

F. No. 35/6/2011/Insolvency
Government of India
Ministry of Corporate Affairs

5th Floor, 'A' Wing, Shastri Bhavan,
Dr. R.P. Road, New Delhi-110001
Dated 26th July 2011

To

All Regional Directors
All ROCs
All Official Liquidators

Subject: Pro-active action in case of winding up petitions.

It has been noticed that winding up petitions are filed by creditors, stake holders and management before Hon'ble High courts without providing full information. This leads to waste of valuable time of Hon'ble Court and also delays completion of winding up process as well. In order to speed up the winding up process and to introduce best international practices the winding up process, following actions will be taken by concerned OL:-

- (a) OLs shall post one of the staff members to the Company Court to keep track of all cases where applications have been filed for winding up, but orders for winding up are yet to be issued by the Court.
- (b) For all cases pending till date and in future as well, information shall be obtained by OL from "institution register" maintained in High Court and action as below must be taken in all cases.
- (c) In each case the OL will file an application praying to the Court to direct the management of the company to submit following information duly verified by a chartered accountant:-
 - (i) The current addresses of the Directors, Company Secretary and Statutory Auditor of the company;

- (ii) Location and physical details of each immovable asset of the company along with its current valuation;
 - (iii) The details of all the debtors and creditors with their complete addresses and occupations;
 - (iv) The details of each movable asset of the company along with value;
 - (v) The details of workmen/employees and any amount outstanding to them;
 - (vi) The details of all movable and immovable assets held in the personal names of director by providing its location, value, dates of acquisition and nature of right, title and interest therein;
 - (vii) Copies of last three years audited balance sheet of the company; and
 - (viii) The details of location of the registered office of the company.
- (d) RDs will ensure that in all pending cases, the applications are moved by OL before the Court before the next date of hearing and in all new cases, these are filed before the Hon'ble Court before the second hearing of the case.
- (e) RDs will ensure that a standard draft is prepared by them after taking legal advice and the same is used in all cases by OLs.

(Jaikant Singh)
Director