

MINISTRY OF CORPORATE AFFAIRS**NOTIFICATION**

New Delhi, the 5th August, 2024

G.S.R. 476(E).— In exercise of the powers conferred by section 454 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 (Adjudication of Penalties) Rules, 2014, namely: -

1. (1) These rules may be called the Companies (Adjudication of Penalties) Amendment Rules, 2024.
- (2) They shall come into force from the 16th day of September, 2024.

2. In the Companies (Adjudication of Penalties) Rules, 2014,—

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

“3A. Adjudication Platform.- (1) On the commencement of the Companies (Adjudication of Penalties) Amendment Rules, 2024, all proceedings (including issue of notices, filing replies or documents, evidences, holding of hearing, attendance of witnesses, passing of orders and payment of penalty) of adjudicating officer and Regional Director under these rules shall take place in electronic mode only through the e-adjudication platform developed by the Central Government for this purpose.

(2) In case the e-mail address of any person to whom a notice or summons is required to be issued under these rules is not available, the adjudicating officer shall send the notice by post at the last intimated address or address available in the records and the officer shall preserve a copy of such notice in the electronic record in the e-adjudication platform referred to in sub-rule (1):

Provided that in case no address of the person concerned is available, the notice shall be placed on the e-adjudication platform.”

(ii) For the Annexure to the said rules, the following Annexure shall be substituted, namely:-

"Annexure

**Form No. ADJ****Memorandum of Appeal**

[Pursuant to Section 454(5) of the Companies Act, 2013 and rule 4(1) of the Companies (Adjudication of Penalties) Rules, 2014]

Refer instruction kit for filing the form
*All fields marked in * are mandatory*

Form language

☒ English☐ Hindi

Before the Regional Director

In the matter of the Companies Act, 2013

And

In the matter of appeal against the order made on (DD/MM/YYYY)

By

1 *Order ID number of the adjudication order

Note: Pursuant to the second proviso in sub rule (1) of Rule 4 of the Companies (Adjudication of Penalties) Rules, 2014,
 the appeal in Form ADJ shall not seek relief against more than one order unless the reliefs prayed for are consequential.

2 *Category of Appellant

(Company/Foreign Company/Others [Individual])

3 Company Details

(a) Corporate Identity Number (CIN) or Foreign Company Registration Number (FCRN)

(b) Name of the company

(c) Address of the registered office or principal place of business in India

(d) Email id of the company

4 Details of other (individual) appellant

Select other (individual) appellant

(a) *Identification number

(DIN / PAN / Passport Number / Membership Number)

(b) *Name

(c) *Email ID

5 (a) *Whether the appeal is to be filed on behalf of other appellants also?

☐

Yes


☐

No

(b) Number of appellants for which the form is being filed

6 Particulars of other appellants on behalf of whom the appeal is being filed

Select other appellant


(a) *Identification number
(DIN / PAN / Passport Number / Membership Number)

(b) *Name

(c) *Email ID

(d) *Copy of authorisation letter to file the appeal

Max 2 MB


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7 Details of the respondent


(a) *Adjudicating officer



(b) *Address

8 Details of Adjudication order

(a) *Section under which penalty was imposed



(b) Specify others

(c) *Description of the section

9 Penalty Details

S. No.	Name of the Appellant	Penalty imposed (Amount in INR)	Reason for Penalty

10 Specify the name of the form, if any

11 SRN of the form specified above

Appeal details

12 *Synopsis of case

13 *Grounds of appeal

14 *Relief sought

15 *Interim relief sought, if any

16 *Date of issuing certified copy of penalty order (DD/MM/YYYY)

17 *Due date by which the appeal has to be filed (DD/MM/YYYY)

18 *Whether there is a delay in filing the appeal?

☐ Yes ☐ No

19 Delay in days

20 Reason for delay in filing the appeal

21 *Jurisdiction of Regional Director

22 Details of writ petition filed with the court, if any

23 Details of the authorised representative

(a) Name of the authorised representative, if any

(b) Email id of the authorised representative, if any

The appellant declares that the subject matter of appeal falls within the jurisdiction of the Regional Director.

Attachments

(a) *Certified copy of the order against which appeal is sought

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(b) A copy of authorisation in favour of authorised representative, if any

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(c) Order of condonation of delay, if any

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(d) Optional attachment(s), if any

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Declaration

☐ *I am authorised by the Board of Directors of the Company vide resolution number * dated* to sign this form and declare that all the requirements of Companies Act, 2013 and the rules made thereunder have been complied with in respect of subject matter of this form.

☐ *I am filing this form in my individual capacity as Officer in default or any other person in the captioned matter and hereby certify that all the requirements of the Companies Act, 2013 and rules made thereunder have been complied with in respect of subject matter of this form.

☐ *I also certify that all the information given herein above is true, correct and complete including the attachments to this form and nothing material has been suppressed.

☐ *It is further declared that no other appeal, suit, civil revision or any other legal proceedings is pending before any authority on the similar matter.

*** To be digitally signed by**

DSC BOX

***Category**

(Director/Manager/Company Secretary/ CFO/ CEO/ Authorised representative/ Appellant)

***Identification Number** (Director identification number of the director; or DIN or

PAN of the manager or CEO or CFO; or Membership number of the company secretary
Or DIN/PAN/Passport number of appellant; or PAN of Authorised Representative)

Note: Attention is drawn to provisions of Section 447 read with 448 and 449 of the Companies Act, 2013 which provide for punishment for false statement / certificate and punishment for false evidence respectively.

For office use only:

eForm Service Request Number (SRN)

eForm filing date (DD/MM/YYYY)

Appeal ID

The appeal is hereby approved

The appeal is hereby rejected

Date of signing (DD/MM/YYYY)

”

[F. No. 1/25/2013-CL-V(Part)]

MANOJ PANDEY, Addl. 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. 254(E), dated the 31st March, 2014 and last amended, *vide* notification number G.S.R. 131(E) dated 19th February, 2019.