

[भारत के राजपत्र, असाधारण, भाग 2, खंड 3, उपखंड (ii) में प्रकाशनार्थ]

भारत सरकार  
कार्पोरेट कार्य मंत्रालय

अधिसूचना

नई दिल्ली, 12/9/2013

का.आ. \_\_\_\_\_ (अ).- केन्द्रीय सरकार, कंपनी अधिनियम, 2013 (2013 का 18) की धारा 1 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए 12 सितंबर, 2013 को ऐसी तारीख के रूप में नियत करती है जिसको उक्त अधिनियम के निम्नलिखित उपबंध प्रवृत्त होंगे, अर्थात् :-

क्रम सं.	धारा
1.	धारा 2 खंड (1) ; खंड (3) से खंड (6) (दोनों सहित) ; खंड (8) से खंड (12) (दोनों सहित) ; खंड (14) से खंड (22) (दोनों सहित) ; खंड (24) से खंड (28) (दोनों सहित) ; खंड (29) [उपखंड (iv) के सिवाय] ; खंड (30) ; खंड (32) से खंड (40) (दोनों सहित) ; खंड (43) से खंड (46) (दोनों सहित) ; खंड (49) से खंड (61) (दोनों सहित) ; खंड (63) से खंड (66) (दोनों सहित) ; खंड (67) [उपखंड (ix) के सिवाय] ; खंड (68) से खंड (82) (दोनों सहित) ; खंड (84) ; खंड (86) ; खंड (87) ; [परंतुक और स्पष्टीकरण (घ) के सिवाय] ; खंड (88) और खंड (89) ; खंड (90) से खंड (95) (दोनों सहित) ;
2.	धारा 19 ;
3.	धारा 21 ;
4.	धारा 22 ;
5.	धारा 23 [उपधारा (1) का खंड (ख) और उपधारा (2) के सिवाय] ;
6.	धारा 24 ;

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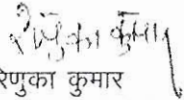
क्रम सं.	धारा
7.	धारा 25 [उपधारा (3) के सिवाय] ;
8.	धारा 29 से धारा 32 (दोनों सहित) ;
9.	धारा 33 [उपधारा (3) के सिवाय] ;
10.	धारा 34 ;
11.	धारा 35 [उपधारा (1) के खंड (ड) के सिवाय] ;
12.	धारा 36 से 38 (दोनों सहित) ;
13.	धारा 39 [उपधारा (4) के सिवाय] ;
14.	धारा 40 [उपधारा (6) के सिवाय] ;
15.	धारा 44 और धारा 45 ;
16.	धारा 49 से धारा 51 (दोनों सहित) ;
17.	धारा 57 से धारा 60 (दोनों सहित) ;
18.	धारा 65 ;
19.	धारा 69 ;
20.	धारा 70 [उपधारा (2) के सिवाय] ;
21.	धारा 86 ;
22.	धारा 91 ;
23.	धारा 100 [उपधारा (6) के सिवाय] ;
24.	धारा 102 ;
25.	धारा 103 ;
26.	धारा 104 ;
27.	धारा 105 [उपधारा (1) के तीसरे और चौथे परंतुक और उपधारा (7) के सिवाय] ;
28.	धारा 106 ;
29.	धारा 107 ;

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क्रम सं.	धारा
30.	धारा 111 ;
31.	धारा 112 ;
32.	धारा 113 [उपधारा (1) के खंड (ख) के सिवाय] ;
33.	धारा 114 ;
34.	धारा 116 ;
35.	धारा 127 ;
36.	धारा 133 ;
37.	धारा 161 [उपधारा (2) के सिवाय] ;
38.	धारा 162 और धारा 163 ;
39.	धारा 176 ;
40.	धारा 180 से धारा 183 (दोनों सहित) ;
41.	धारा 185 ;
42.	धारा 192 ;
43.	धारा 194 ;
44.	धारा 195 ;
45.	धारा 202 ;
46.	धारा 379 ;
47.	धारा 382 और धारा 383 ;
48.	धारा 386 [उपखंड (क) के सिवाय] ;
49.	धारा 394 ;
50.	धारा 405 ;
51.	धारा 407 से धारा 414 (दोनों सहित) ;

क्रम सं.	धारा
52.	धारा 439 ;
53.	धारा 443 से धारा 453 (दोनों सहित) ;
54.	धारा 456 से धारा 463 (दोनों सहित) ;
55.	धारा 467 से धारा 470 (दोनों सहित)

[फा.सं.1/15/ 2013-सीएल. v]

  
रेणुका कुमार  
संयुक्त सचिव, भारत सरकार

[To be published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section -(ii)]

Government of India  
Ministry of Corporate Affairs  
Notification

New Delhi, the 12th Sep 2013

S.O. \_\_\_\_\_(E).- In exercise of the powers conferred by sub-section (3) of section 1 of the Companies Act, 2013 (18 of 2013), the Central Government hereby appoints the 12<sup>th</sup> day of September, 2013 as the date on which the following provisions of the said Act shall come into force, namely :-

SL. No.	Section
1.	Section 2 clause (1); clauses (3) to (6) (both inclusive); clauses (8) to (12) (both inclusive); clauses (14) to (22) (both inclusive); clauses (24) to (28) (both inclusive); clause (29) [except sub-clause (iv)]; clause (30); clauses (32) to (40) (both inclusive); clauses (43) to (46) (both inclusive); clauses (49) to (61) (both inclusive); clauses (63) to (66) (both inclusive); clause (67) [except sub-clause (ix)]; clauses (68) to (82) (both inclusive); clause (84); clause (86); clause (87) [except the proviso and Explanation (d)], clauses (88) and (89); clauses (90) to (95) (both inclusive);
2.	Section 19;
3.	Section 21;

SL. No.	Section
4.	Section 22;
5.	Section 23 [except clause (b) of sub-section (1) and sub-section (2)];
6.	Section 24;
7.	Section 25 [except sub-section (3)];
8.	Sections 29 to 32 (both inclusive);
9.	Section 33 [except sub-section (3)];
10.	Section 34;
11.	Section 35 [except clause (e) of sub-section (1)];
12.	Sections 36 to 38 (both inclusive);
13.	Section 39 [except sub-section (4)];
14.	Section 40 [except sub-section (6)];
15.	Sections 44 and 45;
16.	Sections 49 to 51 (both inclusive);
17.	Sections 57 to 60 (both inclusive);
18.	Section 65;
19.	Section 69;
20.	Section 70 [except sub-section (2)];
21.	Section 86;
22.	Section 91;
23.	Section 100 [except sub-section (6)];
24.	Section 102;
25.	Section 103;
26.	Section 104;
27.	Section 105 [except the third and fourth proviso of sub-section (1) and sub-section (7)];
28.	Section 106;
29.	Section 107;
30.	Section 111;
31.	Section 112;

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Sl. No.	Section
32.	Section 113 [except clause (b) of sub-section (1)];
33.	Section 114;
34.	Section 116;
35.	Section 127;
36.	Section 133;
37.	Section 161 [except sub-section (2)];
38.	Sections 162 and 163;
39.	Section 176;
40.	Sections 180 to 183 (both inclusive);
41.	Section 185;
42.	Section 192;
43.	Section 194;
44.	Section 195;
45.	Section 202;
46.	Section 379;
47.	Sections 382 and 383;
48.	Section 386 [except clause (a)];
49.	Section 394;
50.	Section 405;
51.	Sections 407 to 414 (both inclusive);
52.	Section 439;
53.	Sections 443 to 453 (both inclusive);
54.	Sections 456 to 463 (both inclusive);
55.	Sections 467 to 470 (both inclusive).

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[File No. 1 / 15 / 2013-CL. V]



RENUKA KUMAR,  
Joint Secretary to the Government of India

## **MCA notifies 98 sections of Companies Act 2013**

### **Chapter I -Preliminary (1 - 2)**

Section 2- Definitions.

### **Chapter II -Incorporation of Company and Matters Incidental Thereto (3 - 22)**

Section 19- Subsidiary company not to hold shares in its holding company.

Section 21- Authentication of documents, proceedings and contracts.

Section 22- Execution of Acts of exchange, etc.

### **Chapter III -Prospectus and Allotment of Securities (23 - 42)**

Section 23- Public offer and private placement.

Section 24- Power of Securities and Exchange Board to regulate issue and transfer of securities, etc.

Section 25- Document containing offer of securities for sale to be deemed prospectus.

Section 29- Public offer of securities to be in dematerialised form.

Section 30- Advertisement of prospectus.

Section 31- Shelf prospectus.

Section 32- Red herring prospectus.

Section 33- Issue of application forms for securities.

Section 34- Criminal liability for mis-statements in prospectus.

Section 35- Civil liability for mis-statements in prospectus.

Section 36- Punishment for fraudulently inducing persons to invest money.

Section 37- Action by affected persons.

Section 38- Punishment for personation for acquisition, etc., of securities.

Section 39- Allotment of securities by company.

Section 40- Securities to be dealt with in stock exchanges.

### **Chapter IV -Share Capital and Debentures (43 - 72)**

Section 44- Nature of shares or debentures.

Section 45- Numbering of shares.

Section 49- Calls on shares of same class to be made on uniform basis.

Section 50- Company to accept unpaid share capital, although not called up.

Section 51- Payment of dividend in proportion to amount paid-up.

Section 57- Punishment for personation of shareholder.

Section 58- Refusal of registration and appeal against refusal.

Section 59- Rectification of register of members.



Section 60- Publication of authorised, subscribed and paid-up capital.  
Section 65- Unlimited company to provide for reserve share capital on re-registration.  
Section 69- Transfer of certain sums to capital redemption reserve account.  
Section 70- Prohibition for buy-back in certain circumstances.

#### **Chapter VI -Registration of Charges (77 - 87)**

Section 86- Punishment for contravention.

#### **Chapter VII -Management and Administration (88 - 122)**

Section 100- Calling of extraordinary general meeting.  
Section 102- Statement to be annexed to notice.  
Section 103- Quorum for meetings.  
Section 104- Chairman of meetings.  
Section 105- Proxies.  
Section 106- Restriction on voting rights.  
Section 107- Voting by show of hands.  
Section 111- Circulation of members' resolution.  
Section 112- Representation of President and Governors in meetings.  
Section 113- Representation of corporations at meeting of companies and of creditors.  
Section 114- Ordinary and special resolutions.  
Section 116- Resolutions passed at adjourned meeting.  
Section 91- Power to close register of members or debenture holders or other security holders.

#### **Chapter VIII -Declaration and Payment of Dividend (123 - 127)**

Section 127- Punishment for failure to distribute dividends.

#### **Chapter IX -Accounts of Companies (128 - 138)**

Section 133- Central Government to prescribe accounting standards.

#### **Chapter XI -Appointment and Qualifications of Directors (149 - 172)**

Section 161- Appointment of additional director, alternate director and nominee director.  
Section 162- Appointment of directors to be voted individually.  
Section 163- Option to adopt principle of proportional representation for appointment of directors.

#### **Chapter XII -Meetings of Board and its Powers (173 - 195)**

Section 176- Defects in appointment of directors not to invalidate actions taken.

Section 180- Restrictions on powers of Board.

Section 181- Company to contribute to bona fide and charitable funds, etc.

Section 182- Prohibitions and restrictions regarding political contributions.

Section 183- Power of Board and other persons to make contributions to national defence fund, etc.

Section 185- Loan to directors, etc.

Section 192- Restriction on non-cash transactions involving directors.

Section 194- Prohibition on forward dealings in securities of company by a key managerial personnel.

Section 195- Prohibition on insider trading of securities.

### **Chapter XIII -Appointment and Remuneration of Managerial Personnel (196 - 205)**

Section 202- Compensation for loss of office of managing or whole-time director or manager.

### **Chapter XXII-Companies Incorporated Outside India (379- 393)**

Section 379- Application of Act to foreign companies.

Section 382- Display of name, etc., of foreign company.

Section 383- Service on foreign company.

Section 386- Interpretation.

### **Chapter XXIII-Government Companies (394 - 395)**

Section 394- Annual reports on Government companies.

### **Chapter XXV-Companies to Furnish Information or Statistics (405)**

Section 405- Power of Central Government to direct companies to furnish information or statistics.

### **Chapter XXVII-National Company Law Tribunal and Appellate Tribunal (407 - 434)**

Section 407- Definitions.

Section 408- Constitution of National Company Law Tribunal.

Section 409- Qualification of President and Members of Tribunal.

Section 410- Constitution of Appellate Tribunal

Section 411- Qualification of Chairperson and Members of Appellate Tribunal.

Section 412- Selection of Members of Tribunal and Appellate Tribunal.

Section 413- Term of office of President, Chairperson and other Members.

Section 414- Salary, allowances and other terms and conditions of service of Members.

### **Chapter XXVIII- Special Courts (435 - 446)**

Section 439- Offences to be non-cognizable.

Section 443- Power of Central Government to appoint company prosecutors.

Section 444- Appeal against acquittal.

Section 445- Compensation for accusation without reasonable cause.

Section 446- Application of fines.

#### **Chapter XXIX Miscellaneous (447 - 470)**

Section 447- Punishment for fraud.

Section 448- Punishment for false statements.

Section 449- Punishment for false evidence.

Section 450- Punishment where no specific penalty or punishment is provided.

Section 451- Punishment in case of repeated default.

Section 452- Punishment for wrongful withholding of property.

Section 453- Punishment for improper use of "Limited" or "Private Limited".

Section 456- Protection of action taken in good faith.

Section 457- Non-disclosure of information in certain cases.

Section 458- Delegation by Central Government of its powers and functions.

Section 459- Powers of Central Government or Tribunal to accord approval, etc., subject to conditions and to prescribe fees on applications.

Section 460- Condonation of delay in certain cases.

Section 461- Annual report by Central Government.

Section 462- Power to exempt a class or classes of companies from provisions of this Act.

Section 463- Power of Court to grant relief in certain cases

Section 467- Power of Central Government to amend Schedules.

Section 468- Power of Central Government to make rules relating to winding up.

Section 469- Power of Central Government to make rules.

Section 470- Power to remove difficulties.