General Circular No. 30A/2011

No 02/02/2011-CL.V
Government of India
Ministry of Corporate Affairs

5th floor, 'A' Wing, Shastri Bhawan,
Dr. Rajendra Prasad Road, New Delhi
Dated: 26.05.2011

All the Regional Directors,
All the Registrar of Companies

Subject : Clarification regarding 'Body Corporate' for the purpose of section 226(3)(a) of the Companies Act, 1956.

Sir,

The Ministry of Corporate Affairs has received representation from the Institute of Chartered Accountants of India wherein they have stated that under section 226(3)(a) of the Companies Act,1956 a body corporate is disqualified from appointment as auditor by a company. Since LLP is a body corporate as per section 3(1) of the Limited Liability Partnership Act, 2008, LLP among Chartered Accountants will not be qualified for appointment as auditor under section 226(3) (a) of the Companies Act, 1956.

2. It is hereby clarified that Limited Liability Partnership of chartered accountants will not be treated as body corporate for the limited purpose of Section 226(3)(a) of the Companies Act, 1956 and notification in this respect has been sent for publication in the Gazette of India (copy enclosed).

Yours faithfully,

(Kamna Sharma)
Assistant Director

Copy to: All concerned.

Notification issued vide S.O. No. 1152(E) dated 23-5-2011 (copy enclosed).

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[TO BE PUBLISHED IN THE GAZETTE OF INDIA PART II, SECTION 3, SUB SECTION (ii), EXTRAORDINARY]

GOVERNMENT OF INDIA
Ministry of Corporate Affairs

Notification

New Delhi the 23.05.2011

S.O. ..... (E). – In exercise of the powers conferred by clause (c) of sub-section (7) of section 2 of the Companies Act, 1956 (1 of 1956), the Central Government hereby specifies, for the purpose of the said clause, the Limited Liability Partnership, a body corporate, incorporated under clause (1) of section 3 of Limited Liability Partnership Act, 2008 (6 of 2009), for the limited purpose of clause (a) of sub-section (3) of section 226 of the Companies Act, 1956.

[F No 2/2/2011-CL.V]

J.N. Tikku,
Joint Director

Note:- The Principal notification was published vide number G.S.R. 1883 dated the 20th December, 1965

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The Gazette of India

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कॉर्पोरेट कार्य मंत्रालय

अधिसूचना

नई दिल्ली, 23 मई, 2011

का.आ. 1152(अ).—केन्द्र सरकार, कम्पनी अधिनियम, 1956 (1956 का 1) की धारा 2 की उप-धारा (7) के खंड (ग) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए एतद्द्वारा, कम्पनी अधिनियम, 1956 की धारा 226 की उप-धारा (3) के खंड (क) के सीमित उद्देश्यों हेतु सीमित देयता भागीदारी अधिनियम, 2008 (2009 का 6) की धारा 3 के खंड (1) के तहत निगमित सीमित देयता भागीदारी, जो कि एक कॉर्पोरेट निकाय है, को उक्त खंड के उद्देश्यों हेतु, विनिर्दिष्ट करती है ।

[फा. सं. 2/2/2011-सीएल-5]

जे. एन. टिक्कू, संयुक्त निदेशक

टिप्पण : प्रधान अधिसूचना संख्या सा.का.नि. 1883 दिनांक 20 दिसम्बर, 1965 द्वारा प्रकाशित की गई थी ।

MINISTRY OF CORPORATE AFFAIRS

NOTIFICATION

New Delhi, the 23rd May, 2011

S.O. 1152(E).—In exercise of the powers conferred by clause (c) of sub-section (7) of Section 2 of the Companies Act, 1956 (1 of 1956), the Central Government hereby specifies, for the purpose of the said clause, the Limited Liability Partnership, a body corporate, incorporated under clause (1) of Section 3 of Limited Liability Partnership Act, 2008 (6 of 2009), for the limited purpose of clause (a) of sub-seciton (3) of Section 226 of the Companies Act, 1956.

[F. No. 2/2/2011-CL. V]

J. N. TIKKU, Jt. Director

Note :—The Principal notification was published *vide* number G.S.R. 1883 dated the 20th December, 1965.

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