other Recruiting agencies	SO/US/DS/Dir/JS	AS
	(iii) Reporting of vacancies of Gr. B Non-Gazetted post	SO/US/DS/Dir	JS
	Appointment after following prescribed rules and procedure -		
	(iv) Appointment of Gr. A officers	SO/US/DS/Dir/JS/AS/Secy.	CAM
(v) Appointment of Gr. B Gazetted officials	SO/US/DS/Dir/JS/AS/Secy.	Secy.	
(vi) Appointment of Gr. B Non-Gazetted officials	SO/US/DS/Dir	JS	
16	DPC & Promotions & MACP/NFU/NFSG –		
	(i) Seniority List of Gr. A including finalization of Batch year for grant of NFU	SO/US/DS/Dir/JS/AS	Secy
	(ii) Seniority list of Gr. B & C	SO/US/DS/Dir	JS
	(iii) Constitution of DPC/Screening Committee	SO/US/DS/Dir/JS/AS	Secy
(iv) Circulation of provisional seniority list	SO/US	DS/Dir	
17	Transfer posting on the recommendations of Transfer Committees-		
	(i) Transfer posting Gr. A Officers (SAG & above)	SO/US/DS/Dir to Transfer Committee (A)	CAM
	(ii) Transfer posting Gr. A officers (upto JAG)	SO/US/DS/Dir to Transfer Committee (B)	Secy.
(iii) Transfer posting Gr. B officials	SO/US/DS/Dir	AS	
18	Personnel matters –		
	(i) Leave application (SAG & above)	SO/US/DS/Dir/JS	AS
	(ii) Leave application (upto JAG)	SO/US/DS/Dir	JS/DII/RD
	(iii) Permission/NOC for going abroad:		
	(a) HAG and SAG rank, working in Headquarter or field or attached offices	SO/US/DS/Dir/JS/AS	Secy
(b) JAG (NFSG) and JAG rank working in Headquarter or field or attached offices	SO/US/DS/Dir/JS	AS	



	<p>&amp; C officers) working in Headquarter</p> <p>(e) Subordinate grades of ICLS (Group B &amp; C officers) working in field or attached offices</p> <p>(iv) Permission/NOC for higher studies</p> <p>(a) For employee at Headquarter</p> <p>(b) RDs and Head of attached/Subordinate offices</p> <p>(c) for employees in field/attached/subordinate offices</p> <p>(d) Acquiring Passport</p> <p>(v) Permission under conduct rules viz. writing books, contribution of articles, taking lectures etc. (for Gr. A SAG and above)</p> <p>(vi) Permission under conduct rules viz. writing books, contribution of articles; taking lectures etc. (for Gr. A JAG and below)</p> <p>(vii) Permission under conduct rules viz. writing books, contribution of articles, taking lectures etc. (for Gr. B &amp; C in MCA Hqr.)</p> <p>(viii) Permission under conduct rules viz. writing books, contribution of articles, taking lectures etc. (for Gr. B &amp; C in field/attached offices of MCA)</p> <p>(ix) Permission for taking lecture in IICA</p>	<p>SO/US/DS/Dir/JS</p> <p>SO/US/DS/Dir</p> <p>SO/US</p> <p>SO/US/DS/Dir/JS/AS</p> <p>SO/US/DS/Dir/JS</p> <p>SO/US/DS/Dir</p>	<p>RD</p> <p>AS</p> <p>JS</p> <p>RD/ HoD of attached office</p> <p>Dir</p> <p>Secy</p> <p>AS</p> <p>JS</p> <p>Concerned RDS</p> <p>Controlling Officer</p>
19	<p>Misc. matters –</p> <p>(i) Tour programme of SAG &amp; above</p> <p>(ii) Other residual matters</p> <p>(iii) Tour programme of RDs in his region</p>	<p>SO/US/DS/Dir/JS/AS</p> <p>SO/US/DS/Dir</p>	<p>Secy</p> <p>JS</p> <p>Not required</p>

S.No	Type of cases	Channel of Submission	Level of final disposal
20	Service Level Agreement (SLA) Methodology Related Matters	SO/US/DS/JS	Secy. CA
21	Nomination of Nodal Officers in various organization/ agencies	SO/US/DS/JS	Secy. CA
22	Approval of Data Centre –Data Registry Drill/ Switchover/ Outage	SO/US/DS/JS	AS
23	Approval of System Specification Requirement (SRS)	SO/US/DS	JS
24	Approval of Change Control Note	SO/US/DS	JS
25	Sanction of order of DSC for MCA use	SO/US/DS	JS
26	Digital Signature Certificate (DSC) Approval of any type of down-time in MCA21 System	SO/US/DS	JS
27	Action against Professionals for wrong certification	STA/US/DS	JS
28	Matters related to ISO Certification of MCA21	STA/US/DS	JS
29	Any changes to be made from Back-end in MCA21 System	STA/US/DS	JS
30	Creation of account in MCA21 portal for External Govt. Departments/ Agencies Users	SO/US/DS	JS
31	Creation of account for Banks/ Financial Institution Nodal Officers for DSC role check mapping	Astt./US/DS	JS
32	Administration Matters/ Budget Estimates and Comments/ replies of MCA to other agencies	SO/US/DS	JS
33	Registration of Companies (RoC) Seeking clarification from RoC on filing related matters and re-issuance of refund cheque due expiry or change of address	STA/US	DS

Investor Education Protection Fund (IEPF) Section

S.No.	Work	Channel of submission	Level of final disposal
34	Preparation of content for print and electronic media for educating investors	AD-US-Dir	Secretary
35	Transfer of funds to Directorate of Advertisements and Visual Publicity (DAVP), Prasar Bharati and other Government Organizations for media campaigns	AD-US-Dir/JS	IFD/Joint Secretary
36	Transfer of funds to Regional Directors and other organizations for conducting Investor Awareness Programmes (IAPs)	AD-US-Dir	IFD/Joint Secretary
37	Issues relating to National Foundation for Corporate Governance (NFCG)	Secretary (as Chairperson of BOT of NFCG)	Secretary (as Chairperson of BOT of NFCG)

Note : Approval/concurrence of IFD will be obtained wherever required.