General Circular No. 04/2017

F.No. 17/89/2016-CL-V
GOVERNMENT OF INDIA
MINISTRY OF CORPORATE AFFAIRS

5th Floor, 'A' Wing Shastri Bhawan,
Dr. R.P. Road, New Delhi
Dated: 16.05.2017

To
All Regional Directors,
All Registrars of Companies,
All Stakeholders.

Subject: Clarification regarding applicability of Section 16 (1)(a) of the Companies Act, 2013 with reference to cases under corresponding provisions of Companies Act, 1956 -reg.

Sir,

A representation was received from Regional Director, Mumbai seeking clarification as to whether Regional Directors can entertain, fresh applications u/s 16 of the Companies Act, 2013 in respect of applications which were earlier rejected by them under Companies Act, 1956 on the ground of being time-barred as the prescribed period of twelve months had been completed (under Section 22 (1) (ii) (b) of the Companies Act, 1956). It was expressed that Section 16 of the Companies Act, 2013 does not specify any time limitation.

2. The matter has been examined in consultation with D/o Legal Affairs and it is clarified that applications that were rejected by Regional Directors under Section 22(1) (ii) (b) of the Companies Act, 1956, on the ground that such applications were made after the requisite period of twelve months specified therein, cannot apply afresh under Section 16 (1)(a) of the Companies Act, 2013, as the extinguished limitation cannot be considered to be revived even if no limitation period has been prescribed/laid down in the said section.

3. This issues with approval of the Secretary, MCA.

Yours faithfully

(KMS Narayanan)
Assistant Director
Tel: +91-11-23387263

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2. Guard File.