



## CERTIFICATE OF REGISTRATION

Under Societies Registration Act XXI of 1860

Regn.No. S/1687/Distt. South /2014

I hereby certify that the Society **THE NATIONAL COMPANY LAW TRIBUNAL AND APPELLATE TRIBUNAL BAR ASSOCIATION** located at H.NO – C-20, South Extension-2, New Delhi-110049. has been registered\* under Societies Registration Act 1860.

Given under my hand and seal at Delhi on this 25 day of May two thousand Fourteen.

Fee of Rs. 50/-

SEAL



(S.K. GUPTA)  
REGISTRAR OF SOCIETIES  
SOUTH DISTRICT  
GOVERNMENT OF NCT OF DELHI



**MEMORANDUM OF ASSOCIATION**  
**OF**  
**NATIONAL COMPANY LAW TRIBUNAL AND APPELLATE**  
**TRIBUNAL BAR ASSOCIATION**

**(A SOCIETY REGISTERED UNDER THE PROVISIONS OF SOCIETIES REGISTRATION  
ACT (FOR DELHI))**

**1. NAME**

The name of the Association shall be **"THE NATIONAL COMPANY LAW TRIBUNAL AND APPELLATE TRIBUNAL BAR ASSOCIATION"** (hereinafter be referred to as the Association")

**2. REGISTERED OFFICE**

- (i) The Registered Office of the Association will be at C-20, South Extension-2, New Delhi- 110049.
- (ii) The Registered Office of the Association may be relocated after the constitution of **THE NATIONAL COMPANY LAW TRIBUNAL (NCLT)** and / or **THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL (NCLAT)** under the provisions of the Companies Act, 2013, at the premises of the NCLT and/or the NCLAT, New Delhi or such other place as may be decided by the General Body of the Association.,
- (iii) The meeting of the Association and the Committee shall, generally, be held at the registered office of the Association where all records shall also be kept.
- (iv) The principal place of business of the Association shall be at NCT. Delhi

**3. AIMS AND OBJECTIVES:**

The Aims and Objectives of the association are;

- (i) To uphold and maintain complete independence and highest decorum before the Presiding Officer(s) and Members of the Appellate Tribunal and Tribunal and other judicial fora in general;
- (ii) To promote and maintain high standards of profession among members of the Association;
- (iii) To promote and protect the privileges, interests and prestige of the association and its members, and to promote the practicing advocates, company secretaries, chartered accountants, cost accountants, and such other professionals as may be authorized by the Companies Act and Rules made thereunder, or under any law of the land being in force at the time, to practice in and appear before the NCLT and NCLAT, and to promote the unity amongst the members of the Association;



- (iv) To inculcate and promote the sense of dedication to the motherland and respect for the Rule of Law;
- (v) To promote and infuse the spirit of democracy in the people, and in particular, in the members of the Association ;
- (vi) To watch the state of law, progress of legislation and administration of justice and to take such steps as may be necessary for their compliance, progress and reform;
- (vii) To conduct and hold seminars, symposia, conferences on issues and topics of interest to the legal profession and to disseminate information in this behalf through websites or internet or any other electronic mode for the benefit of the members of the Association in particular, all professionals in general, besides litigants and public at large, and to organize and maintain libraries, reading rooms, indoor and outdoor games, entertainment, dramatic performance competitions, excursions, magazines and other means of mental and physical recreation and development;
- (viii) To express opinion on proposed legislation and other matters of interest and to make representation in respect thereof;
- (ix) To take necessary steps to prevent and remedy any abuse of law or mal-administration of justice;
- (x) To make representation from time to time to the authorities on matters affecting the Association;
- (xi) To acquire and safeguard the rights and privileges as may be necessary or convenient for the purpose of the association;
- (xii) To arrange for raising funds for legal aid and to do everything including applying of funds that may be necessary for implementation of the aims, and objects of the Association;
- (xiii) To make ties/tie-up and work in coordination and tandem with the professionals, professional bodies and such other bodies promoted under the statute of Parliament or the act of State Assembly or the local body or any other institution or otherwise for attainment of any or all of the objects of the Association.
- (xiv) To promote and participate in confederation of professional associations and activities connected therewith;
- (xv) To adopt all such matters as might be necessary or incidental to the carrying out of the aforesaid objects;
- (xvi) To take measures including funding and applying of funds for aid to deserving members of the Association and their families, and for the employees of the Association and their families;
- (xvii) To promote and administer schemes for social security and the welfare of the members of the Association and their families, and for the employees of the Association and their families;

- (xviii) To do all such other acts, deeds, matters and things as may be deemed conducive or incidental to the attainment of the foregoing objects.
- (xix) To act in coordination with Presiding Officer(s) and Member(s) of the NCLAT and NCLT for the welfare of the Members of the Association and other professional bodies and, for that purpose, to coordinate and invite participation of the various panels of professionals including that of Company Administrators, Company Liquidators, Registered Valuers and others as may be required under the provisions of the Companies Act, 2013.
- (xx) To run and maintain mediation centre for the expeditious settlement of the disputes and to impart special training to the members of the Association and to other professionals and to impart mediation related training.

#### **4. APPLICATION OF FUNDS:**

- (i) The funds, income, movable, immovable properties, etc. of the Association will be applied solely for the promotion of the objects of the Association as set forth above and no portion thereof shall be paid, applied or transferred, directly or indirectly, by way of dividends, bonus or otherwise by way of profit to the members of the Association or any other person claiming through any one or more of the present or the past members.
- (ii) No member of the association shall have any personal claim on any movable or immovable properties of the association or make any profits, whatsoever, by virtue of this membership.

#### **5. GOVERNING BODY**

The names, addresses, occupations and designations of the members of the governing body to be known as "Executive Committee" to whom the management of the Association is entrusted as required under the section 2 of Societies Registration Act, 1860 as applicable to the National Capital Territory of Delhi area are as follows:-

S.No.	Names, Addresses,	Occupation	Designation in the Association
1.	Virender Ganda C- 20 South Extension Part-II New Delhi-110049	Senior Advocate	President



S.No.	Names, Addresses,	Occupation	Designation in the Association
2.	Ved Kumar Jain 33, Babar Road New Delhi- 110001	Advocate	Vice President
3.	Krishan Kumar C-159, Sarvodaya Enclave New Delhi-110017	Advocate	Vice President
4.	Rakesh Kumar A-415, L.G.F. Defence Colony New Delhi- 110024	Advocate	Secretary
5.	Vipul Ganda C-20, NDSE-II New Delhi-110049	Advocate	Joint Secretary
6.	Deepak Kukreja 31/36, Basement OLD Rajinder Nagar, New Delhi-110060	Practicing Company Secretary	Treasurer
7.	Anant N. Haksar B-26 Maharani Bagh New Delhi-110065	Senior Advocate	Member
8.	Abhinav Vashisht A-190, Defence Colony New Delhi-110024	Senior Advocate	Member
9.	Sandeep Praksh Agarwal G-48, III Floor, East of Kailash, New Delhi-110065	Advocate	Member
10.	Deepak Gogia N-43, Dr Mukherjee Nagar, Delhi-110009	Advocate	Member

S.No	Names, Addresses,	Occupation	Designation in the Association
11.	Ashu Gupta 25, 3rd Floor, Madan Park, East Punjabi Bagh, Delhi-110026	Practicing Company Secretary	Member
12.	Rajiv Bahl 6/48 WEA, Karol Bagh New Delhi-110005	Advocate	Member
13.	Krishan Lal N-43 Dr. Mukherjee Nagar Delhi	Advocate	Member
14.	Krishnendu Datta B-4/66 (GF) Safdarjung, Enclave New Delhi	Advocate	Member

6. We, the several persons whose names and addresses are subscribed hereunder are desirous of forming ourselves into an Association in pursuance of the Memorandum of Association aforesaid and under the provisions of the Societies Registration Act:

S.No	Name & Addresses, descriptions & occupation of the subscribers	Signature of the Subscribers
1.	Sundaram Balasubramanian S/o Ramakrishnan Sundaram E-103, Raheja Atlantis, Sector-31, Gurgaon, Haryana – 122002 Advocate	Sd/-
2.	Virender Ganda S/o Late Sh. Somnath Ganda C-20, South Extension-2, New Delhi-110049 Senior Advocate	Sd/-
3.	Anant Narain Haksar S/o Late Ajit Narain Haksar B-26, Maharani Bagh, New Delhi-110065 Senior Advocate	Sd/-
4.	Krishnendu Datta S/o Dr. J. K. Datta B-4/66, (G F), Safdarjung Enclave, New Delhi Advocate	Sd/-
5.	Ved Kumar Jain S/o Late Sh. Padam Sain Jain, 33, Babar Road, New Delhi-110001 Advocate	Sd/-

6.	Chandra Wadhwa S/o Late Sri. H. C. Wadhwa 705, 2nd Floor, Double Storey, New Rajender Nagar, New Delhi-110060 Cost Accountant	Sd/-
7.	Krishan Kumar S/o Late D. Rajamani C-159, Sarvodaya Enclave, New Delhi – 110017 Advocate	Sd/-
8.	Sudhanshu Batra S/o Late H.L. Batra, R/o A2/20A, Model Town, Delhi – 110009 Senior Advocate	Sd/-
9.	Abhinav Vashisht S/o Late Dr. Hem Sagar Vashisht, R/o A-190, Defence Colony, New Delhi – 110024 Senior Advocate	Sd/-
10.	Sunil Fernandes S/o Shri Francis Fernandes R/o A-178, Defence Colony, New Delhi – 110024 Advocate	Sd/-
11.	Deepak Gogia S/o Sh. K. L. Gogia N-43, Dr. Mukherjee Nagar, Delhi-110009 Advocate	Sd/-



12	Rakesh Kumar S/o Sh. Sham Lal A-415, L.G.F., Defence Colony, New Delhi-110024 Advocate	Sd/-
13	K. Lal S/o Late Sh. Tilak Raj 90/88, Malviya Nagar, New Delhi-110017 Advocate	Sd/-
14	Rajeev Bahl S/o Late Mr. Ved Prakash 6/48 WEA, Karol Bagh, New Delhi-110005 Advocate	Sd/-
15	Ashish Middha S/o Late Sh. M. L. Midha FE-20, Shivaji Enclave, New Delhi-110027 Advocate	Sd/-
16	Krishan Lal S/o Late Hakam Chand N-43, Dr. Mukherjee Nagar, Delhi-110009 Advocate	Sd/-
17	Suresh Goyal S/o Sh. S. R. Goyal P-802, South Extension-2, New Delhi – 110049 Practising Chartered Accountant	Sd/-
18	Vipul Ganda S/o Shri Virender Ganda C-20, South Extension-II New Delhi-110049 Advocate	Sd/-

19	Satosh Kumar Giri S/o Sh. Bhairav Giri R/o RZ-C-2, Vijay Enclave, Palam Dwarka Road, New Delhi-110045 Advocate	Sd/-
20	Deepak Kukreja S/o Late Shri Hansraj Kukreja 31/36, Old Rajinder Nagar, New Delhi – 110060 Practising Company Secretary	Sd/-
21	Ashu Gupta D/o Late Sh. Vijay Gupta R/o 25, 3rd Floor, Mulan Park, East Punjabi Bagh, Delhi-110026 Practising Company Secretary	Sd/-
22	Savita Trehan W/o Mr. Rajan Trehan R/o 2378, Sector-16, Faridabad, Haryana Practising Company Secretary	Sd/-
23	Ashwani Taneja S/o Sh. T. C. Taneja, R/o 1127, Sector – 14, Faridabad Haryana Advocate	Sd/-
24	Dinesh Kumar Gupta S/o Sh. N. D. Gupta R/o 164, Civil Lines, Meerut, Uttar Pradesh-250001 Practising Company Secretary	Sd/-

25	Sarwar Raza S/o Mr. Masoom Raza D-11, LGF, Maharani Bagh New Delhi-110065 Advocate	Sd/-
26	Abhishek Sharma S/o Mr. Atul Sharma D-118, Sector – 36, NOIDA 201301, Uttar Pradesh Advocate	Sd/-
27	Pramod Maheshwari S/o Sh.J. P. Maheshwari 143, Sector-11C, Faridabad - 121006, Haryana Chartered Accountant	Sd/-
28	Rajiv Sharma S/o Dr. Mohan Dutt Sharma R/o House No.15, GH-14, Paschim Vihar, New Delhi-110087 Advocate	Sd/-
29	Dr. Javed Hasan S/o Munshi Ali R/o 101, Tower B, Noor Building, C-135/1, Shaheen Bagh, Okhla New Delhi – 110025 Advocate	Sd/-
30	Aditya Nayyar S/o Sh. J. K. Nayyar R/o 133-G, Pocket-IV, Mayur Vihar, Phase-I, Delhi-110091 Advocate	Sd/-



31	Isha Khanna W/o Pradeep Khanna R/o 45/11, East Patel Nagar, New Delhi-110008 Advocate	Sd/-
32	Preeti Kashyap W/o Mr. Rakesh Kumar R/o 803, Onyx Tower, GH 25, Sector-21C Part-III, Faridabad – 121001 Haryana Advocate	Sd/-
33	Sandeep Prakash Agarwal S/o Late Sh. Satya Prakash Agarwal R/o G-48, III Floor, East of Kailash, New Delhi – 110065 Advocate	Sd/-
34	Chandra Shekhar Gupta S/o O.P. Gupta M-304, Aruna Apartments, 33, I.P. Extension, Delhi – 110092 Advocate	Sd/-
35	Atul Sharma S/o Late Shri Shri Gopal D 118, Sector – 36, NOIDA Advocate	Sd/-
36	Parmod Kumar Sachdeva S/o Sh. S. P. Sachdeva 478, Sector – 15A, Faridabad Haryana Advocate	Sd/-
37	Shashank Agarwal S/o Sh. Kanhaiya Lal Agarwal, R/o B-18, Kala Colony, Jawahar Lal Nehru Marg, Jaipur – 302017 Rajasthan Advocate	Sd/-

**RULES & REGULATIONS  
OF  
NATIONAL COMPANY LAW TRIBUNAL AND APPELLATE  
TRIBUNAL BAR ASSOCIATION**

**(A society registered under the provisions of Societies Registration Act (for Delhi))**

- 1. NAME:** The Association shall be called the **"NATIONAL COMPANY LAW TRIBUNAL AND APPELLATE TRIBUNAL BAR ASSOCIATION"** (hereinafter be referred to as the "Association").
- 2. TITLE:** These rules shall be called the Rules and Regulations of "National Company Law Tribunal & Appellate Tribunal Bar Association".
- 3. DEFINITIONS AND INTERPRETATIONS**
  - A.** Unless the context indicates otherwise, the following words in these Rules shall mean:-
    - (i) "Advisory Council" shall mean the highest Advisory Council of the Association.
    - (ii) "Annual General Meeting" shall mean a General Meeting of the Members of the Association to be held annually at a time date and place duly specified in the notice thereof.
    - (iii) "Association" means the National Company Law Tribunal & Appellate Tribunal Bar Association.
    - (iv) "Auditor" shall mean an Auditor appointed under the terms of Rule 29 of these Rules for the purpose of Audit of the Association and shall be a Chartered Accountant but not a member of this Association.
    - (v) "Executive Committee" means the committee of the Association carrying on the Executive and Administrative function and shall mean and be constituted under the Rule 14 of these Rules.
    - (vi) "Extra-Ordinary General Meeting" shall mean a General meeting of the Members other than the Annual General Meeting of the Association duly called and convened to transact certain important businesses.

- (vii) "General Meeting" shall mean a meeting of the Members of the Association duly called and convened under the provisions of these Rules and shall include an Annual General Meeting and an Extra-Ordinary General Meeting.
- (viii) "Honorary Member" means a persons, who has been conferred the honorary membership through a resolution passed by the Executive Committee of the Association in pursuance of the Rule 8 of these Rules.
- (ix) "Member" means a member of the Association and will mean and include the categories of Members as provided in Rule 4 of these Rules.
- (x) "Outstation Member" means a Member who is not a resident Member.
- (xi) "President" means a person, who is holding the post of President of the Association in terms of the present bye-laws and includes a Senior President / Vice President, who have been entrusted with the responsibility of the President of the Association in terms of the present bye-laws in the absence of the President as referred in Rule 18 of these Rules.
- (xii) "Professional" means and include:
  - a. An Advocate within the meaning of "Advocate" under the provisions of the Advocates Act, 1961, who has enrolled himself with the Bar Council of his relevant jurisdiction;
  - b. A Chartered Accountant within the meaning of "Chartered Accountant" as defined in Clause (b) of sub-section (1) of Section 2 of the Chartered Accountants Act, 1949, and who holds a valid certificate of practice under sub-section (1) of Section 6 of that Act, or who is deemed to be in practice under the provisions of sub-section (2) of Section 2 of that Act;
  - c. A Company Secretary within the meaning of "Company Secretary" as defined in Clause (c) of sub-section (1) of Section 2 of the Company Secretaries Act, 1980, and who holds a valid certificate of practice under the provisions of Section 6 of that Act, or who is deemed to be in practice under the provisions of sub-section (2) of Section 2 of that Act;
  - d. A Cost Accountant within the meaning of "Cost Accountant" as defined in Clause (b) of sub-section (1) of Section 2 of the Cost and Works Accountants Act, 1959, and who holds a valid certificate of practice under the provisions of Section 6 of that Act, or who is deemed to be in practice under the provisions of sub-section (2) of Section 2 of that Act;



- e. Any such other professional as may be authorized by the Companies Act, 1956 and the rules made thereunder, or the Companies Act, 2013 and the rules made thereunder, to practice in or before the NCLT or NCLAT.
- (xiii) "Professional Regulator Institutions" shall mean and include the following unless otherwise specified:
  - a. For Advocates, their respective Bar Council of the State where they are enrolled (or "Bar Council");
  - b. For Chartered Accountants, the Institute of Chartered Accountants of India (or "ICAI");
  - c. For Company Secretaries, the Institute of Company Secretaries of India (or "ICSI");
  - d. For Cost Accountants, the Institute of Cost and Works Accountants of India (or "ICWAI");
- (xiv) "Resident Member" means a member residing and practicing in Delhi and NCR region;
- (xv) "Rules" shall mean the Rules and Regulations of the Association present hereunder.
- (xvi) "Secretary" means a person, who is holding the post of Secretary in terms of the present Rules and includes Additional Secretary, Joint Secretary or Assistant Secretary, who has been entrusted with the responsibility of the Secretary in terms of the present Rules in the absence of the Secretary as referred to in Rule 18 of these Rules.
- (xvii) "Senior Advocate" means an Advocate who has been designated as Senior Advocate in terms of Section 16 of the Advocates Act, 1961.
- (xviii) "Senior Member" means a professional who has completed his 75 years of age and is admitted as a Member.
- (xix) "Treasurer" shall mean the custodian of funds and monies of the Association and shall mean as elaborately defined in Rule 18 of these Rules.

(xx) "Tribunal" means the National Company Law Tribunal (NCLT) and the National Company Law Appellate Tribunal (NCLAT).

B. Any reference to the singular shall include the plural and vice-versa.

C. Any references to the masculine shall include the feminine and vice-versa.

#### **4. CLASSES OF MEMBERSHIPS:**

(i) There shall be the following classes of Members of the Association:-

a) Resident Members

b) Outstation Members;

c) Honorary Members;

d) Senior Members.

(ii) A subscriber to the Memorandum of Association shall ipso facto become the Member of the Association unless he ceases to be so in terms of these Rules as may be amended from time to time.

#### **5. FEES, ADMISSION AND SUBSCRIPTION:**

(i) The Admission Fee and the Annual Subscription Fee for Members shall be Rs. 2500/- and Rs. 1000/- respectively.

The Executive Committee may, however, alter, increase or decrease the said fees payable for any member(s) or class of members, as it may deem fit and proper.

However, subject to the approval of the Executive Committee the following classes of members shall be exempted from paying the Admission fees or the Annual Subscription Fees:

a) Honorary Members

b) Senior Members

(ii) The Admission fee and one year's Annual Subscription Fee shall be paid along with the application for membership by the applicant seeking membership to the Association. In case the applicant is not admitted as a member, the amount paid by him at the time of tendering his application shall be refunded in full. In case the applicant is admitted as a member then the subscription shall be payable by the member in advance annually by cheque / demand draft payable at Delhi. Payment of subscription in cash will not be accepted.



- (iii) The Applicant applying for Membership of Association shall do so in the prescribed form. The full name, residential address and normal place of practice of the Applicant applying for Membership shall be entered in the register maintained by the Association for this purpose. On the application being checked, verified and found correct, the name of the applicant shall be put on the Notice Board of the Association.
- (iv) For obtaining the Membership of the Association a professional shall:
  - a) apply in the Form as may be prescribed by the Executive Committee;
  - b) along with the applicable Fee as provided in the Clause 5 below to be paid by way of Cheque/Demand Draft favouring "**NATIONAL COMPANY LAW TRIBUNAL AND APPELLATE TRIBUNAL BAR ASSOCIATION**" payable at New Delhi;
  - c) Submit self-attested photocopies of their respective Degree Certificates, Membership Certificates and Certificates of Practice issued to them by their respective Professional Regulator Institutions;
  - d) Submit self-attested photocopies of Metric/Higher Secondary Certificates in proof of age;
  - e) Submit Three (3) recent photographs.

## 6. PROCEDURE OF ADMISSION

- (i) The Executive Committee shall, either itself, or through a Sub-Committee authorized by it in this behalf, consider the Application for Membership and admit the applicant as a Member.
- (ii) Upon such admission, the Executive Committee shall determine the status of the Associate Members for the purposes of entering into the register of members as to the effect of their residence i.e. a Resident Member or an Outstation Member.

## 7. ELIGIBILITY CRITERIA FOR MEMBERSHIP

- (i) A Professional may be admitted to the Association as a Member upon his fulfilling the criteria of eligibility as provided hereinbelow:



- a) No insolvency proceedings are pending against him or has not been adjudged insolvent;
- b) No investigation or charge-sheet is pending for any offence involving moral turpitude;
- c) He has not been convicted for a Criminal Contempt by any Court;
- d) He had not been found guilty for any Professional Misconduct by a Disciplinary Committee of his respective Professional Regulator Institution;
- e) His Certificate of Practice or Licence to Practice has not been suspended by his respective Professional Regulation Institution.
- f) He is not in arrears of any amount as prescribed in the Rules and/or Resolution of the Executive Committee.
- g) No other proceeding is pending which in the opinion of Executive Committee is detrimental to the interest of the Association and/or professional fraternity.

## **8. HONORARY MEMBERS**

- (i) The Executive Committee may, in its discretion or for any sufficient reason to be recorded in writing, admit any person, who is not a professional for the purposes of these Rules, to be the Honorary Member of the Association.
- (ii) Such honorary members shall be exempted from the payment of admission fees and subscription fees.
- (iii) Such honorary members shall not be entitled to vote or stand in elections for a post in the Executive Committee.
- (iv) Such honorary members shall also not be entitled to vote in the management and affairs of the Association. However, nothing debar such members from expressing their opinions, whether in writing or orally, and the Executive Committee shall be free to act on such opinions.

## **9. JUDGES TO BE HONORARY MEMBERS**

The President, Vice-President and the Members of the NCLAT, and the Chairman, Vice-Chairman and the Members of the NCLT and every Judge of the High Court of any State of India and of the Supreme Court of India shall be deemed to be the Honorary Members of the Association.

Provided that every such President, Vice-President and the Members of the NCLAT, and the Chairman, Vice-Chairman and the Members of the NCLT and the Judge of the High Court of Delhi and of the Supreme Court of India must have given his consent or expressed his willingness to associate with the Association, be it in writing or otherwise.

#### **10. DUTIES OF MEMBERS**

A Member of the Association shall abide by the professional duties as have been prescribed under the Rules and Guidelines framed by his Professional Regulator Institution, and shall abide by the following professional duties, in particular, viz:

- (i) A Member shall endeavor to provide full assistance to the Tribunal and competent representation to a client;
- (ii) In representing a client, a Member shall not delay a proceeding when it is obvious that such action would serve solely to harass or injure the other party;
- (iii) A Member shall not knowingly:-
  - a. Make a false statement of material fact or of law to the Tribunal;
  - b. Shall not seek to influence the Tribunal or the members of the Tribunal or Officials of the Tribunal in any manner by means prohibited by law or by false representation on behalf of his client nor shall such Member communicate with such persons ex-parte or engage in conduct intending to bring disrepute to the functioning of the Tribunal.

#### **11. SUSPENSION OF MEMBERSHIP**

If any Member who remains in arrears of annual subscription fee for three months after it falls due and after he has been required in writing by the Secretary, fails to pay the same, within 30 days of receipt of such notice, his case will be reported by the Secretary to the Executive Committee who may take such action, including suspension or even removal of Membership status, as the Member of the Association by the Committee on such terms as it may think proper.



## **12. REMOVAL FROM AND READMISSION TO MEMBERSHIP**

- (i) Save as provided in Rule 11, no Member shall be removed from the Association except by a resolution passed by 2/3rd of the Members present and voting at a General Meeting.

Provided that, a Member so removed may, however, be re-admitted by the Committee not earlier than one year from the date of such removal and on such terms, including payment of admission fee, as the Committee may think proper.

- (ii) A Member shall stand disqualified for being or for continuing as a Member of the Association if he suffers from any disqualifications incurred subsequently, and/or ceases to possess any of the requisite qualifications required for becoming a Member of the Association. In such a case, he shall cease to be a Member of the Association automatically.

## **13. ADVISORY COUNCIL**

The Advisory Council of the Association shall comprise of the following:

- (i) Chief Patron - President of NCLAT\*
- (ii) Additional Chief Patron - Chairman of NCLT\*
- (iii) Patron - S. Balasubramaniam, Former Chairman, Company Law Board
- (iv) Ex-officio - Secretary, Ministry of Corporate Affairs\*
- (v) Member(s) - 2 (two) as maybe nominated by the Advisory Council

The Advisory Council may further appoint such additional members in the Council as may deem fit from time to time, provided that the total number of the members in the Advisory Council shall not exceed 10 at any given point of time.

\* Subject to their respective consents in this regard.

## **14. EXECUTIVE COMMITTEE OF THE ASSOCIATION**

- (i) The management of the Association shall be entrusted to the Executive Committee, who shall be the in-charge of affairs of the Association and shall act under the guidance of the Advisory Council.
- (ii) The total members of the Executive Committee shall not be less than 12 and not more than 20. The maximum number of members may be increased by way of a duly passed resolution of the Executive Committee from time to time, as it may be fit and proper.



- (iii) The First Executive Committee of the Association shall comprise of the following:
  - a) President
  - b) 2 (Two) Vice Presidents
  - c) Secretary
  - d) Joint Secretary
  - e) Treasurer
  - f) Eight members (2 Sr. Advocates, 2 members having more than 25 years of experience, two members having more than 10 years of experience and 2 other members).
- (iv) The Executive Committee may also include such prominent members of the Society, as special invitee, as it may deem fit and proper.
- (v) The First Executive Committee constituted herein shall continue to be in office until the new Executive Committee of the Association is elected by the Members in General Meeting in terms of the bye-laws. The First Election Executive Committee shall be held as early as possible, but not later than one year after constitution of the NCLT and NCLAT under the provisions of the Companies Act, 2013.
- (vi) The affairs of the Association shall, subject to these rules and the general control of the Members in the General Meeting assembled, be managed by the Executive Committee consisting of the President, Vice-President, Secretary, Asstt. Secretary, Treasurer, Asstt. Treasurer and other 12 Members, of whom at least 3 (three) shall be Senior Advocates and at least 1 (one) each shall be a Chartered Accountant, a Company Secretary and a Cost Accountant.
- (vii) The Association or the Executive Committee may appoint other standing or ad-hoc committees.
- (viii) All committees shall work under the control of Executive Committee and report through it to the General Body.

#### **15. CASUAL VACANCY IN EXECUTIVE COMMITTEE**

- (i) If any casual vacancy occurs in the executive committee due to any uncertain event such as death of any member, the Executive Committee shall, as early as possible, fill up the same in the manner provided by these Rules and the election so made shall continue to be in force until the next general election of the office bearers and Members of the Executive Committee.

- (ii) No act of the Executive Committee shall be invalid by reason of any such casual vacancy not being filled up.
- (iii) If any Member of the Executive Committee fails to attend three consecutive meetings of the Executive Committee without intimating the reasons for absence, the Executive Committee may pass a resolution that such person shall cease to be a Member of the Executive Committee.

## **16. MEETINGS OF THE EXECUTIVE COMMITTEE**

- (i) The Executive Committee shall ordinarily meet at least once every three months for dispatch of business and shall meet at least 5 times in a year.
- (ii) The Executive Committee shall have the following powers:
  - a. To maintain such establishments and staff for the Association as may be required from time to time.
  - b. To appoint, suspend, dismiss or remove any member of the staff of the Association.
  - c. To determine and regulate the remuneration and conditions of the services of the staff of the Association.
  - d. To spend within the budgeted provisions such monies for the purposes of the Association as may be required from time to time.
  - e. To make such bye-laws and regulations as it may consider necessary or expedient to carry out the aims and objects of the Association.

Provided that such bye-laws and regulations shall, however, be submitted for the approval of the Members of the Association in the duly convened General Meeting.

  - f. To report to the General Meeting about its activities, and the activities, and works done by other committees, at least once every year.
  - g. Re-constitute all committees at least once every year other than those that may have been elected by the members assembled in General Meeting.
- (iii) The Executive Committee shall normally transact its business by way of resolutions passed by the majority of the members of the Executive Committee present and voting. In case of equality of votes the President shall have a casting vote.



Provided that it shall be open to the Executive Committee to transact its business and to pass resolutions by means of circulars; provided that if any 3 members of the committee desire a particular matter to be brought in a meeting of the committee such a matter shall be transacted in a meeting of the Committee

**17. QUORUM**

The quorum at any meeting of the Executive committee shall be 5 (Five).

Provided that if within half an hour from the time appointed for holding the meeting the quorum is not present at any meeting the same shall stand adjourned to such date and time as the Chairman may appoint and at such adjourned meeting no quorum shall be necessary.

Provided further that a notice shall be put up to this effect, on the notice board or on the website of the Association.

**18. OFFICE BEARERS OF THE EXECUTIVE COMMITTEE**

**A. PRESIDENT**

- (i) The President of the Association and in his absence the Senior Vice-President or other Vice President shall preside at all meetings of the Association and of the Executive Committee or other committees. In the absence of the President or the Vice-Presidents the members present shall elect one of them to preside over a meeting.
- (ii) If any question arises with respect to any matter not provided for in the rules or in the bye-laws made by the Executive Committee, such question shall, subject to the provisions of these rules, be decided by the President whose decision shall be binding unless the General Body of the members in a subsequent meeting otherwise decides.

**B. SECRETARY**

- (i) Subject to such directions as the committee may, from time to time issue, the Secretary shall be the Chief Executive Officer of the Association and shall have the power, among others, of making such disbursements as may be necessary or expedient for the Association including the payments of salaries of the staff and purchases of books, newspapers, periodicals, furniture and materials for the Association.
- (ii) In his absence, the Joint Secretary / Additional Secretary shall discharge the functions of the Secretary.



## **C. TREASURER**

- (i) The Treasurer shall have the custody of all the monies and securities of the Association and sums due to the Association shall be payable to and recoverable by the Treasurer.
- (ii) Any sums realized or received by the Association shall forthwith be handed over to the Treasurer.
- (iii) The Treasurer shall keep the monies of the Association in such Bank and in such manner as the Committee may direct and shall bring all the monies received into account immediately on receipt thereof.
- (iv) All receipts of whatever description shall be forthwith paid into the bank and only drawn by means of cheque and all payments except for those of petty expenditure shall be made by cheque.
- (v) The Treasurer may assign such of his work to the Assistant Treasurer as he may think fit.

## **19. ELECTIONS**

- (i) The Office-Bearers of the Association shall be elected by secret ballot and the other members of the Committees shall be elected by secret ballot by single distributive votes at the Annual Election.
- (ii) The elections of the Office Bearers of the Executive Committee of the Association shall take place in every year, wherein the members comprised therein will be re-elected. Canvassing in any form on the date of polling is prohibited
- (iii) The term of the Executive Committee shall be for 3 (three) years, after its duly elected and constituted. No office bearer or member of the Committee shall be eligible to hold any office for more than 4 (four) consecutive years..
- (iv) No member shall be eligible for the contest of elections for becoming the members of the Executive Committee, after having contested two continuous elections for it unless there is a gap of one year after the completion of his two continuous terms of elections for becoming the member of the Executive Committee.

- (v) No member can be elected as the President of the Association, unless he has the standing of more than 10 (ten) years of his/her practice.
- (vi) No member shall be eligible to be elected as the office bearer of the Association unless he has more than 5 (five) years of practice.
- (vii) The Executive Committee shall separately draft the Rules and Bye-laws of the elections of the Executive Committee and the same shall be released / notified from time to time.
- (viii) The said bye-laws may also include but not limited to provide the eligibility of the members to contest at the elections and the matter incidental related thereto.

## **20. ELECTION COMMITTEE**

- (i) Elections to the Association shall be conducted by an Election Committee of 3 members, out of which 2 (two) members will be nominated by the Executive Committee of the Association and one member will be nominated from among the members
- (ii) The members of the Election Committee shall not participate in the election, except casting their votes.
- (iii) The Election Committee shall exercise full and absolute control over the election and its decision shall be final and binding.

## **21. MEETINGS OF THE GENERAL BODY**

- (i) The Annual General Meeting of the Association shall ordinarily be held not later than 15th day of May every year.
- (ii) The Executive Committee may call a General Meeting, other than the Annual General Meeting, of the members of the Association anytime during the year to transact any particular business to be mentioned in the notice for such meeting and such meeting shall be called as Extra-Ordinary General Meeting.
- (iii) Not less than 15 days notice shall be given to the members of the Annual General Meeting or of the General Meeting.



- (iv) The following shall along with other businesses that may be required to be transacted, be included in the agenda of the Annual General Meeting.
  - a) Auditor's Report on the Account and Balance Sheet of Budget estimate;
  - b) Report of the Secretary on the activities of the terms which will include report of the work of committee other than the Executive Committee.
  - c) The election of the officers of the Association and Members of Executive Committee or other committees and appointment of Auditors;
  - d) The approval of the revenue account and the balance sheet of the affairs of the Association as on 31st March of the previous year duly passed.
- (v) The quorum at a General Meeting shall be 10 (ten) members.
- (vi) In the absence of such quorum the meeting shall stand adjourned to such a date and time as the Chairman may appoint and for such adjourn meeting the quorum shall be 5 members.

## **22. EMERGENT GENERAL MEETING**

- (i) The Executive Committee may call an Emergent General Meeting on any day by affixing a notice to that effect on the notice board of the Association and circulating the same to the Members as can be conveniently informed.

Provided that notice of such General Meeting shall clearly specify the reason of such urgency of calling such a meeting.

- (ii) The other provisions of these Rules relating to the General Body Meetings shall be applicable to the said Emergent General Meetings to the extent applicable.

## **23. NOTICE OF MEETINGS**

- (i) The notice of the Annual General Meeting shall be given by:-
  - a) Circulating the notice, to such members as can conveniently be informed in that way;
  - b) Sending out such notices by post addressed to every outstation member and to every resident member who may have required the Secretary to send the notice in this way and has registered his address in the office of the Association;



- (ii) The notice of a General Meeting other than the Annual General Meeting shall be given by;
  - a) Affixing the notice on the notice board of the Association;
  - b) Circulating the notice to such members as may be conveniently informed in that way.
  - c. The notice of the Annual General Meeting / Emergent General Meeting or any other General Meeting may also be sent through electronic mode, in case the Executive Committee of the Association takes the decision for the said purpose.

## **24. MINUTES OF MEETINGS**

The minutes of the proceedings of any Meeting shall be recorded by the Secretary or any other member authorized in that behalf and signed by the **President** of the meeting and the Secretary and be placed on record.

- 25. The **President** of every General Meeting shall have full authority to regulate the proceedings and maintain order thereat, in such a manner, as he may deem fit.
- 26. Once a year in the month of April / May, the Treasurer and the Secretary shall submit to the Executive Committee a revenue account and the balance sheet of the affairs of the Association as on 31st March of the year duly passed by the Auditor.
- 27. The Audited Revenue Account and the Balance Sheet shall be laid before the Annual General Meeting of the Members for approval.

## **28. AUDIT**

The financial year of the Association shall commence on 1st April and will end on 31st March each year. The accounts of the Association shall be audited at least once a year by the Auditor. At every Annual General Meeting the Accounts of previous year shall be approved by the meeting.

## **29. AUDITOR**

- (i) The Auditor shall ordinarily be elected or appointed at the Annual General Meeting. The Auditor shall not be any person who is also a member of this Association.

- (ii) The Auditor so appointed shall give an undertaking to the effect that he or his firm is not a member of the Association. This is to provide transparency and fairness in the Auditing procedure.
- (iii) Any casual vacancy in the office of the Auditor may be filled by the Committee.
- (iv) The Auditor shall examine the entire accounts of the Association and shall have access to accounts and vouchers at all reasonable times throughout the year.

### **30. REPORTING BY AUDITOR**

- (i) The Auditor shall check the revenue accounts and the balance sheets as of 31st March and shall, after making any corrections therein as he may deem proper, sign the same.
- (ii) The Auditor shall also submit annually, in the month of January, to the Committee, brief report on such accounts.
- (iii) The Auditor's Report shall be laid before the Annual General Meeting with the revenue accounts and the balance sheet.

### **31. COMMUNICATION TO GOVERNMENT, ETC.**

- (i) All representations or communications to the Government or other authorities shall be made by the President or the Secretary.
- (ii) No Member of the Committee or any of the Office Bearer shall issue any press statement or make any publicity of his views/objections or any matter of which Committee is seized, as a Member, except in the manner authorized by the Committee.

### **32. COMPLAINTS REGARDING ANY MEMBER**

- (i) On the receipt of a written complaint from any person as to unprofessional or improper conduct on the part of any Member, the Secretary shall place it before the President, and if the President of opinion that it merits consideration, the Secretary shall call a meeting of the Executive Committee as expeditiously as possible.
- (ii) The Executive Committee or the Sub-Committee constituted by it generally for the purpose of this rule or especially for any particular case will hold an inquiry into the complaint. If on consideration of its own findings or of the Report of Sub-Committee, the Executive Committee is satisfied that there is a prima facie case against the Member complained against it shall direct that the Complaint, together with the report of the Executive Committee or Sub-Committee, be placed before a General Meeting of the Association.



Provided always that where a prima facie case is made out against the Member complained against the Executive Committee or Sub-Committee shall give such Member reasonable opportunity of being heard in person.

- (iii) The Association may by a resolution passed at such meeting expel or suspend, for a specific period, the Member complained against, if in its opinion he is guilty of dishonorable conduct.

Provided that such Resolution shall be voted up by ballot and shall be considered to be passed if supported by not less than 2/3rd of the Members present and voting at such meeting.

Provided always that before such resolution is passed, the member concerned shall be given reasonable opportunity of being heard, in person, before the General Meeting.

- (iv) A copy of resolution shall, if the General Meeting so decides be forwarded to the Secretary of the All India Bar Council or the Bar Council where such Member may be enrolled.

### **33. AMENDMENT OF RULES**

The rules and bye-laws of the Association shall be subject to such additions and / or modifications as may be made from time to time by resolution passed by at least 2/3rd of the members present and voting at a General Meeting.

Provided that the voting on any amendment/modification to the Constitution/ Rules of the Association shall be only by way of "Secret Ballot".

### **34. SOURCES OF INCOME AND UTILISATION OF FUNDS**

- (i) The association may receive funds through contributions and grants from institutions (s), organization(s) and general public, whether Indian or foreign, subject to the Indian Laws and Regulations.
- (ii) The funds of the association shall be invested in or upon one or more securities or investments as may be approved by the Members in General Meeting or the Executive Committee from the time to time being subject to the provisions of Income Tax Act, 1961.



- (iii) The Executive Committee may (without being obliged to do so) at any time appoint or provide for the appointment of one or more persons as separate or holding trustees (including a banking company or other corporation which is authorized by its Memorandum and Articles of Association to act as such) to hold any land, immovable properties, funds or any other properties, investments, securities belonging to the association subject to the Rules and Regulations as the Executive Committee may from time to time frame in this regard. A holding trustee need not be a member of the Executive Committee.
- (iv) Such securities shall not be sold or dealt with except with the permission of the Members in the General Meeting or the Executive Committee in its Meeting.
- (v) The surplus from any activity of the association shall be exclusively used for the furtherance of the aims and objects of the association.
- (vi) The Executive Committee shall be within the powers to file various returns and filings under the Income Tax Act, 1961 or any other law as may be applicable to the Association.
- (vii) The Executive Committee shall also be within the powers to apply for availing of any exemptions as may be available under the Income Tax Act, 1961 or any other law as may be applicable to the Association.

### **35. ANNUAL LIST OF GOVERNING BODY**

Every year after the Annual General Meeting, list of the office bearers and members of the Executive Committee of the Association as on the date of the Annual General Meeting, shall be filed with the Registrar of the Societies, Delhi as required under Section 4 of the Societies Registration Act, 1860.

### **36. LEGAL PROCEEDINGS**

- (i) The Association may be sued in the name of its President / Secretary as per the provisions laid down under Section 6 of Societies Registration Act, 1860 as applicable to the National Capital Territory of Delhi.
- (ii) The Courts at Delhi shall have the jurisdiction in any of the legal matters as may arise against the Association or as the Association may raise against any person.

### **37. AMENDMENT OF THE OBJECTS AND AIMS OF THE ASSOCIATION**

- (i) To amend, alter, extend or abridge of the objects and aims of the Association or to amalgamate with such society either wholly or partially with any other Association, the Executive Committee shall submit a written report of the proposition to the Members of the Association and shall convene a General Meeting for consideration thereof.

- (ii) No proposition shall be carried out into effect unless each Member of the Association has been informed by post ten days previous to the General Meeting to be convened by the Executive Committee. The proposition shall have to be agreed and confirmed by not less than 3/5 (three-fifth) of the Members present at the General meeting so convened.
- (iii) Further, provisions of Section 12 of the Societies Registration Act, 1860 shall be applicable with regard to alteration, extension or abridgement of the objects and aims of the Association.

### **38. DISSOLUTION AND ADJUSTMENT OF AFFAIRS**

- (i) If at any time the Executive Committee decides that the association needs to be dissolved, the Executive Committee shall submit a written report to the Members of the association and shall convene a General Meeting of the Members of the Association and shall put the proposal for approval by not less than three fifths of the Members of the association, present at the special meeting so convened.
- (ii) In case the Members approve the proposal so put forth in the General Meeting, the association shall stand dissolved subject to such other approvals as may be required under the Sections 13 and 14 of the Societies Registration Act.
- (iii) If upon winding up or dissolution of the association, there remains any property whatsoever, after the satisfaction of the debts and liabilities, the same shall not be distributed amongst the members of the Association but shall be transferred by way of grant or be donated to any other Association, Unit, Bar Association, Federation, Organization or Company having objects similar to the objects of this Association.

### **39. APPLICATION OF THE ACT**

All the provisions of the Societies Registration Act, 1860 as applicable to the Union Territory of Delhi shall apply to this Association.

### **40. ESSENTIAL CERTIFICATE**

Certified that this is the correct copy of the Rules and Regulations of the Association.

Verified at New Delhi on this 10<sup>th</sup> day of February, 2014

Sd/-  
**PRESIDENT**

Sd/-  
**SECRETARY**

Sd/-  
**TREASURER**