LLP (AMENDMENT) RULES, 2009 G.S.E. 385(E) AND G.S.R. 386(E) (153 KB)

•—33004/99 REGD. NO. D. Che Gazette of •tidia 3431 No. 3431 EXTRAORDINARY 3—zq-uux (i) PART 11—Section 3—Sub-section (i) PUBLISHED BY AUTHORny 18, 19, 1934 NEW DELHI, TUESDAY, JULY 10, 2012fASADHA 19, 1934 10 20.12 a-rfkfi•qq, 2008 (2009 6) '79 65 2010 2. e. 3. 2532 GI/2012 2008 (2009 6) 872 76 1908 i; ITq1" "Aüq-«€f" i; 2009 2 THE GAZETTE OF INDIA : EXTRAORDINARY [PART fi—SEC. 3(Ö1. "tiff-a 3fizröT3fi, 3Fzr 31t, aM (t) 3ia•fa 3TT7fiZR, fil&R, a-fi t. .3--T9-QIGT (6) .3.ß-tß 3ia•a'ra t; 3ia-ai•a OT 3-ra:r E5Tåa•rRzrt OT (OT) 3ia•aia t, .3-TtZTH zrr (7) #rüa 2008 (2009 iFr 6) (20 æa-T [•-7171 3(i)] 1956 (2) 3Fzærr a, atr 3rå 2008 (3) - 37 •j, 4. - aar 5. fi .57 6. ara•r - (l) 3 4 THE GAZETTE OF INDIA : FXTRAORDINARY a-- -sec- (2) 28 (3) aT7k t, 3i2t 7. Räa•r esrwrr-- ( ) agt t) i. 2 a-fiaz, 3TQ, 3Tq-å qa-TTQ - (ag) 3iaffg (3T) afra 0, tkå aravrå aria 3fiæ t; 3(i)] åQT((3) G•zra (1) 8. (l) 3Ft zrr 3FZT21T #rfh gmaRr, tkå 2009 azrær 15 7 (1) qfä, (2) æi•äv azr (t) *rag tr 3TQ7rr; (T) 9TßfiZT?T, arfüar 5 6 THE GAZE'ITE OF INDIA : EXIRAORDtNARY a. -SFC- Grgt Agi, (qq) FT) I (4) ROT-I (3) 9. GTPra 10. -ff-e -a $1 7 qig (3) *q-fiFq eraüTQa (6) <fir« (8) qlftra 8 THE GAZETTE OF INDIA : EXTRAORDINARY 11-—SEC. gra?ra * t, (10) <1f2.r« 9 ag t, ugi (11) 11. 10 12 qRa& 13. 14. fifül--(l) Gift-a 9 -qfi-d -a 15. wrrq•m .$r. 56 I 16. fig 17. iB R•tüé (3mfas 31 30 30 31 QqTRUi) 8 18. mt-(l) Rttré & 81 43 2532 GU2012—2 THE GAZETTE OF : EXTRAORDiNARY [PART II—SEC. Rqsré 65g Øqe Rqhé Rt:ié vd, Trzfafiqi 3iaRd 19. Rueq-(l) gg 3frZÖ g *i.9 Rq)é zn zrr i.rrßg $1 Rqsré t 23 EB €5) 10 Rüé Rmé I Rqhé ail t, Nqsré qrRd I 12 n-IE GAZEYIE OF INDIA : EXTRAORDR-*ARY [PART 3(i)) (5) (4) 11 15 I (ii) 20. (3ia•Rå agt eqptr<Ni q•rNftßii zn -a ,3..FZT ; 13 grq q•pfiqrq (2) gt-aar, Rzrr (4) 4fQ a) 21. fkz@i gg, 22. -a-a 14 THE GAZETTE OF INDIA : EXTRAORDINARY [PART 23. fäg ; ZII 3%$rra ag I qfi:ra 11 I aqft $1 24. 25. 64 Ng. e-FzrqT *iqrzr z:t€ *qrzr e 26. Ng 16 THE GAZETTE OF INDIA : EXTRAORDINARY EPART il—SEC. 3(i)} (G) 51 ; (a) 64 @ (3) 64 5(q) 43 'HT7ttqrrt 31föFäV! gfä@ t 3(i)] 27. QTQat--(1) (77) 2008 60 62 wtg .3-FZT fäA7 01 1 28. fif•hd e.RTdfl 2532 18 THE GAZETTE OF INDIA : EXTRAORDINARY "—SEC. 3(i)] 6 atq Rig (2) gg aft, Q5T, (1) åu•r€ g, 710G" q•« 2009 19 29. 'G-rq*' WifqG' m' Téé üTéé *Ffi 3åq QQ QiT. 3tR auE\Tü . tözn THE GAZETTE op INDIA : EXTRAORDINARY gg 8 *rgun 30. zrr ure-(l) (70 [PART 11--SEC. 3(i)] 21 31. i3Fff--(1) t a-rou 12 32. 33. a. q•rPra , (€) 3iNf7 (q) 60 62 THE GAZEIIE OF : EXTRAORDINARY (e) 3fifizwr IPsec, zrr zn zrr 34. Rq)é agt Rqié (31) Rig ; eFu an 3tR Qiqe QTZIT (4) -aft fiqhé 'NE GAZETTE OF INDIA : EXTRAORDINARY 35. a-(1) 34 Rtöé 31fi-«f (2) ate q•gi 60 62 era 43 3(i)] 25 (4) 07TT, 36. 31fiR4T-(1) t agt zn 30? qi•qfrzti t, 31fÄ'fiüT G, zn 3i-aq I zn, era 2, za (4) *iuft 37. Z5N3T-.(1) 2532 Git2012—4 GAZETTE OF INDIA : 0<TRAORbNARY 28 3Fu t I (2) Nir I 3FåVOT 38. arzü, wmi 39. fö•zn 30)] 3tR t. (6) fig (8) zrr & qiq t, (10) ltg, A, di 45 GiTVT1 THE GAZETTE OF INDIA : EXTRAORDINARY [PART 11—SEc. (12) (13) üTVtrr, (14) (15) fita--Pf qig 40. 13 31 HN, 30 30 31 I 41. Tåal--(l) 29 ($ HFtrqN•r aB FT) fifi, ; (Z) afi 3iR (q) 01 30 THE GAZETTE OF INDIA : EXTRAORDINARY [PART 3(i)] $1 Qi-a 3#-ai qéé q-réé ; (a) 28 (ur) 41éé 49 36)] Rqh-é an•fh t -i Rché ; -a a:rRT cbt .e¯cb-fi 31 32 THE GAZETTE OF INDIA : EXTRAORDINARY (PART 11—Sec. a qiq *iziai Q, (11) Ng ; (q) 31T*fh ; ($0 3--Fu I (6) 11) (5) åå 42. w--æ-\ -N $ qréé 33 .3Fu R*ré : 14 43. $1 (2) qvfr<Ri Rg i, Rg (3) q-g-ä 2532 GV2012—5 34 THE GAZETTE OF : EXTRAORDINARY [PART IP-SFL 3(i)] (5) gINT 44. qar--(l) 6 å 45. 6 (2) 56 6 $1 I 46. ql@a 47. 4-8, Äziaul--(l) GRI 35 49. ur Rig zaa 50, zm qpfi•arQ 3REfrq gg) 51. wq•rqi5 36 THE GAZETTE OF INDIA EXTRAORDINARY IT—SEC. 3(i)} (i) aqqRi ; (ii) zn qiT, (iii) aft qRv.'. h z.h-e (2) q-m-q 52. [q•rrr 3(i)] 53. Q--TPfi<i€r 54, qN7fi,-- 37 55. (2) (O e-u-q•l ; afi arrq--(l) trq åfh-a 9ia cae-u 38 THE GAZETTE OF INDIA : EXTRAORDINARY [PART 11—SEc. (S) q«r, &zrT t 3fR 56. atR 15 31 : P, 3iü (ii) a•réé qgi t, azi vrg "$ Nfüzå z.B« 'a<' $1 1 31 39 (ii) äq .31FTPf) 30 10 (3) qq-zi trx 182 3R.t3 57. se. ü+(l) q5T arF THE GAZETTE OF : EX ±RAORDINARY [PART 11—.SEc. 6) qrz?f 59. arr onar•- 60. ur -a -qi-q ö) uTdT" åq 3mfä ZARI" -O 41 $1 3rd 56 (1) (7) a-uq an" (8) a-rial" ßiuH (7) CB .31Éftq "{ftfiTd 2fi 2532 GU2012—6 THE GAZETTE OF NDIA : EXTRAORDINARY 61. ta--(1) 62. füé, 340-f@fä 1 [PART [I—SR. 30} 3rat (3) ftqlé, 3-T2@T täg tåfå 3ifh k *fifäui I 63. ag azn--(l) *Igerq7,-- (G) -zrrzrrazr, z:rr 44 THE GAZETTE OF INDIA : EXTRAORDINARY "—SEC. 64. (1) -$ 34fiZFRUT 65. rB azi ZB q;sqe 66. 1963 ft-fh Ga ara-tQ -a 67. qr« Ifiw--(l) • q:rvrr : BERIi 68. qi 69. WWT--(I) fiFQT 16 I THE GAZETTE OF INDIA : EXTRAORDINARY gg a-Fu 10.30 1.30 2.30 4.30 70. ur maT4 71. 72. a, 31fäfizrH I 73. $1 74. 31åiq $A

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2. Definitims.- (l) In these rules, unless the context otherwise requires,- (a) "Act" means the LimiEd Liability Partnership Act, 2008 (6 of 2009); (b) "Annexure" means an Annexure to these rules; (c) "Bench" means a Bench of the Tribunal and includes the Principal Bench; (d) "certified", in relation to a copy of a document, means certified as provided in section 76 of the Indian Evidence Act, 1872; (e) "Code" means the Code of Civil Procedure, 1908; (f) "filed" means filed in the office of the Registrar of Tribunal or Bench; (g) "LIN" means Limited Liability Partnership; (h) "LLPIN" means the Limited Liability Partnership Identification' Number as referred to in the Limited Liability Partnership Rules, 2009; (i) "LLP Liquidator" means a liquidator appointed in connection with voluntary winding up of a limited liability partnership (LLP) from the panel maintained by the Central Government consisting of the names of practicing chartered accountants, advocates, practicing company secretaries, practicing cost and works accountants or firms or bodies corporate having chartered accountants, advocates, company secretaries, cost and works accountants and such other professionals as may be notified by the Central Govemment; (j) "Mernber" means any judicial member or technical member of the Tribunal; (k) "Offcer" includes any designated partner, partner, employee of the LLP and any person in accordance with whose directions or instructions the partners of the LLP have been accustomed to act; (l) "Officer of the Tribunal" includes a liquidator appointed under these rules; Liquidator" means a Liquidator who, in relation to winding up by Tribunal, is appointed by the Central Govemmeni exercise the powers of Official Liquidator and includes Joint, Deputy or Assistant Offcial Liquidators; Broceedings" proceedings and procedures specified in Part VI of these rules and include other proceedings or procedures under tlr Act or the rules. (o) "Regisüar of Tribunal" means, the Registrar of the Tribunal, and includes an Additional Registrar, a Deputy Registrar or an Assistant Registrar of the Tribunal or any of its Bench, and such other officer as may be authorised by the President of the Tribunal to perform all or any of the duties assigned to the Registrar of Tribunal under the Act and rules made thereunder; (p) "section" means a section of the Limited liability Partnership Act, 2008 (6 of 2009); (q) "summons" means a summons returnable before any Member of the Tribunal; (r) "Triburøl" means the Tribunal as defined in clause (u) of sub-section (I) 2 of the Act'. Provided that until the Tribunal is constituted under the Companies Act, 1956, the word "Tribunal" shall be substituted with the words "High Court". (2) Save as aforesaid, and unless context otherwise requires, words and expressions contained in t}rse rules shall bear the same meaning as in the Limited liability Partnership Act, 2008. 3. 'Forms. - The forms annexed to these rules shall be used in all matters to which the forms relate with such variations as may be necessary. Part 11 Modes of winding up 4. Modes of winding up. - The winding up of an LLP may be either voluntary or by the Tribunal. Part 111 Voluntary. Winding Up 5. Circumstances in which LLP may be wound up voluntarily.- (I) Any LLP may be wound-up voluntarily if the LLP passes a resolution to wind up the LLP with approval of at least tlree-fourths of the total number of its partners: THE GAZETTE OF INDIA : EXTRAORDINARY PART IPSEC. Provided that where dae LLP has creditors, whether secured or the winding up shall not take place unless approval of such creditors takes place in pursuance of rule 7. (2) A copy of the resolution shall be filed with the Registrar within thirty days of passing of such resolution in

Form No. I

6. Commencement of voluntary winding up nnd Ning up of statement of affairs.- (I) A voluntary winding up shall be deemed to commence on the date of passing of the resolution for voluntm•y winding up under rule S. (2) Ihe provisions of sub-rule (3) of rule 28 shall, so far as may be, apply to the voluntary winding up as they apply to the winding up by the Tribunal except that the reference to — (a) the Tri bunal shall be omitted; (b) the liquidator or the Provisional Liquidator SIRII be construed as reference to the LLP liquidator, and (c) the 'Yelevant date" shall be construed as reference to the date of commencement of the voluntary winding up

7. Declaration of solvency in case of proposal to wind up voluntarily.- (1) Where it is proposed to wind up an LLP voluntarily, the majority of its designated partners (being not less than two) shall make a declaration in

Form No. 2 verified by an affidavit to the effect that the LLP has no debt or that it will be able to pay its debts in full within such period, as may be specified in the declaration, but not exceeding one year from the commencement of the winding up. (2) A declaration made tmder sub-rule (1) shall have no effect for the purposes of the Act and these rules, unless (a) it is delivered to the Registrar for registration in Form No. 3 within fifteen days immediately preceding the date of the passing of the for winding up of LLP; (b) it contains a statement declaring that the LLP is not being wound up to defraud any person or persons; it is accompanied by a statement of assets and liabilities prepared in Form No. 4 (c) for the period commencing from the date up to which thé last account was prepared ard ending with the latest practicable date immediately before the making of the declaration duly attested by at least two designated partners; and (d) it is accompanied by a report of the valuation of the assets of the LLP prepared by a valuer, if there are any assets of the LLP. (3) The LLP or its designated partners may repay any dues of the creditors or satisfy the claims of creditors in any manner, before any declaration is made by designated partners under sub-rule (l)

8. Meeting of creditors.- (1) Where any LLP has creditors, secured or otherwise, such LLP shall, before taking any action for winding up of the LLP, seek approval of such creditors and shall send them, by registered or speed post or any other mode defined in rule 15 of Limited Liability Partnership Rules 2009, a copy of declaration under sub-rule (1) of rule 7, die estimated amount of the claims due to each of the creditors and an offer for creditors to accept such claims. (2) TIE creditors shall give to the LLP their opinion in respect of voluntary wiu:ling up proposed by the LLP or acceptance of offer made under sub-rule(l) within thirty days of receipt of declaration under sub-rule (l) of rule 7. (3) Where two-thirds in value of creditors of the LLP referred to in sub-rule (l) give their consent that- (a) it is in the interest of all the partners and creditors that the LLP be wound up voluntarily by partners, the LLP shall be wound up voluntarily by partners; or (b) the LLP will not be able to pay for its debts in full from the proceeds of assets to be sold in voluntary winding up and pmpose that the LLP be wound up voluntarily by creditors, the LLP shall be wound up voluntarily by creditors; or (c) the LLP will not be able to pay for its debts in full from-the proceeds of assets to be sold in voluntary winding up and propose that it will be in the interest of all partners and creditors if the LLP is up by the Tribunal, the LLP shall, within fourteen days thereafter, file an application before the Tribunal for winding up: Provided that whel* the LLP pays the dues of creditors to their satisfamion, provisions of clause (b) or clause (c), as the case may be, shall not be applicable. (4) Notice of any decision of creditors in pursuance of this rule shall be given by tlr LLP to the Registrar in

Form No 5 within fifteen days from the date of receipt of consent of creditors referred to in sub-rule (3)

9. Publication of resolution to wind up voluqtarily.- Where LLP has by resolution resolved for voluntary winding up and consent of creditors under clause (b) of sub-rule (3) of rule 8 is received for voluntary winding up of the LLP, it shall, within fourteen days of the rceipt of creditors' consent, give notice of the resolution by advertisement in a newspaper circulating in the district where the registered office or the principal office of the LLP is situated

10. Appointment and removal of LLP Liquidator.- (I) The LLP shall within thirty days of- (a) passing of resolution of voluntary winding up under rule 5, where LLP has no creditors, or (b) filing of notice intimating the decision of winding up pursuant to sub-rule (4) of rule 8, where it has creditors, THE GAZEHE OF : EXTRAORDINARY il=-E. 3(i)) with tlr consent of majority of pmtners through resolution, appoint a voluntary Liquidator as LLP Liquidator for tlE purpose of winding up its affairs and fix the remuneration to be paid to the LLP Liquidator. (2) Where the creditors have given consent under clause (b) or (c) of sub-rule (3) of rule 8, the appointment of LLP Liquidator under this rule shall be effective only after it is approved by two-thirds of the creditors in value of the LLP: Provided that where such creditors do not approve the appointment of LLP Liquidator appointed by the parmers of LLP, creditors shall appoint anotlrr LLP Liquidator, with two- thirds of the creditors in value of the LLP and fix the remuneration to be paid to the LLP Liquidator. (3) If tlr creditors and the partners of LLP nominate different LLP Liquidators, the LLP Liquidator nominated by creditors shall be the LLP Liquidator but where the creditors neither approve the LLP Liquidator nominated by the partners of the LLP nor nominate any other LLP Liquidator, the LLP Liquidator nominated by the partners of the LLP shall be the LLP Liquidator. (4) If for any cause whatever, there is no LLP liquidator acting, the Tribunal may appoint an LLP liquidator on such remuneration as may be determined by it. (5) The Tribunal may, on cause being shown, remove an LLP liquidator and appoint any other LLP liquidator in place of the removed LLP liquidator. (6) The Tribunal may also appoint or remove an LLP liquidator on an application made by the Registrar in this behalf. (7) The Tribunal shall give a leasonable opportunity of being heard to the LLP liquidator before being removed. (8) The LLP Liquidator, after his appointment, shall file a declaration in the

Form No 6 disclosing conflict of interest or lack of independence in respect of his appointment, if any, with the LLP or the creditors, as the case may be, and such obligation shall continue throughout the term of his or its appointment. (9) An LLP Liquidator may be removed by the partners of the LLP where his appointment has been made by the LLP and, by the creditors, where his appointment is approved, or made, by such creditors. (IO) Where a LLP Liquidator is sought to be removed under sub-rule (9), he shall be given a notice in writing stating the grounds of removal from his offce by the LLP or ttE creditors, as the case may be. (l I) Where three-fourths of total number of partners of ttE LLP or three-fourths of creditors in value, as the case may be, after consideration of the reply, if any, filed by LLP 265 Liquidator, in their meeting decide to remove the LLP Liquidator, the LLP shall remove the LLP Liquidator and he shall vacate his office. - If a vacancy occurs by death, 11. Filling up of vacancy in office Of LLP Liquidator. resignation, removal or otherwise in the office of any LLP Liquidator (other than a Liquidator appointed by, or by the direction of, the Tribunal) appointed under rule 10, the partners of the LLP or the creditors, as the case may be, fill the vacancy in the manner as specified in that rule

12. Notice of appointment of LLP Liquidator to be given to Registrar.- The LLP shall give notice to the Registrar of the appointment of, or any vacancy occurred by death, resignation, removal or otherwise of, the LLP Liquidator indicating the name and particulars of that LLP Liquidator, within ten days of such appoint-nent or change in

Form No 7

13. Designated partner's and other partner's power to cease on appöintment of LLP Liquidator.- On the appointment of a LLP Liquidator, all the powers of the designated partner and other partner, if any, shall cease, except for the purpose of giving notice of such appointment of the LLP Liquidator to the Registrar

14. Duties of LLP Liquidator.- (l) The LLP Liquidator shall perform such functions and discharge such duties as are determined from time to time by the LLP or its creditors, as the case may-be. (2) The LLP Liquidator shall settle the list of creditors or partners, which shall be prima facie evidence of the liability of the persons named therein to be creditors or partners (3) The LLP Liquidator shall obtain approval of partners or creditors of LLP, as the case may be, for any purpose he may consider necessary. (4) The LLP Liquidator shall maintain regular and proper books of accounts in the form and mamer as specified in Part VI and the partners or the creditors or any officer authorized by the Central Govemment may inspect such books of accounts. (5) The LLP Liquidator shall pay the debts of the LLP and shall adjust the rights of the partners among themselves. (6) The LLP Liquidator shall observe due care and diligence in the discharge ofhis duties

15. Audit of the LLP liquiditor's Account.- The accounts of the LLP liquidator shall be audited in accordance with the manner specified in rule 56

16. Appointment of committees.- The partners or the creditors, as the case may be, may appoint such committees as they consider appropriate to supervise the voluntary winding up and assist the LLP Liquidator in discharging his functions

17. LLP Liquidator to submit report on progress of winding up.- The LLP Liquidatbr shall report quarterly (quarters ending on 31st March, 30th June, 30th September and 31st 2532GV12—34 THE GAZETTE OF ENDIA : EXTRAORDINARY IPART n--syc 3(i)) December) on thc progress of winding up of the LLP in

Form No 8 to the partners or creditors, as the case may be, which shall be made before the end of the following quarter

18. Report of LLP Liquidator to Tribunal for examination of persons.- (l) Where a report alongwith sufficient evidence is received from the LLP Liquidator that any fraud materially affecting the rights of partners or creditors or interests of LLP or public has been committed by any person in respect of the LLP, the Tribunal may, without prejudice to the continuation of process Of winding up under these rules, order for investigation under section 43 and on considetation of the report of such investigation, the Tribunal may pass such order and give such directions as it may consider necessary including the direction that such person shall attend before the Tribunal on a day appointed by it for that purpose and be examined as to promotion or formation or the conduct of the business of the LLP or as to his conduct and dealings as an officer thereof or otherwise: Provided t}ut where the fraud is reported against any person other than a partner or designated parmer of the LLP, the LLP Liquidator, before sending a report under this rule to the Tribunal, may intimate it to the partners or designded partners, as the case may be, and include their views in the report. (2) Without prejudice to powers of Tribunal to rnake any order under sub-rule (I), the Tribunal shall have power to transfer the winding up pmceedings from voluntary winding up to compulsory winding up-by Tribunal. (3_) ne provisions relating to powers to order public examination of partners, designated partiers, omcers, etc. under Part VI shall apply mutatis mutandis in relation to any examination directed under sub-rule (1)

19. Dissolution of LLP.- (l) As soon as the affairs of a LLP are fully wound up, the LLP Liquidator shall prepare a report stating the manner in which the winding up Ins been conducted and property has been disposed off, final winding up accounts and explanations, in the

Form No 9, showing that the property and assets of the LLP have been disposed of and its debts fully dischar*j or discharged to the satisfaction of the creditors and thereafter seek approval of the partners or the 'creditors of the LLP, as the case may be, on the said report and the final winding up accounts and in the meeting of partners or creditors: Provided that no such meeting of creditors is required, if creditors are paid their dues in the manner provided in rule 8: Provided firther that approval under this rule may be sought by circulation of relevant resolution in physical form or electronic form: Provided also that in case of circulation, if any clarification or further information or supplementary information is required by the partners or the creditors the same shall be sought by them within thirty days of the date of swh circulation and such further or supplernentary information shall be provided by the LLP Liquidator within thirty days of receipt of such request. (2) Jf two-thirds of total number of partners or, two thirds in value of creditors, as the case may be, after considering the report, accounts and explanations of the LLP Liquidator are satisfied that the LLP shall be wound up, they shall pass a resolution, within thirty days of receipt of such report, winding up accounts and explanation for its dissolution in the case of meeting or within thirty days of Ieceipt of such circulation or further information, whichever is later, in the case of circulation: Provided that in case the requisite number of partners or value of creditors as the case may be, are not able to decide on the approval of the report of LLP Liquidator, the LLP Liquidator shall make an application to the Tribunal to determine the issue under rule 23 for an order, and order of the Tribunal on the matter shall be binding on all parties. (3) Within fifteen days after the resolution under sub-rule (2), the LLP liquidator shall- (a) send to the Registrar a copy of the final winding up accounts, explanation and report in Form No. 10; and (b) file an application with the Tribunal alongwith a copy of the final winding up . accounts, explanations and report, for passing an order of dissolu; nf'the limited iiability partnership. (4) Ifthe Tribunal is satisfied, after considering ffe application, final winding up accounts, explanations and report of the LLP Liquidator, that the process of winding up has been duly followed, the Tribunal may pass an order, within sixty days of' the receipt of such application, accounts, explanations and report, that the limited liability pafinership shall stand dissolved. (5) The LLP Liquidator shall file a copy of the order under sub-rule (4) with the Registrar within thirty days in Form No 11. (6) The Registrar, on receiving the copy of the order passed by Tribunal under sub- rule (4), shall forthwith publish a notice in the Official Gazette that the LLP ständs dissolved. (7) In the event affairs of the LLP are not fully wound up within a period of one year from the date of commencement of voluntary winding up, LLP Liquidator shall file an application before the Tribunal explaining the reasons thereof and seek appropriate directions.

Explanation:- (i) For the purpose of this rule, the application may be presented in person or throågh registered or speed post or any other mode specified in rule 15 of the Limited Liability Parmership Rules 2009; (ii) In computing the period of thirty days from the date of the order, the requisite time for obtaining a certified copy of the order shall be excluded

20. LLP Liquidator to accept contribution, etc., as consideration for sale of property of LLP.- (l) Where a limited liability partnership (the transferor LLP) is proposed to be, or is in the course of being, wound up voluntarily and the whole or any part of its business or property is proposed to be transferred or sold to any other limited liability partnership (the THE GAZETTE OF NDIA : EXTRAORDINARY [PART 'I—SEC. fransferee LLP), the LLP Liquidator of the transferor LLP may, with the smction of a resolution of the transferor LLP passed by at least three-fourths of total number of partners conferring on LLP liquidator either a general authority or an authority in respect of any particular arrangement,- receive, by way of compensation wholly or in part for the transfer or sale, cash, (a) securities, policies, or other like interests in the transferee LLP, for distribution among the partners of the transferor LLP; or enter into any other arrangement whereby the partners of the transferor LLP may, (b) in lieu of receiving cash, securities, policies or like interest or in addition thereto, participate in the profits of, or receive any other benefit from, the transferee LLP: Pmvided that no such arrangemht shall be entered into without the consent of the secured creditors, if any. (i) Any transfer, sale or other mangement in pursuance of this section shall be binding on all the partners of the transferor LLP. (3) Any partner of the transferor LLP •c 'ho did not vote in favour of the resolution and expressed his dissent therefrom in wricng addressed to the LLP Liquidator and left at tke registered offce of the limited liability partnership within seven days after the passing of the resolution, may require the LLP *Flidator to purchase his interest at a price to be determined in accordance with the agreement or by the registered valuer. (4) If the LLP Liquidator decides to purchase such' partner's interest, the purchase money, taised by him in such manner as may be determined by a resolution

passed by three- fourths of total number of partners, shall be paid befor the limited liability partnership is dissolved

21. Distribution of property of LLP.- Subject to the provisions of the Act and these rules in respect of overriding preferential payments, the assets of an LLP shall, on its winding up, be applied satisfaction of its liabilities pari passu and, subject to such application, shall, unless the LLY Agreement otherwise provides, be distributed arnong the partners according Q kheir rights and interests in the LLP

22. Arrangement between LLP and creditors.-Any arrangement entered into between an LLP in the course of being wound up and its creditors by three-fourths of the total number of partners of LLP and the three-fourths of the total number of creditors in value shall be binding. provided that the said arrangement is presented before the Tribunal within twenty one days from the date of approval bv the LLP and the creditors and is approved by the . ribunal

23. Application to Tribunal.- (l) The LI-P Liquidator or any partner or creditor may apply to the Tribunal (a) to determine any question arising in the course of the winding up of a LLP; or to exercise as respects the enforcing, the staying of proceedings or any other matter, all or any of the powers which the Tribunal might exercise, if the LLP were being wound up by the Tribunal. (2) The LLP Liquidator or any creÅitor or partner may apply to the Tribunal for an order setting aside any attachment, distress or execution put into force against the estate or effects of the LLP after the commencement of the winding up. (3) The Tribunal may, on an application under sub-rule or sub-rule (2) allow the application on such terms and conditions as it thinks fit or may make such other order on the application as it thinks fit. (4) Where an order staying the proceedings in the winding up is made under this rule, a copy of such order shall be filled by the LLP in

Form No 11, with the Registrar, within thirty days of such order. Explanation. Jn computing the period of thirty days from the date of the order, the requisite time for obtaining a certified copy of the order shall be excluded

24. Costs ot voluntar winding ap.- All costs, charges and expenses properly incurred in the Winding up, including the fee of the LLP Liquidator, shall, subject to the rights of secured creditors, if any, and workmen, be payable out of the assets of the LLP in ptinrity to all other claims. Part Winding up by the Tribunal 25. Inability to pay debts.- For the purposes of clause (c) of section 64, an .L_.P Shafi be deemed to be unable to pay its debts— if a creditor, by assignment or otherwise, to whom the LLP is indebted an (a) amount exceeding one lakh rupees then due, has served on LLP, by it to be delivered at its registered office, by rcgistered post or otherwise, a demand LLP to pay thc amount so due and the LLP has faiied to pay the such the rec dipt of such demand or to provide adequate seeu; or re- twenty-one days structure or compound the deb: 10 Ihe tvasonable satisfaction of the creditor; if any cxe.eution or other process issued on a decree or order (b) any or Tribunal in favour of a credi[or of the LLP is returned unsatisfied in whole or ill Ddt•t•, o. if it is proved to the salistäction of the 'Tribunal that the LLP is unable to pay its (c) debts, and, in determining whether a ILP is unable to pay its debts, the Tribunal shall take into account the contingent a_nd prospective liabilities of thc LLP

26. Petition for winding up.- (I) An application to the Tribunai jar the winding up of LLP shall be by a petition presented - by the LLP or any of' its partner or partners. (a) 270 (b) THE GAZETTE OF INDIA : EXTRAORDINARY IPSEC. 3(i) by any secured creditor or creditors, including any contingent or prospective craiitor or creditors, (c) (d) (e) (t) by the Regisü•ar, or by any person authorised by the Central Govemment in that behalf, by the Central Govemment, in a case falling under section 51 of the Act, by Central Government or a State Government, in a falling under clause (d) of section 64. (2) A partner shall be entitled to present a petition for the winding up of a LLP, notwithstanding that he may have paid his full contribution, or that the LLP may have no assets at all or may have no surplus assets left for distribution among the partrrrs after the satisfaction of its liabilities. (3) The Registrar shall be entitled to present a petition for winding up on any of the grounds specified in section 64 except on the ground specified in clause (d) of that section: Provided that the Registrar shall not present a petition on the ground that the LLP is unable to pay its debts unless it appears to him either from the financial condition of the LLP as disclosed in its Statement of Accounts •and Solvency or from the report of an inspector appointed under section 43 that the I-K.P is unable to pay its debts: Provided ftÅither that the Registrar shall obtain the previous sanction of the Central Government to the presentation of a petition: Provided also that the Central Government shall not accord its sanction for the presentation of the petition unless the LLP concerned has been given a reasonable opportunity of making representations, if any. (4) A petition filed by the LLP or any of its partner or partners for winding up before tlw Tribunal -shill be admitted only if accompanied by a statement of affairs of the LLP on the dare of petition and a resolution of three-tourths of total number of partners in the form and manner specified in Part VI. (5) Before a petition for up of a LLP presented by a contingent or prospective creditor is admitted, the leave of the Tribunal shall be obtained for the admission of the petition and such leave shall not be ganted, unless in the opinion of the Tribunal there is a prima facie case for the winding up of the LLP and such security for costs has been given as the Tribunal thinks reasonable

27. Powers of Tribunal.- (I) On hearing a winding petition, the Tribunal may (a) dismiss it, with or without costs; (b) make any interim order, as it thinks fit; direct the action for revival or rehabilitation of the limited liability partnership in (c) accordance with procedure laid down in sections 60 to 62 of the Limited Liability Partnership Act, 2008; appoint a "Liquidator" as provisional liquidator of the limited liability partnership (d) till the making ofa winding up order; (e) make an order for the winding up of the limited liability partnership with or without costs; or (t) any other orders or orders as may be considered fit: Provided that the Tribunal shall not refuse to make a winding up Oder on the ground only that the assets of the LLP have been mortgaged for an amount equal to or in excess of those assets, or that the LLP has no assets. (2) Wher a petition is presented on the ground that it is just and equitable that Ehe LLP should be wound up, the Tribunal may refuse to make an order of winding up, if il IS of the opinion that some ot}rr remedy is available to the petitioners and that they are acting unreasonably in seeking to have the LLP wound up instead of pursuing that other remedy. (3) Where a Provisional Liquidator is appointed

by the Tribunal, the Tribunal mas, limit and restrict his powers and duties by the order appointing him or by a subsequent order, but otherwise he shall have the same powers and dufies as a liquidator

28. Directions for filing statement of affairs.- (1) Where a petition for winding up iG filed before the Tribunal by any person other than -the LLP, the Tribunal shall, if satisfied that a primafacie case for winding up of the LLP is made out, by an order, direct the LLP to fde its objections along with a statement of its affairs in the form and the manner specified in Part VI within the time specified in the order: Provided that the Tribunal may direét the petitioner to deposit such security for costs as it may consider reasonabie as a precondition to issue directions to the LLP. (2) Notwithstanding any other liability, a LLP which fails to file the statement of affairs as referred to in sub-rule (l), shall forfeit the right to oppose the petition. (3) Where the Tribunal has made a winding up order or appointed the Liquidator as provisional liquidator, unless the Tribunal in its direction otherwise orders, there shall be- made out and filed with the Liquidator a Statement as to affairs of the LLP in the form and the manner as specified in Part VI, within twenty-one days from relevant date or within such extended time not exceeding two months (including the period of twenty-one days) as the Liquidator or the Provisional Liquidator or the Tribunal may for special reasons extend. Explanation - The expression 'relevant date' nEans, in a case where a Provisional Liquidator is appoined, the date of his appointment and in a case where no such appointmen! is made, the date of the winding up order. 272 THE GAZETFE OF INDIA : EXTRAORDINARY [PART 'I—ST. 3(i)] (4) The partners and other offcers of the LLP, who are or have been responsible for completion of accounts and their audit shall ensure that the accounts of the LLP, in respect of which a petition for winding up is made, are completed and audited in accordance with Limited Liability Partnership Rules 2009, up to the date of the winding up order and submitted to the Tribunal at the cost of the LLP. (5) The partners and other offcers of the LLP, who are or have been responsible for completing accounts and their audit, shall submit the statement of affairs with the Tribunal or the Provisional Liquidator or the Liquidator, as the case may be. 29. 'Liquidators' and their appointments.- (I) For the purposes of winding up of a LLP by the Tribunal or for the appointment of Provisional Liquidator, there shall be a 'Liquidator' who may be either an 'Official Liquidator' or a Liquidator appointed by an order of the Tribunal from the panel maintained by the Central Government. Provided that in the absence of any such order, the- Official Liquidator shall become or act as 'Liquidator' or 'Provisional Liquidator', as the case may be. (2) For the purposes of appointment of a Liquidator in the winding up order or appointnent of Provisional Liquidator from the panel, the Central Government shall maintain a panel consisting of the names of practicing chartered accountants, advocates, practicing company secretaries, practicing cost and works accountants or firms or bodies corporate having chartered accountants, advocates, company secretaries, cost and works accountants and such other professionals as may be notified by the Central Government or from a firm or a body corporate of persons having a combination of such professionals as may be notified by Central Government and having at least ten years' experience in company or LLP matters and such other qualifications and any other terms and conditions as may be notified by the Central Government. (3) The Central Government may remove the name of any person or firm or body corpomte from the panel maintained under sub-rule (2) on the grounds of misconduct, fraud, misfeasance, breach of duties or professional incompetence: Provided that the Central before removing the name of any such person or firm or body corporate from panel, shall give him or it a reasonable opportunity of being heard. (4) Every Liquidator appointed from the panel, shall, before entering upon his duties as a Liquidator of the LLP for which he is appointed, furnish security of such sum and in such manner as the Tribunal may direct. The cost of furnishing the required security shall be bome by the Liquidator and shall not be charged against the assets of the LLP as an expense irwurred in the winding up. (5) If the Tribunal is of the opinion that the security furnished by the Liquidator under sub- rule (3) is inadequate, the Tribunal may require the Liquidator to furnish additional security. Where security fumished is excessive. the Liquidator may apply to the Tribunal for reducing the amount of security, and the Tribunal may make such order thereon as it thinks fit. (6) The terms ard -conditions of appointment of a liquidator from panel and the fee payable to- him shall be specified by the Tribunal on the basis of task required to be performed, experience, qualification and size of the LLP. (7) On appoinünent as Provisional Liquidator or Liquidator from panel, such liquidator shall file a declaration in the

Form No 6 disclosing conflict of interest or lack of independence in respect of his appointment, if any, with the Tribunal and such obligation shall continue throughout the term of his or its appointment. (8) A Liquidator shall be described by the style of "The Liquidator of the particular LLP in respect of which he acts and not by his or its name

30. Removal and replacement of liquidator, etc.- (I) The Tribunal may, on a reasonable cause being shown and for reasons to be recorded in writing remove the Pmvisional Liquidator or the Liquidator, appointed from the panel on any of the following grourds, namely:- (a) (b) (c) misconduct, fraud ot misfeasance, 'professional incompetence or failure to exercise due care and in performance of the powers and functions; (d) inability to act as liquidator, conflict of interest or tack of independence during the term of his appoinünent. (2) If any vacancy occurs due to death, resignation, removal or otherwise in the office of liquidator, the Tribunal may transfer the work assigned to him to another Liquidator for reasons to be recorded in writing. (3) Wher the Tribunal is of the opinion that any liquidator under this rule is responsible for causing any loss or damage to the LLP due to fraud or misfeasance or failure to exercise due care and diligence in the performance of his powers and functions, the Tribunal may recover or cause to be recovered swh loss or damage from the liquidator and pass such other orders as it may think fit. (4) Ihe Tri>una.l shall, before passing any order under this rule, •provide a reasonable opportunity of being heard to the liquidator

31. Winding up order to be communicated to the liquidator and the Registrar (l) Where the Tribunal makes order for the winding up of a LLP, it shall, within a period not exceeding fifteen days fmm date ot passing OE Oder, cause intimaüon thereof to be sent to the Liquidator and the Registmr in

Form No 12.2532 Gill 2—35 274 THE GAZETTE OF INDIA : EXTRAORDINARY [PART IPSEC. 3(i)] (2) On the making of a winding up order, it shall be the duty of the petitioner in the winding up proceedings and of the LLP to file with the Registrar a certified copy of the order with in fifteen days of the making of the order. (3) On receipt of the intimation under sub-rule (l), the Registrar shall make an endorsement to that effect in his records relating to the LLP and noti& in the Official Gazette that such an order has been made. (4) On receipt of the intimation under sub-rule (I), a notice shall be sent by Liquidator to the registered office of the LLP by registered post and Liquidator shall serve notice to the parmers, designated partners, officers, employees including Chief Executive Officer, Chief Finance Officer and auditors and secured creditors, if any, within fifteen days of the receipt of the intimation, for the purpose of custody of the property, assets, effects, actionable claims, books of accounts or other documents. (5) The winding up order shall be deemed to be a notice of discharge to the officers, employees and workmen of the LLP, except when business of the LLP is continued

32. Winding up to operate in favour of all creditors and partners.-An order of winding up of an LLP shall operate in favour of all the and all the partners

33. Jurisdiction of Tribunal.- The Tribunal shall, notwithstanding anything contained in any other law for the time being in force, have jurisdiction to entertain, or dispose of- (a) any suit or proceeding by or against the LLP ; (b) any claim made by or against the LLP, including claims by or against any of its branches in India ; (c) any application made under sections 60 to 62 of the Act; (d) any scheme submitted under the Act or any other law, for the time being in force, for revival and rehabilitation gf LLP; (e) any qinestion of priorities or any other question whatsoever, whether of law or fact, which may relate to or arise in the course of the winding up of the LLP , whether such suit or pmceeding has been instituted or such claim or question has arisen or arises or such application is made or has been made or such scherne is subrnitted or has been submitted, before or during the pendency of winding up petition or after the winding up order is made

34. Submission of report by Liquidator.- (l) Where the Tribunal has made a winding up order , the Liquidator shall, within sixty days from •the date of winding up order, submit to the Tribunal, a report containing the following particulars, namely:- the and demils of the assets of the LLP including their location and value, (a) stating separately the cash balance in hand and in the bank, if any, and the marketable securities, if any, held by the LLP: Provided thnt the valuation of the assets shall be obtained from the panel of the valuers maintained by the Liquidator; (b) amount of contribution received and outstanding from partners; (c) the existing and contingent liabilities of the LLP including names, addresses and occupations of its creditors, stating separately tlw unount of secured and unsecured debts, and in the case of *cured debts, particulars of the securities given, whether by the LLP or a partner or an officer thereof, their value and the dates on which they were given; (d) the debts due to the LLP and the names, addresses and occupations of the persons from wlwrn they are due and the amount likely to be realised on account thereof; (e) guarantees, if any, given by the LLP; list of partners and dues if any payable by them and details of any outstanding contibutions; (g) details of intangible assets such as trade marks, intellectual property rights etc. owned by the LLP; (h) details of subsisting contracts, joint ventures and collaborations, if any; (i) details of otfwr LLPs or companies, etc. in which LLP has any stake; (j) details of legal cases filed by or against the LLP; details of the properties, assets, books of records and other documents taken under (k) thé custody of the Liquidator. (l) scheme of revival or rehabilitation of LLP, if any, end (m) any other information which the Tribunal may direct or the Liquidator may consider necessary to include. (2) lhe Liquidator may include in his report the rmnner in which the LLP was promoted or formed and whether in his opinion any fraud has been committed by any person in its pnmotion or formation or by any officer of the LLP in relation to the LLP since the formation thMtof and any other matters which, in his opinion, it is desirable to bring to the notice of the Tribunal. (3) The Liquidator may make, in the report under sub-rule (I), the viability of the business of the LLP or the steps which, in his opinion, are necessary for maximizing the value of the assets of the LLP. (4) The Liquidator INY, ithe thinks fit, make any further report or reports in respect of such matters, which in his opinion, it is desirable to bring to the notice of the Tribunal. (5) Any person escribing himself in writing to be a creditor or a partner of the LLP shall be entitled by himself or by his agent at all reasonable times to inspect the report submitted in accordance with this rule and take copies tk*reof or extracts there from on iayment of the fee prescribed in Annexure

35. Directions of Tribunal on report of Liquidator etc.• (I) The Tribunal slull, on consideration of report of Liquidator under rule 34, subject to these rules, fix a time limit within which the entire proceedings shall completed and LLP dissolved: 276 "IME GAZETTE OF : D<TRAORDNARY [PART 11—SSC. 3(i)] Provided that the Tribunal may, if it is of the opinion, at any Stage of the proceedings, or on examination of the reports submitted to it by the Liquidator and after hearing the Liquidator, creditors or parmers, that it will not be advantageous or economical to continue the proceedings, reduce the time-limit within •which the entire proceedings shall be completed and the LLP dissolved: Provided further that in the event any such individual proceedings or activity to be completed by the liquidator or his agent for which the time is fixed under these rules, in the opinion of the liquidator which can not be completed within such time, Tribunal, after satisb'ing itself, on an application of the liquidator, may extend the time, but not exceeding further thirty days. (2) The Tribunal may, on examination of the reports submitted to it by the Liquidator and after hearing tFE Liquidator, creditors or partners,' order sale of the LLP a.s a going concern or its assets or part thereof: Provided that the Tribunal may, where it considers fit, appoint a Sale Committee comprising such creditors, partners and officers or of the LLP as the Tribunal may decide to assist the Liquidator under this sub-rule: Provided further that where the Ttibunal is of the opinion that an LLP can be revived or rehabilitated, it may, direct that an action for revival or rehabilitation may be taken in accordance with the procedures prescribed under sections 60 to 62 of the Act. (3) Where a report is received from the Liquidator that a fraud has been committed in respect of the LLP, the Tribunal shall, without plejudice to the process of up, order for investigation section 43, and on consideration of the Nport of such it may pass order and give such directions as it may think appropriate. (4) The Tribunal may order such steps as may be necessary to protect, preserve or enhance the value of the assets of the LLP. (5) Tribunal may pass such other order or give such other directions as it considers fit

36. Custody of LLP's properties.- (l) Where a winding up order has been made or where a Provisional Liquidator has been appointed, the liquidator shall, on the order of the Tribunal, forthwith take into his custody or under his control all the property, assets, effects and actionable claims to which the LLP is or appears to be entitled to and take such steps and measures, as may be necessary, to protect and preserve the properties ofthe LLP. (2) On an aplication by the Liquidator or the Provisional Liquidator, as the case may be, the Tribunal may, require any panner and any trustee, receiver, banker, agent, officer or other employee of the LLP or any other person, to pay, deliver, surrender or transfer forthwith,.or within such time as the Tribunal directs, to the Liquidator or the Provisional Liquidator, as the case may be, any money, property or books and papers in his custody or under his control to which the LLP is entitled. (3) For the purpose of enabling the Liquidator or the Provisional Liquidator, as the case maybe, to take into his custody or under his control any property, effects or actionable claims and books of accounts to which-the LLP is or appears to be entitled, on an application by the Liquidator or the Provisional Liquidator, as the case may be, the Tribunal may, direct Chief Presidency Magistrate or the District Magistrate within whose jurisdiction such property, effects or actionable claims or any books of account or other documents of the LLP may be found, to take possession of such property, assets, effects, actionable claims, books of accounts or other documents and delivered the possession thereof to the Liquidator or the provision Liquidator. (4) All the property and effects of the LLP shall be deemed to be in the custody of the Tribunal from the date of the order for the winding up of the LLP

37. Partners, officers, employees, etc.to discover and deliver property, books, etc. and. to cooperate with Liquidator.- (l) The partners, designated partners, officers and employees, past and present including Chief Executive Officer and Chief Finance Officer of the LLP shall discover all the property, assets, effects, actionable claims, books of accounts or other documents and deliver possession thereof to the liquidator or the Provisional Liquidator, as the case may be, within sixty days of the relevant date as defined in rule 28. It shall be the duty of all persons having custody of any property, assets, effects, books of account or other documents to deliver possession thereof to the liquidator. (2) "Ihe partners, designated partners, officers and employees, past and present, including Chief Executive Offcer and Chief Finance Officer and auditors shall extend tilll cooperation to the Liquidator in discharge of his functions and duties. The liquidator may hold personal interviews with any such person ihcluding the person having custody property, assets, effects, books of accounts or other documents for the purpose of investigating the LLP's affairs, and it shall be the duty of every such person to attend on the liquidator at such time and place as the liquidator may appoint and give the liquidator all information that he may require and answer all such questions as

may be put to him by the liquidator. The liquidator shall maintain minutes of the interview held by him or memoranda containing the substance of such interviews. In case of any failur to extent such cooperation, Liquidator rnay apply to the Tribunal for such directions

38. Application of assets.• Assets of the LLP shall be applied first for the payment of the cost including expenses, charges or fees and remuneration of the Liquidator incurred in the winding up of the LLP and thereaner be applied for the discharge of its liabilities pari passu in accoldance with the provisions of the Act and the rules

39. Committee of inspection.— (I) The Tribunal may, at the time of making an order for the winding up of an LLP or at any time thereafter, direct that there shall be appointed a committee of inspection (kEreafter referred to as the Committee) to act with the liquidator. (2) A Committee of inspection appointed shall consist of such number of members not exceeding twelve, as the Tribunal may order, being creditors and partners of the LLP or 278 THE GAZETTE OF INDIA : EXTRAORDINARY [PAR] IPSEC. persons holding general or special powers of attorney from creditors or partners in such proportions as may be agreed on by the meeting of creditors and parties or in case of difference of opinion be determined by the Tribunal. (3) The Liquidator shall convene a meeting of parurrs and creditors, if any, (as ascertained fiom the books and documents of the LLP) within thirty days from the date of order of up for enabling fre Tribunal to determine the persons who may be members of the committee of inspection. (4) The Committee shall meet at such times as it may from time to time appoint and the liquidator or any member of the committee may also call a meeting of the committee as and when he thinks necessary. (5) The quorum for a meeting of the committee shall be one-third of the total number of the members, or two, whichever is higher. (6) The Committee may act by a majority of its members present at a meeting, but shall not aci unless a quorum is present. (7) A member of the committee may resign by notice in writing signed by him and delivered to the liquidator, (8) If a member of the committee is adjudged an insolvent, or compounds or arranges with his creditors, or is absent from five consecutive meetings of_the Committee without the leave of those members who, together with himself, reprsent the creditors or partners, as the case may be, his office shall become (9) A member of the Committee may be removed at a meeting of creditors if he represents creditors, or at a meeting of partners if he represents partners, agreed by majority. (IO) On a vacancy occurring in the Cominittee, the liquidator shall forthwith summon a meeting of creditors or of partners, as the case may require, to fill the vacancy; and the meeting may, by resolution, re-appoint the same, or appoint another, creditor or partner to fill the vacancy: Provided that if the liquidator, having zegard to the position in the winding up, is of the opinion that it is unnecessary for the vacancy to be filled, he may apply to t.}E Tribunal md the Tribunal may make an order that the vacancy shall not be filled, or shall not be filled except in such circumstances as may be specified in the order. (1k) The continuing members of the Committee, if not less than two, may act notwithstanding any vacancy in the committee. (12) As soon as possible after the holding of the said meetings, the Liquidator shall report the readt thereof to the Tribunal for ft-uther directions. 279 (B) An application by the Liquidator for an order that a vacancy occurring in the Committee shall not be filled, shall be made upon a notice to the remaining members of the Cornmittee and such other persons as the Tribunal may direct. 04) Neither the Liquidator nor any member of the Committee shall, while acting as liquidator or member of such Committee in any winding-up, either directly or indirectly, by himself or any employer, partner, clerk, agent, servant or relative, become purchaser of any part of the LLP's assets or be entitled to derive any profit from any transaction arising out of the winding up except by leave of the Tribunal and any purchase made contrary to the provisions of this rule may be set aside by the Tribunal on the application of the Liquidator or of a creditor or partner, as the case may be, and the Tribunal may make such order as to costs, as it may think fit. (15) Where the sanction of the Tribunal to a payment to a member of the Committee of Inspection for services rendered by him in connection with the adnlinistration of the LLP's assets is obtained, the order of the Tribunal shall specify the nature of the services, and such sanction shall only begiven where the service performed is of a special nature: Provided that except by tlr express sanction of the Tribunal, no remuneration shah be paid to a member of the Committee for services rendered by him in the discharge of the duties attaching to his office as a member of such Committee

40. Submission of periodical reports, etc.to the Tribunal. • (l) The Liquidator shall report quarterly (quarters ending on 31 st March, 30th June, 30th September and 3 1 st December) on the progress of winding up of the LLP in

Form No. 13 to the Tribunal, which shall be before the end of the following quarter, (2) The Tribunal may, on an application by the Liquidator, review any order made by it and make such modifications as it thinks fit with or without any mrther directions

41. Duties of Liquidator.-(l) Subject to sanction by the Tribunal, the Liquidator iff a winding up by the Tribunal shall perform all or any of the following duties: (a) to carry on the business of the LLP as may be necessary for the beneficial winding up of the LLP; (b) to do all acts and to execute, in the name and on behalf of the LLP, all deeds, receipts, and other documents, and for ülat purpose, to use, when necessary, the LLP's seal, (c) to take custody of property, assets, actionable claims, books of accounts and other documents; .(d) to sell the immovable and movable property including intarågible assets -such as intellectual pmperty rights, trademarks, logo, etc. and actionable claims of the LLP by public auction or inviting bids or tenders or private contracts with power to transfer such property to any person or body comorate, or to realize any debts; 280 THE GAZETTE OF INDIA : EXTRAORDD-*ARY to inspect the records and returns of the LLP on the files of the Regifiar or any other authority; to prove rank and claim in the insolvency of any partner for any balance against (f) his estate, and to receive distributable sums in the insolvency, in respect of that balance, as a separate debt due from the insolvent, and rateably with the other separate creditors; (g) to di•aw, accept, make and endorse any bill of exchange, hundi or promissory note in the nan-r and on behalf of the LLP, with the same effect with respect to the liability of the LLP as if the bifi, huwii, or note had been drawn, accepted, made or endorsed by or on behalf of the LLP in the course of its business; (h) to take out, in his offcial name, letters of administration to any deceased partner, and to do in his official name any other act necessary for obtaining payment of any money due from a partner or his estate which cannot be conveniently in the narne of the LLP, and in all such cases, the money shall, for the purpose of enabling the Liquidator to take out the letters of administration or recover the money, be deemed to be due to the Liquidator himself; to apply to the Tribunal for such orders or directions as may be necessary for the winding up of the LLP; to appoint security guards or securiiy agency from the panel maintained by the G) Liquidator, to protect the property and assets of the LLP taken into his custody, in consultation with secured creditors or after giving them notice; (k) to make out an inventory of the assets, books and records either by the Liquidator himself or by the panel of experts maintained by the Liquidator, in consultation with secured creditors or after giving them notice; to appoint valuers including chartered surveyors or chartered accountants, from the panel maintained by the Liquidator to assess the value of the LLP' s assets within fifteen days after taking into custody of property, assets and effects or actionable claims, in consultation with secured creditors or after giving them notice; to give an advertisement, inviting bids for sale of the assets of the LLP, within fifteen days from the date of receiving valuation report ; (n) to apply to the Tribunat for an order directing any person who, in his opinion, is competent to furnish a statement of the affairs under rule 28 and such person shall be served a notice by the liquidator to submit and verify the statement of affairs by the LLP; to carry out investigation into the affairs of the LLP relating to fraudulent conduct (o) or business, misfeasance etc, either himself or by the' Chartered Accountants appointed from the panel maintained by the Liquidator and submit report on such investigation to the Tribunal within one year from the date of the winding up order or within such extended time as may be granted by thé Tribunal on an application by the Liquidator: 3(i)] Provided that if in the opinion of the Liquidator no such investigafion is required, thr Liquidator shall submit a report to the Tribunal, explaining the reasons thereof, within one year from the date of winding up order; to call any person for recording any statement for the purpose of investigating the (p) affairs of the LLP being wound up and it shall be the duty of every such person to attend to the liquidator at such time and place as the liquidator may appoint and give the liquidator ail information which he may require and answer all such questions relating to winding up of LLP as may be put to him by the liquidator; to maintain a separate bank account for each LLP under his charge for depositing (q) the sale proceeds of the assets and recova•y of debts of each LLP; to maintain proper books of account in rspect of all receipts and payments made by him in respect of each LLP and submit statement of accounts to the Tribunal; to invite claims from the creditors, exar:nine the proof and prepare and submit the list of creditors and partners; and to do all such other acts and things as may be necessary for the winding up of the ILP and distribution of its assets. Every bidder shall, in response to advertisement referred to in clause (2) (m) of sub-rule (l), deposit, his offer in the manner as may be specified by the Tribunal with tkr Liquidator or Provisional Liquidator, as the case may be, within forty-five days from the date of the advertisement and the liquidator or Provisional

Liquidator shall permit inspection of property and assets in respect of which bids were invited: Provided that such bid may be withdrawn within three days before the last day of closing of the bid: Provided further that the inspection of property shall be open for not more than five days before closing of the bid. (3) The advertisement inviting bids shall contain the following, namely:- (a) name, address of registered office of the LLP, its branch offices, if any, factories and plants and the place where assets of the LLP kept and available for sale; (b) last date for submitting bids which shall not exceed ninety days from the date of advertisement; (c) (d) (f) (g) (h) (i) 2532 GI'12—36 time during which the premiees of the LLP shall remain open for inspection; the last date for withdrawing the bid; financial guarantee which shall not be less than one-lulf of the value of the bid; validity period of the bids; place and date of opening ofthe bids in public; reserve price and earnest money to be deposited along with the bid; any other terms and conditions of sale which may be specified by the Tribunal. THE GAZETTE OF INDIA : EXTRAORDINARY [PART (4) The liquidator or the Provisional Liquidator, as the case may be, shall file his report before the Tribunal on the outcome of the bid within fifteen days from the last date of the closing of the bid. (5) The performance of duties by the Liquidator under this rule shall be subject to the overall control of the Tribunal and any creditor or partner may apply to the Tribunal with respect to the performance or proposed performance of any of the duties conferred by this rule on the Liquidator. (6) Notwithstanding the provisions of sub-rule (l) to (5), the Liquidator •shall perform such duties as the Tribunal may specify in this behalf

42. Provision for assistance to- Liquidator.- (I) The Liquidator may, with the sanction of the Tribunal, appoint one or more practicing chartered accountants or practicing company secretaries or practicing cost accountants or legal practitioners entitled to appear before the Tribunal or such other professionals or experts or valuer or agency as he considers necessary to assist him in the performance of his duties and functions under the Act or the rules: Provided that if any such appointment is made from the pane! maintained, the Liquidator shall submit report of such appointment including terms and conditions, fees payable, source of fund for payment of fee, fund available with the LLP and the extent of unrealized assets, to the Tribunal forthwith: Provided further (hat such panel shall be maintained by the liquidator with the approval of the Tribunal. (2) Any person appointed as such shall disclose forthwith to the Tribunal in the

Form No 14 any conflict of interest or lack of independence in respect of his appointment. (3) The Tribunal may, on cause shown to it, remove any member from the panel maintained by the Liquidator

43. Exercise and control of Liquidator's powers and duties.- (l) The Liquidator shall, in the administration of the assets of the LLP and the distribution thereof among its creditors, have regard to any directions which may be given by -the resolution of the creditors or partners or the Committee of inspection. (2) Any directions given by the creditors or partners shall in case of conflict, be deemed to be overridden by any directions given by the Committee of inspection. (3) The Liquidator— (a) may summon meetings of the creditors or partners, whenever he thinks fit, for the purpose of ascertaining their wishes; and (b) shall summon such meetings at such times, as the creditors or partners, as the case may be, may, by resolution, direct, or •whenever requested in writing to do so by not less than one-tenth in value of the creditors or partners, as the case may be. 283 (4) Subject to the provisions of the Act and these rules, liquidator shall, use his own discretion in the administration of the assets of the LLP and in the disfribution thereof among the creditors, (5) Any person aggrieved by any act or decision of the Liquidator may apply to the Tribunal, and the Tribunal may confirm, reverse or modify the act or decision complained of and make such further order as it thinks just in the circumstances

44. Books to be kept by Liquidator.- Q) The Liquidator shall keep proper books in a manner specified in Part VI in -which he shall cause entries or minutes to be made of proceedings at meetings. (2) Any creditor or partner may, subject to the controi of the Tribunal, inspect any such books, personally or through his agent. (l) The Liquidator shall maintain proper books of 4S. Audit of Liquidator's accounts accounts including the accounts of receipts and payments made by him in the form and manner specified in Part VI. (2) The accounts of the liquidator Shal} be audited in the form and manner specified in rule 56 and in Part VI. (3) The Liquidator shall cause the statement of accounts when audited or a summary thereof to be printed, and shall send a printed copy of the statement of accounts or summary thereof by post to every creditor and every partner: Provided that the Tribunal may dispense with the compliance of the provisions of this sub- rule if it deems fit

46. Payment of debts due by partner.-(l) The Tribunal may, at any time after passing of a winding up omer, pass an order requiring any partner for the time being on the list of partners to pay, in die manner directed by the order, any tnoney due to the LLP including outstanding or unrealized or unrecovered contribution, from him or from the estate of the person whom he represents

47. Adjustment of rights of partners.- The 'Tribunal shall adjust the rights of the partners among themselves and distribute any surplus among the persons entitled thereto, 48. Control of Central Government over official liquidator as liquidator.- (i) The Central Govemment shall take cognizance of the conduct of official liquidator as liquidators of LLPs which are being wound up by the Tribunal and if a liquidator does not faithfully perform his duties and duly observe all the requirements imposed on him by the Act and these rules or otherwise, with respect to the performance of his duties or if any complaint is made to the Central Govemment by any creditor or partner in regard thereto, the Central Government shall inquire into the matter and take such action thereon as it may think expedient. THE GAZETTE OF INDIA : EXTRAORDINARY [PART IPSEC. .3(i)] (2) The Central Government may at any time, for the purpose of inquiry apply to the Tribunal to examine such liquidator or any other person on oath concerning winding up. (3) The Central Government may also direct a local investigation to be made of the books and vouchers of such liquidators

49. Inspection or investigation of books of accounts and records of the Liquidator.- The Central Government'may authorize any person to inspect or investigate the books of accounts and records of the Liquidator appointed from the panel maintained by the Central Government in respect of affairs of any such LLP under Liquidation

PART V Provisions applicable to every mode of winding up SO. Debts or all descriptions to be admitted to proof.- In every winding up, (subject. in the case of insolvent LLPs td the application in accordance with the provisions of the Act. of the law of insolvency), ali debts payable on a contingency. and all claims against the LLP, present or future, certain or contingent, ascertained or sounding only in damages. shall be admissible to proof against the LLP, as just estimate being made, so far as possible. of the vane of such debts or claims as may be subject to any contingency or may sound only in damages, or for the some other reason may not bear a certain value

51. LLP Liquidator or Liquidator to exercise certain powers subject to sanction.-(l) The LLP Liquidator or Liquidator. as the case may be, may with the sanction of tbe Tribunal, when the LLP is being wound up by the (a) Tribunal; or (b) with the sanction of a resolution by three-fourths of total number of partners of the LLP and prior approval of the Tribunal, in the case of a voluntary winding up,— (i) pay any class of creditors in full; (ii) make any compromise or arrangement hith credit01s or persons claiming to be creditors, or having or alleging themselves to have any claim, present or future, certain or contingent, against the LLP, or whereby the LLP may be rendered liable; or compromise any money due from partners including outstanding, or unrecovered contribution, debt, and liability capable of resulting in a debt, and any claim, present or future, certain or contingent, ascertained or sounding oniy in damages, subsisting or alleged to subsist between the LLP and a partner or alleged partner or other debtor or person apprehending liability to the LLP, and all questions in any way relating to or affecting the assets or liabilities or the winding up of the LLP, on such terrns as may be agreed, and take any security for the discharge of arv such debt, liability or claim, and give a complete discharge in respect thereof. (2) Any creditor or partner may apply to the Tribunal with respect to any exercise or proposed exercise of powers by the -LLP Liquidator under this rule, and the Tribunal shall after giving a reasonable opportunity to such applicant and the LLP Liquidator, pass Such orders as it may think fit

52. Statement that a LLP is in liquidation.- Where a-I) LLP is being wound up, whether by the Tribunal or voluntarily, every invoice, order for goods or business letter issued by or on behalf of the LLP or a LLP Liquidator of the LLP, or a receiver or designated partner of the property of the LLP, being a document on or in which the name of the LLP appears, shall contain a statement that the LLP is being wound up

53. Books and papers of LLP to be evidence.- Where a LLP is being wound up, all books and papers of the LLP, LLP Liquidator and liquidator shall, as between the partners of the LLP- beprimafacie evidence of the nuth of all matters purporting to be recorded ther*in

54. Inspection of books and papers by creditors and partners.- (1) At any time after the making of an order for the winding up ofa LLP by the Tribunal, any creditor or partner of the LLP may inspect the books and rnpers of the LLP only in accordance with, and subject to manner and conditions specified in Part VI, (2) Nothing in sub-rule (l) shall be taken as excluding or restricting any rights conferred by any law for the time being in force- on the Central Government or a State Government or any authority or omcer of (a) swh Government, on any person acting under the authority of any such Govemment or of any such (b) authority or officer

55. Disposal of books and papers of LLP.- (l) When the affairs of a LLP have been completely wound up and it is about to be dissolved, its books and papers and those of the LLP Liquidator may be disposed of as follows :- in the case of winding up by the Tribunal, in such manner as the Tribunal directs; (a) and (b) in the case of voluntary winding up, in such manner as the LLP approves it by three-fourths of the tonl number of partners with the prior approval of the secured creditors. (2) After the expiry of five years" from the dissolution of the LLP, no responsibility shall devolve on the LLP, the LLP Liquidator, or the liquidator any person to whom the custody of the books and papers has been entrusted, by reason of any book or paper not being forthcoming to any person claiming to be interested therein. (3) The Central Government may, by notification direct, for such period (not exceeding five yea.rs from the dissolution of the LLP) •as the Central Government thinks proper the prevention of the destruction of the books and papers of a LLP which has been wound up and of its LLP Liquida.tor or liquidator; THE GAZETTE OF INDIA : EXTRAORDINARY 1i—SEC. (4) If any person acts in contravention of this rule or of any direction of the Central Government made there under, he shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to fifty thousand rupees, or with both; 56. Information as to pending liquidations.- (l) (i) The LLP liquidator, in the case of voluntary winding up, and the liquidator, in the case of winding up by Tribunal, shall during the tenure of his office prepare every year a statement of accounts as on 3 ISt March in

Form No IS within two morfths thereof which shali be verified by a declaration: Provided that where the LLP Liquidator or liquidator has not, during the period of account, received or paid any sum of money on account of the assets of the LLP, he shall file an affidavit of no receipts or payments on the date on which he shall have to file his accounts for the period. (ii) The accounts shall be audited by a Chartered Accountant, and for the purpose of the audit, the LLP Liquidator or liquidator shall furnish the auditor such vouchers and information as the auditor may require: Provided that the accounts need not be got audited by the Chartered Accountant where the value of total transactions during the period is for rupees fifty thousand or less: Provided further that, where the audit of the accounts is not required under this rule, the statements of accounts shall contain a declaration that the LLP Liquidator or liquidator acknowledges his responsl%ility for maintaining the books and records and funds are utilized only for the purpose of winding up of the affairs of the LLP. Explanation;- 'Year' in relation to the statement means period from first day of April of a Year to the 3 1 day of March following year: (2) (i) A copy of the statement of accoums along with the auditor's report shall be filed with the Tribunal forthwith in the case of winding up by Tribunal. (ii) A copy of the statement of accounts along with the Auditor's report shall be filed with the Registrar in every kind of winding up in Form No 10 not later than 30th September following. (3) Any person stating himself in writing to be a creditor or partner of the LLP shall be entitled, by himself or by his agent, at all reasonable times, on payment of the fee specified in Annexure, to inspect the statement referred to in sub-rule (I), and to receive a copy thereof or an extract therefrom. (4) Any person fraudulently stating himself to be a creditor or partner under sub-rule (3) shall be deemed guilty of an offence under section 182 of the Indian Panel Code, and shall, on the application of the LLP Liquidator, be punishable accordingly: 3(i)] Sl. Liquidator to make payments into public account of India in the Resewe bank of India or any designated Scheduled bank.- Every Liquidator shall, in the manner and within the time specified in Part VI, pay the moneys received by him as Liquidator of any LLP into the public account of India in the Reserve Bank of India

58. LLP Liquidator to make payments into Scheduled Bank.- (I) Every LLP Liquidator of a LLP shall, in a manner and at times specified in Part VI, pay the monies received by him in his capacity as such in a Scheduled bonk to the credit of a special bank account opened by him in that behalf : Provided that if the Tribunal considers that it is advantageous for the creditors or partners or the LLP, it may pernit the account to be opened in such other bank specified by it. (2) If any LLP Liquidator at any time retains for more than ten days a sum exceeding fifty thousand rupees or such other amount as the Tribunal may, on the application of the LLP Liquidator, authorize him to retain, then, unless he explains the retention to the satisfaction of the Tribunal, he shall— (a) pay interest on the amount so retained in excess, at the rate of twelve per cent per annum and also pay such penalty a.s may be determined by the Tribunal; (b) be liable to pay any expenses occasioned by reason of his default; and (c) be liable to have all or such part of his remuneration, as the Tribunal may consider just, disallowed or may also be removed from his office

59. Liquidator •or LLP Liquidator not to deposit monies into private bank account.- Neither the Liquidator nor the LLP Liquidator of a LLP shall deposit any monies received by him in his capacity as such into any private bank account

60. Unpaid and Undisti•ibuted Assets Account.- (I) If the Liquidator or LLP Liquidator has in its hands or under his control any money representing (a) any money representing distributable sum payable to any creditor or creditors, he shall transfer, '.Gthin five days of such money being due, in a separate special bank account knovvn as the "Distributable Sum Account of M/s . LLP (in liquidation)" (b) any money representing assets refundable to any partner or partners, he shall transfer, within five days of such money being due, in a separate special bank account known as the "Distributable Asset Account of Ws LLP (in liquidation)". (2) Jf the amounts which have YEen transferred to the "Distributable Sum Account of M/s LLP (in liquidation)" or "Distributable Asset Account of LLP (in liquidation)" but have not been paid or claimed within six months from the date -of transfer of such amount, the Liquidator or LLP Liquidator shall, within seven days from the date of expiry ofthe said period of six months, transfer the said amount into the Public Account of India in a separate account to be known as the "LLP Liquidation Account". 287 THE OF : EXIRAORDNARY IPSEC. (3) The liquidator or the LLP liquidator, as "e be, shall, on the dissolution of the LLP, pay into the "LLP Liquidation Account" any money representing unpaid distribli:able sums or undistibuted assets in his hands at the date of dissoluion. (4) The liquidator or the LLP liquidator, as t.lE case may be, shall, when making any payment refened to in sub-rules (2) and (3),

furnish to the Registrar, a statement in the form as specified in these n.L1es prescribed setting forth, in respect of all sums included in such payrnent, the nature of the sums, the names and last known addresses of tke persons entitled to participate therein, the amount to which each is entitled and the nature of his claim thereü), and any otl-rr particulars specified in Part VI. (5) The liquidator or the LLP liquidator, as the case may be, shall be entitled to a receipt from the Scheduled bank for any money paid to it under sub-rules (2) and (3), and such receipt shall be an effectual discharge of the liquidator or the LLP Liquidator in respect thereof. (6) Where a LLP is being wound up voluntarily, the LLP Liquidator shall, when filing a statement in pursuance of (l) of rule 56, indicate the sum of money which is payable under sub-rules (2) and (3) of this rule and shall, pay that sum into the accounts mentiqned in sub-rule (2) or sub-rule (3) of this rule, as the case may be. (7) Any person claiming to be entitled to any money paid into the "LLP Liquidation Account" paid in pursuance of this rule may apply to the Tribunal for an order for payment thel?0f, and the Tribunal, if satisfied that the person claiming is entitled, may make an order for the payment to that person of the sum due: Provided that before making such an order, the Tribunal shall cause a notice to be served on Registrar, calling him to show cause within one month from the date of the service of the notice why the order should mt be made. (8) Any money paid into the "LLP Liquidation Account" in pursuance of this rule, which rmains unclaimed thereafter for a period of seven years, shall be transferred to the general revenue account of the Central Government, but a claim to any money so transferred may be preferred under sub-rule (7) and shall be dealt with as if such transfer had not been made and the order, if any, for payment on the claim will be treated as an order for refund of revenue. (9) Any liquidator or LLP liquidator, as the case may be, retaining any money which slk)u.ld have been paid by him into the "LLP Liquidatim Account" under this rule shall — (a) pay interest on the amount so retained at the rate of twelve per cent per annum also pay such penalty as may be detennined by the Tribunal: Provided that the Central Govemment may, in any proper case remit either in part or in whole the amount of interest which the liquidator is required to pay under this clause; (b) be liable to pay any expenses occasioned by reason of his default; and where the winding up is by the Tribunal, also be liable to have all or such part of (c) his remuneration, as the Tribunal may consider just, to be disallowed, and to be removed from his office by the Tribunal

61. Meetings to ascertain wishes of creditors or partners.• (1) In all matters relating to the winding up ofa LLP, the Tribunal may— (a) have rpgard to the wishes of creditors or partners of the LLP, as proved to it by any sufficient evidence; (h) direct, if it thinks fit for the purpose of ascertaining their wishes, meetings of creditors or partners to be called, held ard conducted in such manner as the Tribunal may direct; and appoint a person to act as chairman of such meeting and to report the result (c) thereof to the Tribunal. (2) For the:purpose of ascertaining the wishes of ereditors, regard shall be had to the value of each creditor's debt. (3) For the purpose of ascertaining the wishes of partners, regard shall be had to the value of each partner's contribution 62. LLP Liquidator or Liquidator to make returns, etc.- (l) Every LLP liquidator or Liquidator shall file, deliver or make any rport, statement of accounts or other document, or give any notice which is required to be filed, delivered or made or given, as the case may be, pursuant to any rule, within the time specified in such rule. (2) Without prejudice to sub-rule (l) above, the Central Government may, by notification, speci& any other report, statement of accounts or- other document or notice which shali be required to be filed, deliveled, made or given, as the case may be, by the LLP Liquidator or Liquidator within the time specified in such notification. (3) If any LLP Liquidator or Liquidator who has made any default in filing, delivering or making any report, statement of account or other document, or in giving any notice which he is by law required to file, deliver, 'irrake• or give, fails to make good the default within fourteen days after the service on him of a notice requiring him to do so, the Tribunal may, on an application made to it by any partner or creditor of the LLP or by the Registrar, Inake an order directing the LLP Liquidator or Liquidator uto make good the default within such time as may be specified in the order. (4) Any order under sub-rule (3) may provide that all costs of and incidental to the application shall be bome by the LLP Liquidator or Liquidator (5) Nothing in this rule shall prejudice the operation of any enactment imposin* penalties on a LLP Liquidator or Liquidator in respect of any such default as aforesaid. 2532 THE GAZETTE OF INDIA : EXTRAORDINARY [PART II—SEC. 3(i)] 63. Court, Tribunal or person, etc. before whom affidavit may be sworn.- (l) Any sworn— in India before any Court, Tribunal, Judge or person lawfully authorised to take (a) and receive affidavits; and in any other country before any Court, Judge or person lawfully authorised to take (b) and receive affidavits in that

country or before an Indian diplomatic or consular officer. (2) All courts, tribunals, judges, justices, conunissioners and persons acting judicially in India shall take judicial notice of the seal, stamp or signature, as the case may be, of any such court, tribunal, judge, commissioner, person, diplomatic or consular officer, attached, appended or subscribed to any such affidavit or to any other document to be used for the purposes of these rules

64. Tribunal to declare dissolution of LLP void.- (l) Where an LLP has been dissolved, whether in pursuance of these rules or otherwise, the Tribunal may at any time within two years of the date of the dissolution, on application by the LLP Liquidator or Liquidator of the LLP or by any other person who appears to the Tribunal to be interested, make an order, upon such terms as the Tribunal thinks fit, declaring the dissolution to be void, and thereupon such proceedings may be taken as if the LLP. had not been dissolved. (2) it shah be the duty of the person on whose application Ehe order was made, within thirty days after the making of the order, to file a certified copy of the order with the Registrar in

Form No. 1 i who shall register the same. Explanation.- In computing the period of thirty days from the date of the order, the requisite time for obtaining a certified copy of the order shall be excluded

65. Commencement of winding up by Tribunal- (l) Where, before the presentation of a petition for the winding up of a LLP by the Tribunal, a resolution has been by the LLP for voluntary winding up, the winding up of the LLP shall be deemed to have commenced at the time of the passing of the resolution, and unless the Tribuml, on proof of fraud or mistake, thinks fit to direct otherwise, all proceedings taken in the voluntary winding up shall be deemed to have been validly taken.(2) In any other case, the winding up ofa LLP by tlw Tribunal shall be deemed to commence at the time of the presentation of the petition for the winding up

66. Exclusion of certain time in computing period of limitation.- Notwithstanding anything contained in the Limitation Act, 1963 or in any other law for the time being in force, in computing the period of limitation specified for any suit or application in the name and on behalf of a LLP which is being wound up by the Tribunal, the period from the date of commencement of the winding up of the LLP to a period of one year immediately following the date of the winding up order shall be excluded. 3(i)] : a-NIPT(OT 29 i 67. Filing with Registrar and filing Fee.- A notice, document, form, resolution, order, etc. under these rules or notification issued under section 67 of the Act required to be filed with Registrar, shall be filed in electronic form along with the fee as specified in Annexure. Provided that in the case of winding up by the Tribunal, the Central Government may waive the fee, if it deems fit; Provided further that no fee shall be payable if any LLP under liquidation by the order of the Tribunal does not have funds and the liquidator submits a certificate to the effect that thc LLP does not have any fund. Part Proceedings and Procedures General 68. Jurisdiction of the Tribunal: (I) All proceedings shall be instituted before the Bench of the Tribunal having jurisdiction, as may notified by the Central Government

69. Form of Proceedings —(l) All petitions, applications, affidavits and other proceedings presented to the Tribunal shall be written, typewritten, or printed neatly and legibly on substantial paper of foolscape size in duplicate and separate sheets shall be stitched together. Numbers and dates shall be expressed in figures, and where dates given are not according to the English Calendar, the corresponding English dates shall also be given. (2) Every proceeding shall be consecutively numbered, dated and shall be instituted in lhe matter of a Limited Liability Partnership (LLP) or Limited Liability Partnerships (LLPs) to which it relates. The contents shall be divided into separate paragraphs, which shall be numbered serially. The general heading in all proceedings before the Tribunal, and advertisements and notices, shall be in

Form No. 16. (3) Sitting hours of Tribunal shall ordinarily be from 10.30 AM to 1.30 PM and from 2.30 PM to 4.30 PM on all working days except Saturday, Sunday and other public subject to any general or special order made by the Chairperson or President. (4) Fees on applications or petitions shall be as specified in Annexure

70. Language of proceedings —Every petition, application, affidavit or other proceedings shall be in English or Hindi and except in so far as the Tribunal may otherwise order, no document in other language shall be accepted for use in any proceedings, unless translated into English or Hindi

71. Power of the Tribunal to enrarge or abridge time —The Tribunal should not extend the without any genuine reason and exceptional circumstances and orders should be recorded in detail giving reasons for grant of extension

72. Provisions of the Code to apply- Save as provided by the Act or by these rules, the provisions of the Code so far as applicable, shall apply to all proceedings under the Act and these rules.THE GAZETTE OF INDIA : EXTRAORDINARY [PART [I—SEC

73. Saving of inherent powers of the Tribunal- Nothing to t}xse rules shall be deemed to limit or otherwise..affect the inherent powers of the Tribunal to make such orders as may be necessary for the ends of justice or to prevent abuse of the process of the Tribuna*

74. Power to dispense with the requirement of the rules- The Tribunal shall have power for reasons to be recorded in writing, to dispense with the requirements of any of these rules, subject to terms and conditions as may be specified in the order

15. Computation of time —Where any particular number of days is specified, the same shall be reckoned exclusively of the first day and inclusively of the last day, unless the last day shan happen to on a day on which the offices of the are closed, in which case the time shall be reckoned exclusively of that day also and of any succeeding day or days on which the offces of the Tribunal continued to be closed

76. Registers to be kept —There shall be kept, in the Tribunal, the following registers either in physical or digital format or both physical and digital, relating to lyqceedings under the Act and these rules:- (l) LLP Petitions' Register in which shall be entered and nurnbered seriålly the petitions filed under the Act or these rules stating the particulars as to- (ii) (iii) (iv) (v) (Yi) (viii) (ix) (2) date of presentation; name of LLP; name of parties, theiradvocates etc.; provision of law under which the petition is made; nature of relief sought; date and nature of order made; date of filing of appeal, if any; date of disposal of appeal; and result of judgment in appeal. LLP Applications' Register in which shall be entered and numbered serially applications other than petitions stating particulars as to- (i) (ii) (v) (viii) date of presentation; name of LLP; number of main proceeding, if any, to which the application relates; name of parties, their Advocates; etc. provision of law, if any, under which the application is made; nature of relief sought; date and nature of order made; date of filing of appeal, if any; .(ix) date of disposal of appeal; and (x) result of Judgment in appeal. (3) In the Liquidation* Register, there shall be entered under a separate heading for each LLP ordered to be wound-up in the form specified in these rules briefly and in chronological order, all proceedings in winditig-up until conclusion of the winding-up. (4) In the LLP Documents Register there shall be entered under a separate heading for each LLP any valuable securities, such as, negotiable instruments, documents 'of title atyi the like t.lmt may be filed in proceedings before the Tribunal as prescribed in the form. (5) Appearance of the person appearing before the Tribunal shall be indicated in the order sheet

11. Serial number of proceedings. Every petition or application shall bear its distinctive serial number, and an interlocutory application shall bear, besides its own serial nuanber, the serial number of the main proceeding to which it relates. Every order made, process issued or document filed, shall bear the serial number of the to which it relates. (2) All petitions, applications and affidavits, upon being filed and all orders, summons, warrants or processes of any kind (including notices issued by Tribunal) and certified copies, of any proceedirigs, shall be issued under the authority and seal of the Tribunal

78. Powers, functions and duties of Registrar of the Tribunal : The Registrar of Tribunal shall be principal officer of the Tribunal and shall exercise his powers and perform his duties under the control of Chairperson or President.(2) "Ille Tribunal in discharge of its functions under the Act, may take such assistance from the Registrar of Tribunal, as it may deem fit, and the Registrar of Tribunal or

other officer, shall be bound to assist the Tribunal. (3) In particular and without prejudice to the generally of the provisions of this rule, the Registrar of Tribunal shall höve the following powers and duties, namely: - to have the custody of the records of the, Principal Bench of the Tribunal and (a) other Benches; to receive all petitions, applications or references pertaining to the Principal Bench and other Benches of the Tribunal; to assist Principal Bench and other Benches of the Tribunal in the proceedings (c) relating to the powers exercised by them; to authenticate the orders passed by the Principal Bench and other Benches of the (d) Tribunal; to ensure compliance of the orders passed by the Principal Bench and other (e) Benches of the Tribunal; THE GAZETTE OF INDIA DCTRAORDINARY (D to have the custody and control of the Official seal of the Tribunal; [PART C) to have the right to collect from the Central Government or other officers, companies, LLPs and firms, or any other person such infonnation as may be considered useful for the purpose of efficient discharge of the of the Tribunål under ihe Act and place the said information before the Tribunal. These rules shall apply to all Benches of the Tribunal situated all over India. (4) The Registrar of Tribunal shall have thé following powers and duties subject to any general or special order of the •Tribunal, namely: - (i) to receive all petitions or applications and Odier docurnents including transferred applications; (ii) to decide all questions arising out of the scrutiny of the petitions and applications befre they are registered; (iii) to decline to accept any document which is presented otherwise than in accordance with these rules (iv) to require any petition or application presented to the Tribunal to be amended in accordance with the Act; (v) subject to the directions of Tribunal to fix the date of first hearing of the petition or application or other proceedings and issue notices thereof; (vi) to direct any formal miendment of records; (vii) to order grant of copies of documents to the parties to the proceedings; (viii) to grant leave to inspect the records of the Tribunal; (ix) to dispose of matters relating to the service of notices; (x) to receive application within thirty days from the date of death for substitution of authorized representatives of the deceased parties during the pendency of the petition or application; (xi) to receive and dispose of application for substitution, except where the substitution would involve setting aside an order of abatement; (xii) to receive and dispose of applications by parties for return of documents. (5) An appeal against any decision by the Re$strar of Tribunal shall be made to the Tribunal by the aggieved party within fifteen days from the date such decision comrmmicated to him

79. Inspection and copies of proceedings.— (I) Records of every proceedings pending before the Tribunal will be available for the insrction of the parties or t}Eir authorized representatives on making an application in writing and on payment of a fee as specified iti Annex (2) A person who is not party to the proceedings is not entitled for inspection of the records or proceedings except with the consent of the parties by whom they were presented or produced or under the orders of the Tribunal on payment of the fee. 295 (3) A person not a party to the proceedings or petitions on which final orders have been passed can obtain copy of the orders on payment of such fee as given in Annexure

80. Forms. The forms annexed to these rules, where applicable, shall be used with such variations as circumstances may require including the variations required for the purpose of filing or submitting or maintaining tlE docurnents in the electronic form

81. Affidavits.— (a) Every' affidavit shall be drawn up in the first person and shall state the full name, age, occupation and the place of abode of the deponent. It shall be sigrd by the deponent and swom to in the manner prescribed by the Code or by the rules and practice of the Court of the State where affirrned. (b) Every exhibit annexed to an affidavit shall be marked with the num ber of the proceedings to which it relates, and shall be initialed and dated by the authority before which it is sworn. affidavit having interlineations, alteration or erasure, shall be filed in Tribunal unless such interlineations or altemation is initialed by the authority before whom it is sworn, or, in the case of an erasure, the words and figures written on the erasure are rewritten in the margin and initialed by such authority

82. Form of summons and service thereof.— (1) A summon shall be in Form No. 17 and shall, unless otherwise provided by these rules or by the Member, be supported by an affidavit. (2) The summons, together with a copy of the affidavit, shall be served upon every person against an order is sought and such other person, as the Member may direct, in person or by prepaid registered or speed post or through empanelled courier agency or upon his representative or advocate or pleader where he appears by an advocate or representative or pleader, or in such other manner as the Member may direct. (3) Unless otherwise provided by these rules or by an order of the Tribunal, a summons, which is an interlocutory

application in a proceeding shall be served not less than three clear days before the day named in the summons for the hearing thereof, and where the summons is other than interlocutory, it shall be served not less than ten days before the date fixed for the hearing thereof

83. Issue of summons.— Every summons, together with duplicates of the same for service thereof, shall be prepared by the applicant or his advocate or representative or pleader and issued from the office of the Registmr of the Tribunal

84. Affidavit verifring petition.— Every petition shall be verified by an affidavit made by the petitioner or by one of the petitioners, where there are more than one, and in the case the petition is by a body corporate, by a director, secretary or manager or partner or designated partner or an officer authorized in that behalf thereof änd such affidavit shall be

Form No 18 and shall be filed along with the petition. 2% THE GAZETTE OF INDIA : EXTRAORDINARY [PART 11—--SEC. 3(i)] 85. Enclosures to pe6tion. — Unless dispensed with by the Member or Registrar of Tribunal, every petition and application shall be accompanied by the documents required to be annexed

86. Summons for direction.— (a) Where a petition is presented, an application shall, in every case, be made by alongwith summons in Form No. 19 to the Member for directions as to the advertisement of the petition, the notices to be served and the proceedings to be taken. (b) The petition shall be posted for hearing before the Member at the next sitting, and the Member may make such orders thereon and may give such directions as it may seem to him appropriate

87. Advertisement of petition.— (l) Where any petition is required to be advertised, it shall, unless the Member otherwise orders, or these rules otherwise provide, be advertised not less than seven days before the date fixed for hearing, in one issue each of a daily newspaper in the English language and a daily newspaper in the regional language circulating in the State or the Union territory concerned, as may be fixed by the Member. (2) Except in the case of a petition to wind •up a LLP, the Member may, if he thinks fit, dispense with any advertisement required by these rules

88. Contents of advertisement.— Except as otherwise provided. in these rules, such advertisement shall be in Form No. 20 and shall state the date on which the petition was presented, the name and address of the petitioner and his advocate or pleader, the nature of the petition and the date fixed for hearing. It shall, unless otherwise ordered, further state that any person who intends either to oppose or support the petition at the hearing should send notice of his intention to the petitioner or his advocate or pleader so as to reach him not later than two days previous to the day fixed for the hearing, and in the case of a petition for a winding-up, not later than four days previous to the day fixed for the hearing of the petition

89. Service of petitlon.— Every petition shall be served on the respondent, if any, narned in the petition and on such other persons as the Act or these rules may require or as the Member or the Registrar of Tribunal may direct and unless otherwise ordered, a copy of the petition shall be served along with the notice of the petition

90. Notice of petition and time of service.— Notice of every petition required to served upon any person shall be in Form No.21 and shall', unless otherwise ordered by Tribunal or otherwise provided, be served not less than seven days before the date of hearing

91. Service on LLP.— (l) Where a petition is presented against a LLP, it shall be accompanied by a notice of the petition in the form prescribed under these rules together with a copy of the petition for service on the LLP and an envelope addressed to the LLP at its office or its principal place of business and sufficiently stamped for being sent by registered post for acknowledgement or through empanelled courier agency. 30)] (2) The Registrar of Tribunal shall immediately on the admission of the petition send the notice together with the copy of the petition to the LLP by registered post or through courier. (3) Every petition, and, save as otherwise provided or by an order of Tribunal, every application, shall unless presented by theLLP, be served on the LLP at its registered office, or at its principal or last known principal place of business, by leaving a copy thereof with an officer or employee of the LLP, and in case no such person is available, in such manner, as the Member or Registrar of Tribunal may direct, or, by sending a copy thereof by prepaid registered post or through empanelled courier agency addressed to the LLP at its registered office, or, if there is no registered office, at its principal or last known principal place of business, or to such person and at such address as the Member or Registrar of Tribunal may direct

92. Petitioner to effect service.— Save as otherwise provided and subject to any directions of the Member or Registrar of Tribunal, the petitioner, applicant or any other person having the conduct of proceedings in Tribunal, shall be responsible for the service of all notices, summons and other processes and for the advertiserhent and publication of notices, required to be effected by these rules or by order of Tribunal

93. Affidavit of service.— (l) An affidavit or affidavits stating whether the petition has been advertised and whether the notiées, if any, have been duly served upon the persons required to be served shall be filed not less than three days before the date fixed for hearing and such proof of the advertisement or of the service,,as may be a€ailable shall be filed along with the affidavit. (2) An affidavit of service on a LLP or its liquidator shall be in

Form No 22 or 23, as the case may be

94. Procedure on default of compliance as regards advertisement and service of notice.— In default of compliance with the requirements of the rules or the directions of the Member or Registrar of Tribunal, as regards the advertisement and service of the petition, the petition shall, on the date fixed for hearing be posted for orders of the Member and the Member may either dismiss the petition or give such further directions as he thinks fit

95. Mode of service and service when deemed to be effected.— (l) Save as otherwise provided or by an order of Tribunal, all notices, summons, and-other documents required to be served on any person, may be served either personally by delivering a copy thereof to such person or upon his advocate or pleader or authorised representative where he appars by advocate or pleader; except where personal service is required by prepaid registered post for acknowledgement due addressed to the last known address of such person or through process server by affixing at the last known address. In the case of service by registered post where no acknowledgement signed by the addressee or his duly authorized agent is received, orders of Tribunal shall be obtained as to the sufficiency of service or as to the further steps to be taken for service as the Tribunal may direct: 2532 Gill 2—38 297 THE GAZETTE OF INDIA : EXTRAORDINARY [PART 11--SEC. Provided that where a notice, summons or other document has to be served on any class of persons such as partners, creditors and the like, the same may be sent by prepaid registered post or by ordinary post by prepaid letter post under certificate of posting or registered post, as may be provided by these rules or by an order of Tribunal, and unless otherwise ordered by the Tribunal, the service-shall be deemed to be effected at the time when the said notice, summons or other document ought to be delivered in the ordinary course of post by the post offce, notwithstanding the same is returned undelivered by the post office. (2) Where notice of any petition, application, summons or other has to be given to the Central Government under these rules, it shall be addressed to and served on the Secretary to Government of India, Minisfry of Corporate Affairs, New Delhi, or such other officer or office of the Central Govemment as may be authorised to receive notices on its behalf. (3) Where any person has to be served at an address outside India, the notice or other process to be served on him shall, subject to orders of the Tribunal, be sent to such address by empanelled courier agency or by prepaid airmail registered post for acknowledgnent due. (4) Service may be done in any other manner including the manner as provided in rule 15 of Limited Liability Partnership Rules, 2009 or as may be ordered by the Tribunal

96. Validity of service and of proceedings.— No service shall be deemed to be invalid by reason of any defect in the ,name or description of a person in the list of partners or in the petition, summons, notice or othev proceeding, pmvided that the Tribunal is satisfied that such service is in other respects sufficient; and no proceedings shall be invalidated by reason of any formal defect or irregularity; unless the Member before whom the objection is taken is of the opinion that substantial injustice has been caused by such defect or irregularity and that the injustice cannot be remedied by an order of Tribunal

91. Notice to be given by persons intending to appear at the hearing of petition.(l) Every person, who intends to appear at the hearing of a petition, whether to support or oppose the petition, shall serve on the petitioner or his advocate or pleader, notice of his intention at the address given in the advertisement. (2) The notice shall contain the address of such person, and be signed by him or his advocate or pleader or authorised representative, and save as otherwise provided shall be served (or if sent by post or through courier, shall be posted in such time as to reach the addressee) not later than two days previous to the day of hearing, and in the case of a petition for winding- up not later than four days previous to the day of hearing and such notice shall be in

Form No 24 with such variations as the circumstances may require, and such person intends to oppose the petition, the grounds of his opposition, or a copy of his affidavit, if any, shall be furnished along with the notice. (3) Any person who has failed to comply with this rule shall not, except with the leave of the Member, be allowed to appear at the hearing of the petition.

98. List of persons, intending to appear, to be filed.— The petitioner or his advocate or authorized repæsentative or pleader shall prepare a list of the names and addresses of the persons wh6 have given notice of their intention Ito appear at the hearing of the petition and such list shall be in

99. Procedure at hearing of petition.— (l) At the hearing of the petition, the Member may either dispose of the petition finally, or give such directions as may be deemed necessary for the filing 'of counter-affidavit and reply affidavits, if any, and for service of notice on any person who, in- his opinion has been omitted to be served or has not been properly served with the notice of the petition and may adjourn the petition to enable the parties to comply with his directions. (2) All adjournments and postings will be subject to time Schedule prescribed under the Act or the rules and except as otherwjse ordered by the Member, it shall not be necessary to give notice of the adjourned hearing to any person. — (l) Every order, Shal] be drawn up by the Registrar of 100. Order to be drawn up. Tribunal, unless in any proceeding or class oft proceedings, the Member or the Registrar of Tribunal directs that the order need not be drawn up. (2) Where a direction is given under sub-rule (1) that no order need be drawn up, the note or memorandurn of the order signed or initialed by the Member making •the order •or by the •Registrar of Tribunal shall be sufficient evidence,ofthe order having been made. (3) The date of every order shall be the date on yhich it was actually made, notwithstanding t}ut it is drawn up and issued on a later date. .(4) The costs should be awarded for every adjour ment on the party seeking adjournment at' the time of grantirg adjournment except iJ1 ses of serious illness and such similar circumstance. (5) Where costs are awarded to a party in any proeeeding, the order shall direct that the liable to pay the costs shall pay the same, Petition for Winding up, Provisional Liquidaidr, Winding up Order. and Statement of Affairs 101. Petition for winding-up. — (l) A petition?for winding up an LLP shall be in

Form No. 26, or 27 or 28, as the case may be, with sucff variations as the circumstances may require, and shall be presented in duplicate: Provided that where the petition is by the LLP it should be accompanied with the statement of affairs of the LLP on the date of petition. (2) The Registrar of Tribunal shall note on the petition the date of its presentation, THE GAZETTE OF INDIA : EXTRAORDINARY PART 11— Sæ. 3(i)] 102. Admission of petition and directions as to advertisement. — (l) Upon the filing of the petition, it shall be posted before the Member in chambers for admission of the and fixing a date for the hearing thereof and for directions as to the advertisements to be published, and the persons, if any, upon whom copies of the petition are to be served. (2) The Member may, if he thinks fit, direct notice to be given to the LLP before giving directions as to the advertisement of the petition

103. Petition by a contingent or pmspective creditor.— A petition for the winding-up of a LLP presented by a contingeni or prospective creditor shall be accompanied by an application for the leave of the Tribunal for the admission of the petition and no advertisement of such petition shall be made unless the leave has been granted, or, where the leave has been granted subject to any conditions precedent to the admission of the petition, unless such conditions have been satisfied

104. Copy of petition to be furnished.— Every partner or creditor of the LLP shall be entitled to be furnished by the petitioner or by his advocate or pleader or authorized representative with a copy of the petition within 24 hours on payment of the charges as specified in Annexure

105. Advertisement of petition. Subject to any directions of the Tribunal, the petition shall be advertised within the time and in the manner provided in rule 87. The advertisement shall be in

Form No 29

106. Application for leave to withdraw petition.— (l) A petition for winding-up shall not be withdrawn after presentation without the leave of the Tribunal. (2) An application for leave to withdraw a petition for winding-up %ålich has been advertised in accordance with the provisions of rule 87 shall not be heard at any time before the date fixed in the advertisement for the hearing of the petition

107. Substitution of creditor or partner for original petitioner.— Where a petitioner- is not entitled to present a petition, or (a) fhils to advertise his petition within the time specified by these rules or by order (b) of Tribunal or such extended time as the Tribunal may allow with cost, or consents to withdraw the petition, or to allow it to be dismissed, or the hearing to (c) be adjotn•ned or fails to appear in support of his petition when it is called on in Tribunal on the day originally fixed for the hearing thereof, or any day to which the hearing has been adjourned, or (d) if appearing, does not apply for an order in terms of the prayer of his petition. or where in the opinion of the Tribunal, there is other sufficient cause for an order being made under this rule, 3(i)] 301 the Tribunal may, by an order, upon such terms as it may think just, substitute as petitioner any creditor or partner who, in the opinion of the Tribunal, would have a right to present a petition, and who is desirous of presenting the petition. (5) Where a member makes an order substituting a creditor or partner as petitioner in wirding up petition, such petitioner shall pay an additional fee equivalent to the half of the amount of the original fee paid in the original petition

108. Procedure on substitution.— (l) Where the Member makes an order substituting a creditor or partner as petitioner in a winding-up petition, he shall adjourn the hearing of the petition to a date to be fixed by him and direct such amendments of the petition as may be necessary and such creditor or partner shall, within seven days from the making of the ördef, amend the petition accordingly, and file two clean copies therof together with an affidavit in duBßcate setting out the grounds, on which he supports the petition. (2) The amended petition shall be treated as the petition for the winding-up of the LLP and shall be deemed to have been presented on the date on which the original petition was presented

109. Affidavit-in-opposition.— (1) Subject to the rule 28, an affidavit intended to be used in opposition to the petition shall be filed not less than five days before the date fixed for the hearing of the petition, and a copy of the affidavit shall be served on the petitioner or his advocate or pleader or authorized representative forthwith. The Statement of Affairs of the LLP along with the affidavit in opposition in question shall also be filed. (2) The copies of the affdavit shall also be given to any creditor or partner appearing in support of the petition who may require the same, on payment of the prescribed charges

110. Affidavit in reply.— Subject to rule 28, an affidavit to be used in reply to the affidavit filed in opposition to the petition shall be filed not less than two days bef01e the day fixed for the hearing of the petition, and a copy of the affidavit in reply shall be served on the day of the fifing thereof on the person by whom the affidavit in opposition was filed or his advocate or pleader or authorized representative. Provisional Liquidator 111. Appointment of Provisional Liquidator. — (l) After the admission of a petition for the winding-up of a LLP by the Tribunal, •upon the application of a creditor, or a partner, or of the LLP, and upon proof by affdavit of sufficient ground for the appointment of a Provisional Liquidator, subject to rules 27 and 28, thé Tribunal, if it thinks fit, and upon such terms as in the opinion of the Tribunal shall be just and necessaryr, may. appoint the Liquidator to be Provisional Liquidator of the LLP pending final orders on the winding-up petition. (2) Where the LLP is not the applicant, notice of the application for appointment of Provisional Liquidator shall be given to the LLP unless the Tribunal, for special reasons to be THE GAZETTE OF INDIA : EXTRAORDINARY [PART [I—SEC. 30! recorded (in writing), dispenseS with the notice. The order appointing the Provisional Liquidator shall set out the restrictions and limitations, if any, on his powers imposed by the Tribunal. The order shall be in

Form No. 30 with such variations as may be necessary

112. Rules and procedures applicable to Provisional Liquidator.— The rules and procedures relating to Liquidators shall apply to Provisional Liquidators, so far as applicable, subject to such directions, as the Tribunal may give in each case

113. Costs, etc, of Provisional Liquidator.— Subject to any order of the Tribunal, all the costs, charges and expenses properly incurred by the Liquidator, as Provisional Liquidator, including such sum as is or would be payable to the Central Government under the scale of fees for the time being in force applicable where the Offcial Liquidator acts as the Provisional- liquidator of the LLP, shall be paid out of the assets of the LLP. Windine up order 114. Notice to Liquidator of order. Where an order for the winding-up of a LLP or for the appointment of a Provisional Liquidator has been made, the Registrar of Tribunal shall, forthwith send to the Liquidator appointed by the Tribunal notice of the order under the seal of the Tribunal in duplicate in

Form No. 31 or 32, as the case may be, together with a copy of the petition and the affidavit, if any, filed in support thereof with a copy of Statement of Affairs filed with the petition or at the tixne of opposition, as the case may be. The concerned Registrar shall also be served with the copy of the order

115. Contents of, winding-up order and order appointing Provisional Liquidator.— An order to wind-up an LLP or for the appointment ofa Provisional Liquidator shall contain at the foot thereof a note stating that it will be the duty of such of the persons specified in rule 37 to attend on the Liquidator at such time and place as he may appoint and to give him all information he may require

116. Order to be sent to Liquidator and form of order.— (l) The order for winding-up shall be drawn up by the Registrar of Tribunal forthwith, and after it is signed and sealed, two certified copies thereof duly sealed shall be sent to the Liquidator. The order shall be in

Form No 33 with such variations as may be necessary. (2) Except where the LLP is the petitioner, the Liquidator shall cause a sealed copy of the order to be served upon the LLP by pre-paid registered post or by empanelled courier agency addressed at its registered omce (if any), or, if there is no registered office, at its principal or last known principal place of business, or upon such other person or persons or in such manner as the Tribunal may direct

117. Summons for directions to be taken out by the Liquidator- (l) On receipt of-the winding up order, liquidator shall make out a report for direction with regard to the performance by the liquidator of all or any of the duties under rule.41 or any other matter requiring dirctions of the Tribunal. (2) The Tribunal after hearing the liquidator may give such directions as it thinks fit in regard to various matters including fixing the time-limits before which the various matters shali be completed by the liquidator subject to time-limits specified under these rules

118. Directions on making the winding-up oi•der.— At the time of making the winding- up order, or at any time thereafter, the Tribunal shall give directions as to the advertisement of the order and the persons, if any, on whom the order shall be served and the persons, if any, Io whom notice shall be given of the further proceedingS, in the liquidation, and such further directions as may be necessary

119. Advertisement of the order.— Save as otherwise ordered by the Tribunal, every order for the winding up of an LLP by the Tribunal, shall within fourteen days of the date of making the order, be advertised by the petitioner in one issue each of a newspaper in the English language and a newspaper in the regional language circulating in the State or the Union territory concemed and -shali be served by the petitioner upon such person, if any, and in such manner as the Member may direct and the advertisement shali be in

Form No. 34

120. Form Df proceedings after winding up order is made.— After a winding up order is made, every subsequeht proceeding in the winding up shall bear the original number of the winding up petition, besides its own distinctive number, but against the name of the LLP in the cause-title, the words 'in liquidation' shall appear in brackets

121. Application for stay of winding up proceedings.— (i) An application for stay of proceedings in the winding up shall be made upon notice to the parties to the winding up petition and to such other persons as the Tribunal may direct, and where the application is made by any person other than the Liquidator, notice shall be given to the Liquidator. (2) Where an order is made staying proceedings of winding up, the applicant shall within fifteen dgys file a certified copy thereof with the Registrar in

Form IO. Explanation- In computing the period of fifteen days from the date of the order, the requisite time for obtaining a certified copy of the order shall be excluded

122. Application for leave to commence or continue or transfer suits or proceedings.- (I) An application for leave of the Tribunal to commence or continue any suit or proceeding against the LLP shall be made to the Tribunal upon notice to Liquidator and the parties to the suit or proceeding sought to be commenced or continued. (2) An application for u•ansfer to the Tribunal of any suit or proceeding by or against the LLP pending in any Court (other than in High Court or Supreme Court) or any tribunal shall be made upon the notice to the Liquidator and to the parties to the suit or proceeding sought to be transferred

123. Notice to submit statement.— A notice by the Liquidator requiring any of the persons mentioned in rule 28 to submit and verify a statement ofaffairs of the LLP shall be in Form THE GAZETTE OF INDIA : EXTRAORDINARY [PART 'I—sm. No. 35 and may be served by the Liquidator forthwith aner the order for winding up or the order appointing the Liquidator as Pmvisional Liquidator is made

124. Application by Liquidator appointed by Tribunal —(l) The Liquidator may, if required, apply to the Tribunal for an order directing any person, who, in his opinion, is liable to fumish a statement of affairs under rule 28, to prepare and submit such a statement or concur in making the same and notice of the application shall be served on the person against whom the order is sought. (2) -Where the Tribuffal makes the order, such order shall be in

Form No. 36 with such variations as may be necessary

125. Preparation of statement of affairs.— Any person who under rule 28 is required to submit and veri& a statement as to the affairs of the LLP shall prepare the statement of affairs on his own cost

126. Form of the statement.— (l) The statement as to the affairs of the LLP to be subniitted under rule 28 shall be in Form N037 and shall be made out in duplicate, one copy of which shall be verified by affidavit.

(2) An affidavit of concurrence in the statement of affairs shall be in

Form No. 38. (3) The Liquidator shall cause thé verified statement of affairs and the affidavit of concurrence, if any, to be filed in the Tribunal forthwith on submission and completion of the statement of affairs and shall retain the duplicate thereof for his records

127. Extension of time for submitting statement.— (l) Where any person required to submit a statement of affairs under rule 28 r_equires an extension of time for submitting the same, he shall apply in the first instance to the Liquidator who may, if he thinks fit, subject to rule 28, give a written certificate extending the• time, which certificate shall be filed with the proceedin_+, The certificate shall be in

Form No. 39

128. Partners and Officers of LLP to attend and give information.— The Liquidator from time to time hold personal interviews with any such person, as is mentioned in rule 28 or rule 37 for the purpose of investigating the LLP's and it shall be the duty of every such person to attend on the Liquidator at such time and place as the Liquidator may appoint and give the Liquidator all information that he rnay require and.answer all such questions as may be put to him by the Liquidator and the Liquidator shall maintain minutes of the interview held by him or memoranda containing the substance of such interviews

129. Duty of person making or concurring in statement —After the statement of affairs of the LLP has been submitted to the Liquidator, it shall be the duty of every person who has made or concurred in making it, if, and when required, to attend on the Liquidator and alBwer all such questions as may be put to hiru and give all such further information as may be required of him by the Liquidator in relation to the statement of affairs. 30S 130. Default in complying with rule 28 — Any ' default on the part of any person in complying with the requirements of rule 28 shalt be reported •to the Tribunal by the Liquidator, and the may thereupon pass such orders or give such directions as it may think fit 131. LLP Liquidator in voluntary winding-up to submit statement. — (l) Where before the making of the winding up order the LLP was being wound-up voluntarily, the Liquidator may require any LLP- liquidator or liquidators in such winding up to furnish him, not later than founeen days of his making the requisition, or such other time as he may fix, a statement as to the manner in which the winding up was conducted, how the assets of the LLP wer dealt with, and the position of the liquidation on the date of the order for winding up by the Tribunal; and on the requisition being made, it shall be the duty of the LLP liquidator or liquidators so required to furnish the statement within the time limit. (2) Where the LLP liquidator or liquidators fails to furnish the statement as required tmder sub-rule (l), the Liquidator may apply to the Tribunal for such directions as may be necessary

Form No. 40 with such variations as may be necessary md shall contain the information as specified in rule 34

133. Inspection of statement and report.— Every creditor or partner, by himself, or by his agent, shall be entitled to inspect. the statement of affairs submitted under rule 28 and the report of the Liquidators submitted under rule 34 on payment of a fee specified in the Annexure and to obtain copies thereof or 'extracts therefrom on payment of the specified charges in Annexur

134. Further report by Liquidator.— (l) Where the Liquidator makes a further report under rule 34(4), such report shall state whether any fraud has been detected subsequent to the submission of report under rule 34(1). (2) If any such fraud has been detected, the report Shakl set out the names of the persons by whom the fraud, in his opinion, qas committed and the facts on which such opinion is based and the report shall set out in a narrative form the facts and matters which the liquidator desires to bring to the notice of the Tribunal

135. Consideration of report(s) by the Tribunal.— (l) The consideration of the report (or reports) made by the Liquidator pursuant to rule 34, shall be placed before the Member in Chambers, and the Liquidator shall personally or by counsel attend the consideration thereof and give the Tribunal any further information or explanation with reference to the matters contained therein which the Tribunal may require. 2532 2—39 THE GAZETTE OF INDIA : EXTRAORDNARY [PART 11—SEC. (2) On a consideration of the report (or reports), the Tribunal may pass such oiders and give such directions as it may think fit including directions of examination of &signated partners, partners, officers and employees past and present of the LLP: Provided that where the Liquidator makes report(s) under rule 34 containing the fraud committ#i by the partners or designated partners or offcers or employees, of the LLP, the Registrar of Tribunal shall fix a date for the consideration thereof by the Member and notify the date on the notice board of the Tribunal and •to the Liquidator

136. Summons for direction to be taken out by Liquidator- (1) As soon as practicable after the winding up order is made and in any event, not later than seven days after the filing of the report under sub-rule (I) of rule 34, the liquidator shall make a report for direction with regard to the performance by the liquidator of the duties under rule 41, the settlement of list of creditors and settlement of list of partners.(2) Upon hearing the liquidator, Tribunal may give such directions as it shall think fit in regard to the said matters. Settlement of list of creditors 137. Fixing a date for proving debts. — Subject to the provisions of the Act and rules made thereunder and in a winding up by the Tribunal, subject to the directions of the the Liquidator in a winding up by the Tribunal shall, and the LLP Liquidator in voluntary winding up may, fix a certain day, which shall be not less than fourteen days from the date of the notice to be given under the rule 138, on or before which the credit0ß of the LLP are to prove their debts or claims and to establish any title for they may have to priority under preferultial payments, or to be excluded from the benefit of any distribution made before such debts or claims are proved, or, as the case may be, from objecting to S(.Eh distribution

138. Notice to creditors.— (I) The liquidator shall give not less than fourteen days' notice of the date so fixed by advertisement in one issue of a daily newspaper in the English language and one issue of a daily newspaper in the regional language circulating in the State or Union territory concerned, as he considers suitable. (2) The advertisements under sub-rule (l) shall be released within thirty days from the date of confirmation of the sale and be in

Form No. 41. (3) [f the number of creditors do not exceed one hundred, individual notices may be given by letter post under certificate of posting or registered post or any other mode specified in rule 15 of the Limited Liability Partnership Rules, 2009 within thirty days from the date of confirmation of the sale or on any earlier date and advertisement in newspapers may be dispensed with. (4) The Liquidator shall also give not less than fourteen days' notice of the date fixed, in a winding up by the Tribunal, to every person mentioned in the statement of affairs, as a creditor, who has not proved his debt and to every person mentioned in the statement of affairs as a preferential creditor, whose claim to be a preferential creditor has not been established or is not admitted, to the address indicated in the statement of affairs and such notice shall be in Form No. 42 or Form No. 43 and shall be sent to each such creditor either by letter post under certificate of posting or registered post or any other mode specified in tule 15 of the Limited Liability Partnership Rules 2009. (5) All proceedings and procedures hereinafter set out as to the admission or rejection of proofs shall apply with necessary variations to any claim to priority as a preferential creditor

139. Proof of debt.— (l) In a winding up by the Tribunal, every creditor shall, subject as hereinafter provided, prove his debt, unless the Member in any particular case directs that any creditors or class of creditors shall be admitted without proof

140. Mode of proof and verification thereof.— A debt may be proved by delivering or sending by post to the Liquidator, an and if affidavit verifying the debt måde by the creditor or by some person authorised by him and if the affdavit is made by a person authorised by the creditor, it shall state the authority and means of knowledge of the deponent and a creditor need not attend upon the investigation unless required to do so by the Liquidator

141. Contents of proof.— An affidavit proving a debt shall contain or refer to a statement of accounts showing the particulars of the debt, and shall specify the vouchers or bills or contracts or any other material documents, by which the same can be substantiated and shali state whether the creditor is a secured creditor, or a preferential creditor, and if so, shall set out the particulars of the security or of the preferential claims and the affidavit shall be in

Form No. 44 142. Workmen's wages. — In case where there are numerous claims for wages or accrued holiday remuneration by workmen and others employed by the LLP, it shall be sufficient if one proofin Form No.45 for all such claims are made by any one of the workman on behalf of all such workmen. Such proof shall have a schedule annexed thereto setting forth the names of the workmen and others and the amounts severally due to them. Any proof made in compliance with this rule shall have the same effect as if separate proofs had been made by each of the said workmen 143. Value of debts. — The value of all debts and claims against the LLP shall, as far as possible, be estimated according to the value thereof at the date of the order of the winding up of the LLP or at the date of passing of such resolution, where before the presentation of the petition for winding up, a resolution has been passed by the LLP for voluntary winding up

144. Inteæst.— On any debt or certain sum payable at a certain time or otherwise, whereon interest is not reserved or agreed for, and which is oveFdue at the date of the winding up order, or at the date of passing of the resolution, as the case may be, the creditor may prove for interest at a rate not exceeding the prime lending rate fixed by the Reserve Bank of India 308 THE GAZETTE OF INDIA : EXTRAORDINARY [PART upto that date from the time when the debt or sum was payable, if the debt or sum is payable by virtue of a written instrurnent at a certain time, and if payable otherwise, then from the time when a demand in writing has been made by giving notice that interest will be claimed from the date of demand until the time of payment

145. Periodicat payments.— When any rent or other payment falls due at any stated period, and the order or resolution to wind up is made at any time other than one of those periods, the persons eNitled to the rent or payment may prove for a pmportionate part thereof up to the dåte of winding up order or resolution as if the rent or payment accrued due from day to day: Provided that where the Liquidator rernains in occupation of the premises demised to a LLP which is being wound up, nothing herein contained shall prejudice or alter the right of the landlord of such premises to claim payment by the LLP, or the liquidator, of rent during the period of the LLP's or liquidator's occupation

146. Proof of debt payable at a future time.— A creditor may prove for a debt not payable at the date of the winding up order or at the date of passing of resolution, as if it were payable presently, and may receive distributable sums equally with the other creditors, deducting only thereout a rebate of interest at the rate of four per cent per annum computed from the date of declaration of the distributable sum to the time when tlE debt would have become payable according to the terrns on which it was contracted

147. Examination of proof.— The Liquidator shall examine every of deM lodged with him and the grounds of the debt. He may call for the production of the vouchers or bills or contracts or other material document, if any referred to in the affidavit of proof or require further evidence in support of the debt. If he requiles further evidence, or requires that tlE crditor should attend the investigation in person, he shall fix a day and time at which the creditor is required to attend or to produce further evidence and send a notice to such creditor in

Form No. 46 by a registered post or through empanelled courier agency or other mode specified in rule 15 of Limited Liability Partnership Rules, 2()09, so as to reach him not later than seven days before the date fixed

148. Liquidator's right to sammon any person in connection with the investigation.(I) The Liquidator in a winding up by the Tribunal may summon any person whom he may deem capable of giving information in respect of the debts to be proved in liquidation and may require such person to produce any documents in his custody or control relating to such debts and shall tender, with the summons such sum as appears to the Liquidator sufficient to defray the traveling and other expenses of the person sumrnoned for one day's attendance. (2) Where person summoned under subrule (I) fails without lawful excuse to attend or produce any documents in compliance with the sumrrwns or avoids ot service, tkE Liquidator may apply to the Tribunal for such orders as may be deemed fit for the attendance of such person and the prodiEtion before him of such docume*s as may be required, for other appropriate orders. 309 149. Oaths. — For the purpose of his duties in relation to the admission of proof of debts, the Liquidator may administer oaths and take affidavits

150. Costs of proof, —Unless otherwise ordered by the Member, a creditor shall bear the costs of proving his debt

151. Acceptance or rejection of proof to be communicated.— After such investigation as he may think necessary, the liquidator shall in writing admit or reject the proof in whole or in part and every decision of the Liquidator accepting or rejecting a proof, either wholly or in part, shall be communicated to the creditor concerned by letter post under cegificate of posting or registered post where the proof is admitted and by registered post or through empanelled courier agency for acknowledgement where the proof is rejected wholly or in part within forty-five days from the last date fixed for proving the debts, provided that it shall not be necessary to give notice of the admission of a claim to a creditor who has appeared before the Liquidator and the acceptance of whose claim has been communicated to him or his agent in wriiing at thp time of acceptance. Where the Liquidator rejects a proof, wholly or in part, he shall State the grounds of the rejection to the creditor in Form No

47. Notice of admission of proof shall be Form No.48

152. Appeal by creditor.— If a creditor is dissatisfied with the decision of the Liquidator in respect of his proof, the creditor may, not later than twenty-one days from the date of service of the notice upon him of the decision of the Liquidator, appeal to the Tribunal against the decision and the appeal shali be supported by an affidavit which shall set out the y•ounds of such appeal, and notice of the appeal shall be given to the Liquidator

153. Procedure where creditor appeals.— (1) The liquidator shall, upon receiving notice of the appeal against a decision rejecting a proof wholly or in part, under rule 151, file with the Registrar of Tribunal such proof with the order containing the grounds of rejection. (2) It shall be open to any creditor or partner to apply to. the Tribunal for leave to intervene in the appeal, and the Tribunaf may, if it thinks fit, grant the leave subject to such terms and conditions as may be just and where leave has been granted notice of the•hearing of the appeal shall be given to such creditor or partner

154. Liquidator not to be personi)ly liable for cosG.— The Liquidator shall in no case be personally liable for costs in relation to an appeal from his decision rejecting any proof wholly or in part

155. Proofs and list of creditors to be filed in Tribunal.— (i) In a winding up by the Tribunal, the Liquidator shall, within two months from the last date fixed for prm'ing the file in Tribunal a certificate in

Form No.49 containing a list of the creditors who submitted proofs of their claims in pursuance of the advertisement and the notices referred to in rule 138, the amounts of debt for which they claimed to be creditors, distinguishing in such list the proofs admitted wholly, the proofs admitted or rejected in part and the proofs wholly rejected. 310 THE GAZETTE OF INDIA ; EXTRAORDINARY [PART II—SEC. 30] (2) The proofs, with memorandum of admission or rejection of the same in whole or in part, as the case may be, endorsed thereon, shall be filed in Tribunal along with the certificate

156. List of creditors not to be varied.— The list gs certified by the Liquidator and filed in Tribunal shall be tte list of the creditcm of the LLP, and shall not be added to or varied except in accordance with orders* of Tribunal. Where an order is made adding to or varying the list of creditors, the,Liquidator shall amend the list in accordance with such order. IS'. Notice of filing the list and inspeetion of the same. — Upon the filing of the certificate containing the list of creditors as settled by the Liquidator, the Registrar of Tribunal shall notify the filing thereof on the notice board of the Tribunal and the certificate and the list of creditors as settled and the proofs relating thereto shall be open to the inspection of every creditor or partner on payment of a fee specified in Annexure

158. Expunging of proof.— (I) If after the admission of a proof, the Liquidator has reason to think that the proof has been improperly admitted or admitted by a mistake, he may apply to the Tribunal upon notice to the creditor who made the proof, to expunge the proof or reduce its amount, as the case may be. (2) Any creditor or partner may also apply to the Tribunal to expunge a proof or leduce the amount thereof, if the Liquidator declines to move in the matter, and on such application, the Tribunal may pass such orders as it may think just

159. Payment of subsequent interest.— In the event of there being a surplus after payment in full of all the claims admitted to proof, creditors whose proofs have been admitted shall be paid interest from the date of the winding up order or of the resolution, as the case may be, up to the date of the declaration of the final distributable sum, at a rate not exceeding the prime lending rate fixed by RBI on the admitted amount of the claim, after adjusting against the said amount the distributable sums as on the date of the declaration of each distributable sum

160. Provisional list of partners.— (I) Subject to the Act and the rules, in the event of there being a surplus after payment to creditors in full of the claims admitted to proof and the subsequent interest under rule 159, the partners are entitled for.return of asset and unless the Tribunal dispenses with the settlement of a list of partners, the Liquidator shall prepare and file in the Tribunal not later than fifteen days after the date of the confirmation of the sale, a provisional list of partners of the LLP' with their names and addresses, the amount of contribution and such list shall be in Form No SO

161. Notice to be given of date of settlement of list.— (1) Upon the filing of the provisional list under rule 160, the Liquidator shall, fix a date not later than one month from the date of the filing of the provisional list for the settlement of the list before him, and shall give notice thereof to every person included in such list, stating in such notice amount of contribution and such notice shall be in

Form No.51 and shall be sent by letter post under certificate of 311 posting or registered post or any other mode specified in rule 15 of the Limited Liability Partnership Rules, 2009, to every person included in the list at the address mentioned therein so as to reach him in the ordinary course of post not later than fourteen days before the date fixed for the settlement

162. Settlement of the list.— On the date fixed for the settlement of the list, the Liquidator shall hear any person who objects to being settled' as a partner or to being settled as a partner in such character or for such amount of contribution mentioned in the provisional list, and after such hearing, shall finally settle the list and the list when so settled shall be the list of partners of the LLP

163. Certificate of final settlement of the list to be filed in Tribunal.— Within seven days after the settlement of the list, the Liquidator shall file in Tribunal a Certificate of the list of partners as finally settled by him under rule 162. Such certificate shall be in

164. Notice to partners.— Upon the filing of the certificate of the list of partners, the Liquidator shall forthwith give notice to every person placed on the list of partners as finally settled, stating amount of contribution and in the notice he shall inform such person that any application for the removal of his name from the list or for a variation of the list, must be made to the Tribunal within twenty-one days from the date of service on the partner of such notice. Such notice shall be in

Form No. 53 and shall be sent to each person settled on the list by letter post under certificate of posting or registered post or any other mode specified in rule 15 of the Limited Liability Partneréhip Rules, 2009, at the address mentioned in the list as settled

165. Application by Liquidator for rectification of list.— If after the settlement of the list of partners, the Liquidator has reason to think that a partna• who had been included in the provisional list has been improperly or by mistake excluded or omitted from the list of pa_rtners as finally settled or that the character in which or the amount of contribution or extent of interest for which he has been included in the list as finally settled or any other particular contained therein requires rectification in any respect, he may, upon notice to the partner concerned, apply to the Tribunal for such rectification of the list as may be necessary and the Tribunal may, on such application, rectify or vary the list as it may think fit

166. Application by partner to vary the list.— Subject to the powers of the Tribunal to extend the time or to allow an application to be made notwithstanding the expiration of the time limit for that purpose, no application to the Tribunal by any person who objects to his being settled on the list of partners as finally settled by the Liquidator shall be entertained after the expiration of twenty-one days from the date of Service on such person of the notice of the settlement of the list of partners. An order varying such a list of partners shall be in

Form No. 54

167. Liquidator not to be personally liable for costs.— The Liquidator shall not- in any case be personally liable to pay any costs of, or in relation to, an application to set aside or vary his act or decision settling the name Ofa person on the list of partners ofa LLP. 312 THE GAZETTE OF INDIA : EXTRAORDINARY [PART Li—sm. MEETINGS OF CREDITORS OR PARTNERS IN A WINDING UP BY TRIBUNAL AND OF CREDITORS [N A VOLUNTARY WINDING UP 'Tribunal meetings', 'Liquidator's meetin$ and 'Voluntary Liquidation 168. meetings'. — (I) In addition to the meeting of creditors or partners which may be directed to be held by the Tribunal under rule 61, hereinafter referred to as 'Tribunal meetings' of creditors or partners, the Liquidator may, in a winding up by the Tribunal, as and when he thinks fit, summon and hold meetings of the creditors or partners, hereinafter referred to as 'Liquidator's meetings' of creditors or partners, for the purpose of ascertaining their wishes in all matters relating to the winding up and such meetings shall be summoned, held and conducted in the manner provided by these rules and subject to the control of the Tribunal. (2) In a voluntary winding up, the LLP liquidator may himself from time to time sum_mon, hold and conduct meetings of creditors for the purpose of ascertaining their wishes in all matters relating to the winding up. Such meetings and all meetings of creditors which an LLP or an LLP liquidator is by the Act or the rules required to convene in or irrynediately before such a voluntary winding up and all meetings convened by a creditor in a voluntary winding up under the rules are hereinafter called 'voluntary liquidation meeting'

169. Application of rules to meetings.— Except where and so far as the nature of the subject matter or the context may otherwise require, the procedures as to meetings as hereinafter set out shall apply to 'Tribunal meetings', 'Liquidator's meetings' of creditors or partners and 'voluntary liquidation meetings', provided that in the case of 'Tribunal meetings' , the rules shall apply only subject io ny directions given by the Tribunal

170. Notice of meeting.— (I) Unless otherwise stated elsewhere in the rules, the LLP liquidator or liquidator shall summon all meetings of creditors or pa_rtners, as the case may be, by giving not less than fourteen days notice of the time and place appointed for the meeting by advertisement in one daily newspaper in the English language and one daily newspQer in the regional language circulating in the State or Union territory concerned as the LLP liquidator or liquidatbr may consider suitable, and by sending individually to every creditor of the LLP notice of the meeting of creditors, and to every partner of the LLP notice of the meeting of partners by registered or speed post or other mode specified under rule 15 of the Limited Liability Partnership Rules 2009 so as to reach such person not less than fourteen days before the date fixed for the meeting. Where the creditors or partners are one hundred or less than one hundred, it shall not be necessary to give notice by advertisement but individual notices shall be issued. (2) The notice to each creditor shall be sent to the address given in his proof, if any, submitted or, if he has not proved, to the address given in the statement of affairs, or, if there is no statement of affairs, to the address given in the books of the LLP, or to such other 313 address as may be known to the person summoning the meeting. The notice to each partner shall be sent to the address mentioned in the books of the LLP or Statement of Affairs as the address of such partner or to such other address as may be known to the person summoning the meeting. (3) In the case of meetings to fill vacancy in office of LLP liquidator, the continuing LLP liquidator, or if there is no continuing LLP liquidator, as the case may be, any ereditor may summon the meeting. (4) The notices shall be in such of. the Firm Nos. 5S, SSA, SSB, SSC and SSD as may be appropriate. (5) This rule shall not apply to meeting of partners under rule 5 and of creditors, under rule 8 and final meeting for' dissolution. I n. Place and time of meeting. — Every meeting shall be held at such place and time as the person convening the same considers most convenient for the majority of the creditors or partners or both. Different times or places or both may, if thoughf fit, be appointed for the meetings of creditors and the meetings of partners

172. Notice of first or other meeting to the officers of LLP.— (I) In a winding up by the Tribunal, the Liquidator shall also give to each of the officers of the LLP, who in his opinion ought to attend the first or any Otl•er meeting of creditors, fourteen days' notice of the time and place appointed for such meeting and the notice may either by delivered personally or sent by registered or speed post Of other modes as specified in rude 15 of the Limited Liability Partnership Rules 2009 as may be convenient. (2) It shall be the duty of every officer who receives notice of such meeting to attend if so required by the Liquidator, and if any such offcer fails to attend the Liquidator may report suh failure to the Tribunal. Such notice shall be in

Form No.56. (3) The Liquidator, if he thinks fit, may, instead of requiring any of the officer of the LLP to attend the meeting under sub-rule (t), require such offcer to answer any or to furnish in writing any information that he may require for purposes of such meeting, and if such offcer fails to answer the interrogatories or furnish such information, he shall leport such ftilure to the Tribunal. t 73. Proof of notice. — An affidavit by the Liquidator, or by any person who sent the noices, tho such notices have been duly sent, shall be sufficient evidence of the notices having been sent to persons to whom tkE same wer a&hessed. In the case of Tribunal meetings, the affidavit shall be filed in Tribunal and in case of Liquidator's meetings, the affidavit shall be filed with the Liquidator; Such affidavit shall be in Form No.57

114. Costs of calling meetings at the instance of creditor or partner.— (I) Where a creditor or partner requests the LLP liquidator or liquidator to convene a meeting, the LLP liquidator or liquidator may require such creditor or partner to deposit as a condition 2532 Gill 2—40 314 THE GAZETTE OF INDIA : EXTRAORDINARY [PART 11—SEC. 30)] precedent thereto a sum suffcient for the costs thereof, to be computed as hereinafter provided; and on any application to the Tribunal by a creditor or partner to direct the LLP Liquidator or liquidator to convene a meeting, the Member may, if he thinks fit, requir the applicant to &posit a similar sum for such costs and such sum shall inclu& all disbursements necessary to be made for printing, stationery, postage and hire of room, to be calculated at the rate of Rs.200 for each creditor or partner up to the first 25 creditors or partners, Rs. 150/- for each creditor or partner for the next 75 creditors or partners, Rs. 100}- for each creditor or partner above the first 100 creditors or partners and the sum so deposited shall be repaid to the person depositing the same out of the assets of the LLP, if the Tribunal shall by order, or if the creditors shall by resolution in voluntary winding up, so direct. (2) This rule shall not apply to meetings to be sumrnoned by the Liquidator under rule 43 or a meeting summoned at the instance of a creditor for filling the vacancy of the LLP occurs by death, resignation or otherwise

175. Chairman of meeting.— Where a meeting is summoned by the LLP liquidator or the liquidator, the LLP liquidator or the liquidator or some person nominated by him, shall be the Chairman of the meeting. fte nomination shall be in Form No

58. At every other meeting of creditors or partners, not being Tribunal meetings of creditors and pa.rtners, the Chairman shall be such person as the meeting by resolution shall appoint and this procedure shali not apply to meetings of partners under rule 5 and of creditors un&r rule 8. t 76. Resolution at creditors' meeting. — At a meeting of creditors, a resolution shall be deemed to be passed, when a majority in value of the creditors present personally or by proxy and voting on the resolution has voted in favour of the resolution. In a winding-up by the Tribunal, the value of a creditor, shall, for 81e purpose of a first meeting of the creditors, be deemed to be the value as shown in the books of the LLP, or the amount mentioned in his proof, whichever is less, and for the purpose o' any other meeting, the value f0E which the creditor has proved his debt or claim

177. Resolution of partners' meeting.— At a meeting of partlErs, a resolution shall be deemed to be passed when a majority in.number of the parmers present personally or by and voting on the resolution have voted in favour of the resolution

178. Copiß of resolutions to be filed.— In a winding-up by the Tribunal, the Liquidator shall file in Tribunal a copy certified by him of every resolution passed at a meeting of creditors or partners and the-Registrar of Tribunal shall keep in each case a file of such reolution. 1'9. Non-receipt of notice by a creditor or partner. — Wher a meeting of creditors or is summoned by notice, the proceedings and resolutions the meeüng shall, unless the Tribunal otherwise orders, be valid notwithstanding that some creditors or partners may not have received tlE notice sent to him, 315 180. Adjournment. — The Chairman may, with the consent of partners or creditors present in the meeting, adjourn it from time to time, but the adjourned meeting shall be held at the same place as the original meeting unless in the resolution for adjournment another place is specified or unless the Tribunal otherwise orders and no adjournment should be granted unless there are compelling circumstances that are recorded in speaking order to be passed by the chairman

181. Quorum.— A meeting may not act for any purpose except for adjournment thereof unless there are present or represented thereat in the case of a creditors' meeting at least two creditors entitled to vote if there are more than 2 or in the case of a meeting of partners at least two partners

182. Procedure in the absence of quorum.— If, within half an hour from the time appointed for the meeting, a quorum of creditors or partners, as the case may be, is not present or represented, the meeting shall be adjourned to the same day in the following week at the same time and place, or to such other day, or time' or place as.the chairman may appoint, but the day appointed shall be not less than seven or more than fourteen days from the day from which the meeting was adjourrvd and if at such adjourned meeting, a quorum be not present, two creditors or partners present in person shall form a quorum and may transact the business for which the meeting was convened

183. When creditor can vote.— In the case of a meeting of creditor or any adjournment thereof a person shall not be entitled to vote as a creditor unless he has duly lodged with the biquidator not later than the time mentioned for that purpose in the notice convening the meeting, a proof of the debt which he claims to be due to him from the LLP. In the case of other meetings of creditors a person shall not be entitled to vote as a creditor unless he has lodged with the Liquidator a proof of the debt which he claims to be due to him from the LLP and such proof has been admitted wholly or in part before the date on which the meeting is held: Provided that thi.s rule shall not apply to any creditors or class of creditors who by virtue of these rules or. any directions given thereunder are not required to prove their debts, or to any voluntary liquidation meetings

184. Cases to which creditors may not vote.— A creditor shall not vote in respect of any unliquidated or contingent debt or any debt the value of which is not ascertained, nor shall a creditor vote in respect of any debt on or secured by a current bill of exchange or promissory note held by him unless he is willing to treat liability to him thereon of every person who is liable thereon antecedently to the LLP, and against whom no order of adjudication has been rmde, as a security in his hands, and to estimate the value thereof, and for the purposes of voting, but not for purposes Of distributable sum, to deduct it from his proof

185. When secured creditor can vote and effect of voting.— (1) For the purposes of voting at a meeting, in a winding-up by the Ttibunal, a secured creditor shall, unless he surrenders his security, state in his proof the particulars of his security, the date when it was given aryl 316 THE GAZETTE OF INDIA ; EXTRAORDINARY [PART 11—SEC. 3(i)] the value at which he assesses it, and shall be entitled to vote only in respect of the balance due to him, if any, aner deducting the value of his security. (2) For the purpo* of voting at any voluntary liquidation meeting, a secured creditor shall, unress he surrenders his security, lodge with the LLP liquidator, or where there is no LLP liquidator, at registered office of the LLP, before the meeting, a giving the particulars of his security, the date when it was given and tkE value at which he assesses it, and shall be entitled iO vote only in respect of balance due to him, if any, aner deducting the value of his security. (3) If a secured creditor votes in respect of his whole debt he shall be deemed to have surrendered his security, unless the Tribunal on application is satisfied that the omission to value the security was due to inadvertence

186. Procedure when secured creditor votes without surrendering security.— The liquidator may within twenty-eight days from the date of the meeting at which a secured creditor voted on the basis of his valuation of the security, require him to give up the security for ffke benefit of the creditors generally on payment of the value so estimated by him, and may, if necessary, apply to the Tribunal for an order to compel such creditor to give up the security: Provided that the Tribunal may, for good cause shown, permit a creditor to correct his valuation before being required to give up the security, upon such terms as to costs as the Tribunal may consider just

181. The procedure for voting by the creditors specified in rules 183 to 186 shall not apply to a 'Tribunal meeting of creditors.188 Admission or rejection of prooß for purposes of voting. — The chairman shall have power to admit or reject a proof for the purpose of voting, but his decision shall be subject to appeal to the Tribunal. [f he is in doubt wkrther a proof shall be admitted or rejected, he shall mark it as objected to•and allow the creditor to vote subject to the vote being declared invalid in the event of t.l'E objection being sustained

189. Repon of Tribunal meetings.— a meeting is summoned under the direction of the Tribunal, the Chairman shall, within the ume fixed by the Tribunal, or if no time is fixed, within seven days of the conclusion of t.lE meeting, report the result thereof to the Tribunal and such report shall be in

Form No. 59

190. Minutes of proceedin».— (I) The chairman shall cause minutes of the proceedings at meeting to be drawn up and fairly entered in the and the minutes shall be signed by him or by the chairman of the next meeting. (2) A list of creditors and partners present at every meeting shall be made and kept as in Form N(X60. 317 PROXIES IN RELATION TO MEETINGS IN WINDING-UP BY TRIBUNAL AND TO MEETINGS OF CREDITORS IN A VOLUNTARY WINDING-UP

191. Voting hy proxies.— A creditor or panner may vote either in person or by proxy. Where a person is authorised to represent a body corporate at any meeting of crditors or partners, such person shall produce to the Liquidator or the LLP liquidator in the case of meetings aner the winding up of the LLP or in any other meeting the chairman of the meeting a copy of the resolution so authorizing him. Such copy must be certified to be a true copy by a director, the manager, the secretary • or partner or other omcer of the body corporate duly authorised in that behalf, who shali certify that he is so authorised

192. Form Of proxies.— A creditor or partner may give a general proxy or a special proxy to any person and a generai proxy be in Form No.61 and a special proxy in Form No. 61A

193. Proxies to Liquidator or Chairman.— A creditor or partner in a winding up by the Tribunal may appoint the Liquidator, and in a voluntary winding up, the LLP liquidator, or if there is no LLP liquidator, sorne person under his official control to act as his gerEral or special proxy

194. Use of pmxies hy deputy.— Where an Liquidator who holds any proxies cannot attend the meeting for which they are given, he in writing depute some perwn under his official control to- use the proxies on his behalf and in such manner as he nuy direct. 195, Forms to be sent with notice. — Forms of proxies shall be sent to' the creditors and partnas with the notice summoning the meeting and no name shall be inseüd or piinted in the form béfore it is sent

196. Praies to be lodged.— A proxy shall be lodged not later than forty-eight hours before the mæting at which it is to be used, with die Liquidator in a winding-up by the Tribunal and with the LLP liquidator in voluntary winding up, or if there is no LLP. liquidator, with the person named in the notice convening the meeting to receive the same, in a voluntary wbxiing-up

197. Holder of proxy not vote on matter in which he is financial* interested.— No person acting either under a general or special shall vote in favour of any resolution which would directly or indirectly place himself, his partner or employer in a position to receive any remuneration out of the assets of the LLP otherwise than as a- creditor ratably with the other creditors of the LLP

198. Minor not to he appointed proxy.— No person shall be appointed as a general or special proxy who is a minor

199. FUliag in proxy.where creditor or partner is or — The proxy of a crditor or a partner, who is blind or incapable of writing, nuy be accepted ifsuch creditor or 318 n-1E GAWITE OF INDIA : EXTRAORDINARY IPSEC. 3(0] panner has attuhed his signmure or mark thereto in the presence of a witness who shall add to his signature his description and address: Provided that all insertions in the proxy are in the of the witrxss and such witness shall have certified at the foot of the proxy that all such insertions have been made by him at fre request md in the preserwe of the or partner before he attuhed his signature or mark

200. Proxy of person not acquainted with English.— The proxy of a creditor or partner who does not know Ex@ish may be accepted if it is executed in the manner specified in rule 199 and the witness certifies that it was explained to the creditor or partner in the language known to him, and gives the creditor's or partner's name in English below the signature. ATTENDANCE AND APPEARANCE OF CREDITORS AND PARTNERS 201. Attendance proceedings. — (1) Save as otherwise provided or by an order of Tribunal, every person for the time being on the list of partners of the LLP and evezy creditor whose debt has been admitted by Liquidator wholly or in part shall be at liberty at his own experwe to atterxl the proceedings before the Tribunal or before the Liquidator and shall be entitled upon payment of the costs occasioned thereby to haSre notice of all such proceedings as he shall, by request in writing addressed to the Liquidator, desire to have notice of; but if the Tribunal is of the opinion that the attendance of any such person has occasiorwd any ad:litional costs which ought not to be bome by the mnds of LLP, it may direct such costs or a gross sum in lieu thereof to be ßid by such person and such

person shall not be entitled to attend any further proceedings until he paid the same. (2) No partner or creditor shall be entitled to attend any proceedings before the Member, unless and until he or an Advocate or pleader or authorized representative on his behalf filed an appem•ance with the Registrar of Tribunal. The Registrar of Tribunal shall keep "Appearance Book" in which all such appeararwes shall be Such book shall be open to the inspection of the Liquidnor

202. Representation of creditors and partners before Tribunal.— The Tribuz»l may, if it thinks fit, appoiM from time to time any one OE more of creditors or partners to represent before tlz Tribunal at the expense of the LLP all or any class of creditors or partfErs upon any question or in relation to any proceedings before the Tribunal, and rnay remove any person so appointed, if more than one person is appointed under this rule to represent one class, the persons so appointed, shall employ the same advocate or pleader or same authorized representative to represent them, and where they fail to agree as to the advocate or authorized representative to be employed, the Member may nomiNte an advocate or pleader for them. 3(i)] COLLECTION AND DISTRIBUTION OF ASSETS IN A WINDING-UP BY TRIBUNAL 203. Powers of Liquidator. — lhe duties imposed on the Tribunal with regtx:f to the collection of the assets of the LLP and the application of the assets in discharge of the LLP's liabilities shall be discharged by the Liquidator as an officer of the Tribunal subject to the control of the Tribunal

204. Liquidator to be in the pcNition of a receiver.— For the discharge.by the Liquidator of the duties under rule 41 and exercise of the powers under rule 203, the Liquidator shall, for the purpose of acquiring and retaining possession of the property of the LLP, be in the same position as if he were a Receiver of the appointed by the Tribunal, and the Tribunal may on his application enforce such acquisitiön or retention accordingly. 20S. LLPs property to be surrendered to Liquidator on requisition. —Any partner for the time being on the list of partners, trustee, receiver, banker or agent or of a LLP which is being wound-up under order of the Tribunal, shall on notice from the Liquidator and within such time as he shall by notice require, pay, deliver, convey, surrender or fransfer to or into the hands of the Liquidator any money; pmperty or documents, books or papers which happen to be in his hands for the time being and, to which the LLP is prima facie entitled. Where the person required to do so fails to comply with the notice, the Liquidator rhay apply to the Tribunal for appropriate orders and the notice shall bein

Form No 62. MONIES DUE FROM PARTNERS IN A WINDING UP BY THE TRIBUNAL INCLUDING OUTSTANDING CONTRIBUTION, ETC. 206. •Liquidator to realize unrealized contribution etc. — Notwithstanding any charge or encumbrance on the contribution, the Liquidator shall alone be emitled to recover from any partner, the obligation to contribute but not contributed or to realize the unrealized or outstanding contribution in respect of contracts for services to be performed or agreement to contribute or in any other event. Such recovery shall be deemed to be collection of the assets of the LLP free from charge

207. Service of notice of demand.—The Liquidator shall serve under registered or speed post or other modes as specified in rule 15 of the Limited Liability Parmership Rules 2009, demand notice of not less than fourteen days in

208. Order for payment of demand.— In case whére the partner fails to make the payment, the Liquidator may apply to the Triburpl for an order against any partner or partners for payment of moneys due on the demands made by him. The applicadon shall be made by summons in

65. Notice of the application together with a copy of the affdavit shall be served on the partner by registerd post for acknowledgement or through empanelled courier agency not less than 319 THE GAZEITE OF INDIA : EXTRAORDINARY [PART 11—SEc. 3(i)] fourteen days before the date fixed for the hearing of summons. The Older for payment shall be in

Form No. 66

209. Other moneys due by partners.— When any money is due to the LLP from a partner or Bom the estae of the person whom he represents, other Nian moneys due on demands made subseqznt to the winding-up on unrealized, unrecovered or outstanding contribl.üion, the liquidator may make an application to the Tribunal supported by an affidavit for an order against such partner for the payment of such moneys. Notice of application shall be given to • such partner by registered post or though empanelled courier agency not less tian fourteen days prior to the date fixed for hearing of the-application.
EXAMINATION OF PERSON SUSPECND OF HAVING PROPERTY OF LLP xrc AND EXAMINATION OF PARTNERS,DLSIGNATED PARTNERS, OFFIa,RS ETC IN CONNECTION WITH THE FRUAD xrc

210. Application for examination of penons suspected of having property, etc.— (I) An apriication for tlr examination of any omcer of the LLP or person known or suspected to haw in his possession any property or books or papers of the LLP of known or suspected to be indebted- to the' LLP or any person whom the Tribunals deem capable of giving infonnation conceming the formation, trade, dealings, property, book or or affai.rs of the LLP may be made ex prte, provided that where the *cation is made by any person than me Liquidator, notice of the application shall be given to the Liquidator. (2) The summons shall in

Form No.67 where the application is by Liquidator, it shall be accompanied by a statement sigrrd by him setting forth the &cts on which the application is based. Where the application is made by a person other than the Liquidator, the summors shall be by an affdavit of the applicant setting forth matters in respect of which the exunination is souøit and the groupds, relied in support of the. summons

211. Directions at hearing of summons.— Upon tie kraring of the summons tke may, if satisfied ent there. are grounds for making the order, rnake an orda directing the issue of a summors against the person named in üle order for his examination a»d/or for the pod'Etion of documents. Unless the Member otherwise directs, the examirntion of such pason shall be held in Chambers. order shall be in Form N068

212. Examinitbn on commiseion or by interrogation.— The may, if it thinks fit, instead of iseüng a sunmons to any person for his appearance before the Tribunal for examination, issue a commission to any person or authority authorized by the Tribunal within whose jurisdiction such person resides for the examination or ITEke an order his examination by as the Tribunal may think fit

Form No.69 and shall be served on to be examined not less than seven days before the dite fixed for the examination. When the summons is saved in person there shall 321 be paid or tendered to the person summoned along with the summons a reasonable sum for his expenses to be fixed by the Member or Registrar of Tribunal with due regard to the scale of fees in force in the Tribunal. When the summons is served by registered or speed post, such sum shall be sent to such person by any other manner

214. Conduct of the examination.— (l) The Liquidator shall conduct an examination: provided that, the Tribunal may, if for any reasons it thinks fit to do so, entrust the cond1.Et of the examination to any partner or creditors. (2) Where the conduct' of the examination is entrusted to any person other than the Liquidator, the Üiquidator shall nevertheless be entitled to be present at the examination in person or by advocate or by authorized representative, and may take notice of the examination for his own use and put such questions to tlr person examined as fre Tribuml may allow. (3) Save as provided in sub-Nles (1) and (2), no person shall be entitled to take part in an examination except the Liquidator and his æivocate, but any person examined shall be entitled to have the assistance of his divocate, who may re-examine the witness: Provided that the Tribunal may permit, if it thinks fit, any creditor or partner to attend the examination subject to such conditions as it may impose. (4) Notes of the examination may be permitted to be taken by the witness or any person on his behalf on his giving an undertaking to the Tribunal that such notes shall be used only for üze purpose of the re-examination of the witness. On the conclusion of the examination, the notes shall, unless otherwise directed, be handed over to the Tribunal for destrwtion

215. Notes of the deposition.(l) The notice of the deposition ofa person examined shall be signed by such person and shall be lodgi in the offce of the Registrar of Tribunal. But the notes shall not be open to the inspection of any creditor, partner or other person, except the Liquidator, nor shall a copy tlEreof or extract therefrom be supplied to any other than the Liquidator, save upon orders of Tribunal. (2) The Tribunal may from time to Gme give such general or special directions as it shall think expedient as to the custody any inspection of such notes and the furnishing of copies thereof of extracts therefrom

216. Order for public examin*tion cof partners, designated partners, omcers etc in connection with fraud etc- (l) Where an order is made for the examination of any person or persons, the examination shall be held before the Member, the Member may direct that the whole or any part of the examination of any such person or persons, be held before any of the officers as may be mentioned in the order and where the date of the examination has not been fixed by the order, the Liquidator shall take an appointment from the Member, or offcer before whom the ecamination is to be held as to the date of the examination.(2) The order directing a public examination shall be in

Form No. 10. 2532 GI/12—41 32 THE GAZETTE OF INDIA : EXTRAORDINARY ART 3 (3) The Member may, if he thinks fit, either in the order for examination or by any subsequent order, give directions as to the specific matters on which such person is to be examined

217. Notice of public examination.— (I) Not less than seven clear days before the date fixed for the examination, the Liquidator shall give notice thereof to the creditors and of the LLP by advertisernent in

Form No.71, in such newspapers as the Member shall direct, and shall within the same period, serve, either persOnally or by registered or speed post Or through empanelled courier agency, on the person or persons to be examined, a notice in Form No.72, of the date and hour fixed for the examination and the officer before whom it is to be held, together with a copy of the order directing the examination. (2) Where a public examination is adjourned, it shall not be necessary to advertise the adjournment or serve notice thereof unless otherwise ordered

218. Adjournment of public examination to Tribunal.— Where on an examination held before an officer apiöinted by the Member, such officer is of the opinion that the examination is being unduly or unnecessarily protracted or, for any other sufficient cause, he is of the opinion that the examination should be held before the Member, such officer may adjourn the examination of any person, or any part of the examination to be held before the Member and submit his report to the Member and the Member may thereupon hold the examination himself or pass such orders as he may think fit

219. Procedure for contumacy.— (l) If a person examined before an officer appointed by the Member reåases to answer to the satisfaction of such offcer any question which he may put or allow to be put, such officer shall report such refusal to the Member and upon such report being made, the person in default shall be dealt with in the same manrier as if he had made default in answering before the Member. (2) The report shall be in writing and shall set forth the question or questions put and the answer or answezs given (if any) by the person examined, and the officer shall notify lhe person examined of the date when he should attend before the Member. The report shall be in

Form No.73 and upon receiving the report, the Member may take such action thereon as he shall think fit

220. Notes of Examination.— The notes of every public examination shall, after being signed, form part of the records of winding up and the Liquidator, the person examined and any creditor or partner of the LLP, shall be entitléd to obtain a copy thereof from the Tribunal on payment of the prescribed charges

221. Shorthand notes of examination under above rules—(l) In respect of any examination, the Tribunal may order that the evidence be taken down in shorthand. Where such order is n•mde, the Member or the officer before whom the evidence is taken shall nominate a person to take down the evidence and the costs, if any, occasioned thereby shall be paid out of the assets of the LLP. 323 (2) The sh01thand note of the examination shall be transcribed and the transcript shall be read over to or by the person examined, and signed by him

222. Application by any person under examination for fraud, etc.to be exculpated. — An application by any person ordered to be exculpated from any charges made or suggested against him, shall be made upon nötice to the Liquidator and to such other persons as the Tribunal may direct

223. Default in attending examination.- (1) If any person who has been diluted by the Tribunal to attend for examination fails to attend at the time and place appointed for holding or processing with the same and no good cause is shown by him for such failure, or if before the day appointed for such examination, the Liquidator satisfies the Tribunal that such person has absconded or that there is reason to believe, that he is about to abscond with the view of avoiding the examination, the Tribunal may, if satisfied that notice of the date and hour fixed for the examination was duly served on such person, make such orders as may be deemed fit

224. Public examination in connection with fraud etc.- Where, in a voluntary, winding- up, an order is made for the public examination of any of the persons in connection with fraud, etc., the procedures relating to a public examination in a winding-up by the Tribunal shall apply mutatis mutandis in respect of such examination. APPLICATION AGAINST DELINQUENT PARTNERS, DESIGNATED PARTNERS AND OFFICERS OF THE LLP 22S. Applications in connection with Liability for fraudulent conduct of business or to assess damages against delinquent partners, etc. — (1) An application shall be made by a summons returnable in the first instance in chambers and the sununons shall state the nature of the declaration or order for which the application is made, and the grounds of the application, and shall be served on every person against whom an order is sought not less than seven days before ihe day named in the summons for the hearing of the application. (2) It shall not necessary to file any amciavit or report before the return of the summons. The summons shall be in

226. Directions at preliminary hearing of summons.— On the return of the summons, the Tribunal may give such directions as it shall think fit as to whether points of claim and defense are to be delivered, as to the taking of evidence wholly or in part by affidavit or orally, as to the cross-examination, before the Member on the hearing, either in Tribunal or in Chamber, of any deponents to affidavits in support of or in opposition to the application, as to any report it may require the Liquidator to make, and generally as to the procedure on the summons for the hearing thereof. Points of claim to be delivered shall be in

Form No.7S or ISA, with such variations as may be necessary. 324 THE GAZETTE OF : D(TRAORDINARY [PART IPSEC. 221. -Application for further directions. — Where the Tn%unal has directed that points of claim and defense shall be delivered, it shall be open to either pa.rty who wishes to apply for any further direction as to any interlocUtory matter, to apply, by restoration, of the summons, before the summons has been set down for trial, for such direction, upon giving two cleu days' notice in writing to other party stating the grounds of the application and a copy of the notice shall be filed with the Registrar of Tribunal two clear days before the day fixed for the hearing of the. application

228. Application for dischimer of onerous properW.— (I) An application for leave to disclaim any part of the property of a LLP shall be made by a summons supported by an affidavit setcing out the full mcts relating to the property, the parties intetested and the nature of their interests, and stating whether the LLP is solvent and whether any notice has been served on the liquidator by any party requiring him to elect whether or not he will disclaim. (2) Form Nos.76 to 76F shall be used in respect of the matters to which they relate with such variations as may be necessary

229. Preliminary hearing of the summons.— The summons shall be posted before the Tribunal ex pane in the first instance for directions as to fre persons on whom notice of the summons should be served. and the Tribunal thereupon fix a date for the hearing of the summons and give such dirctions as may be necessary as to the persons on whom notice of the summons should be served

230. Claimant to furnish statement of his interest.— Where a person claims to be interested in any part of the property of a LLP, which the Liquidator wis}ws to disclaim. such person shall, if so required by the Liquidator, furnish a statement of the interest claimed by him

Form No. 77. and shall be served not less than seven days before the date fixed for the hearing. together with a copy of the summons and of the affidavit filed in support thereof and the notice shall require that any affldavit-in-opposition to the summons shall filed in Tribunal and a copy thereof served on the Liquidator of the LLP not later than two days before the date fixed for the hearing

232. Order granting leave to disclaim.- On the kEaring of the summons. the Tribunal may after hearing the Liquidator and such parties as may appear in response to the notices issued. and such other persons appearing and interested as the Tribunal rnay think fit to hear. grant leave to the Liquidator and to on such terms and conditions if any. as to the Tribunal may seem just and the order granting leave to disclaim shall be in

233. Disclaimer to be filed in Tribunal-. Every disclaimer shall be filed in Tribunal by the Liquidator and shall not be operative until it is so filed. Where the disclaimer is in respect of a leasehold interest. it shall be filed in Tribunal forthwith. Notice of the filing of the disclaimer shall be given to the persons interested in the property. (2) The disclaimer shall 325 contain particulars of the interest disclaimed and a statement of the person! to whom notice of the disclaimer has been given and a disclaimer shall be in

Form No. 79, and a notice of disclaimer in Fonn No.80. (3) Where a disclaimer has been filed in Tribunal, the Liquidator shall file a copy thereof with the Registrar

234. Vesting of disclaimed property.— Where the disclaimed property is a leasehold interest and an application is made by any person who either claims any interest in any disclaimed property or is under any liability not discharged by the Act in respect of any disclaimed property, and after hearing any such persons as it thinks fit, make an order for the vesting of the propeny in, or the delivery of the property to, any person entitled thereto or to whom it may seem just that the property should be delivered by way of compensation for such liability as aforesaid, or a trustee for him, and on such terms as the Tribunal thinks just; and on any such vesting order being made, the property comprised therein shall vest acwrdingly in the person therein named in that behalf without any conveyance or assignment for the purpose: Pmvided that, where property disclaimed is of a lease-hold nature, the Tribunal shall not make a vesting order in favour of any person claiming under the LLP, whether as under- lessee or as mortgagee or holder of a charge by way of demise, except upon the terms of making that person- subject to the same liabilities and obligations as those to which the LLP was (a) subject under the lease in respect of the property at the commencement of the winding up; or (b) if the Tribunal thinks fit, subject only to the same liabilities and obligations as if the lease had been assigned to that person at that date, and in either event (if the case so requires) as if the lease had comprised only the propgty comprised in the vesting order; and any mortgagee or under-lessee declining to accept a vesting order upon such terms shall be excluded from all interest in and security upon property, and, if there is no person claiming under the LLP who is willing to accept an order upon such tams, the Tribunal shall have power to vest the estate and inta•est of the LLP in the property in any person liable, either personally or in a representative character, and either alone or jointly with the LLP, to perform the lessee's covenants in the lease, freed and. discharged from all estates, encumbrances and interests created therein by the LLP. (2) The Tribunal may adjourn the application for such notice to be given and for such under- lessee, mortgagee or holder of charge, to be added as a party to and served with a copy of the application, and to make, if he sees fit, such election and application as is mentioned in tlr notice and if at the expiration of the time so fixed by the Tribunal, such under-lessee, mortgagee or holder of charge, fails to make such election and application, the Tribunal, may make an order vesting the property in the applicant or other person who, in the opinion of the 326 THE GAZETTE OF [NDIA : EXTRAORDINARY [PART 30)] Tribunal, may be entitled thereto, and excluding such under-lessee, mortgagee or holder of charge, from all interest in or-security upon the property. (3) Any person injured by the operation of a disclaimer under this rule shall be deemed to be a creditor of the LLP to the amount of the compensation or damages payable in respect of the injury, and may accordingly prove the amount as a debt in the winding up. (4) An order requiring parties interested in a disclaimed lease to apply for a vesting order or to be excluded from all interest in the lease shall be in

Form No.81, and an order vesting lease and excluding persons who have not elected to apply, shall be in Form No.81A. COIMPR01VüSE OR ABANDONMENT OF CLAIMS 235. No claim to be compromised or abandoned without sanction of Tribunal. winding up, no claim by the LLP against any person shall be compromised or abandoned by the Liquidator without the sanction of the Tribunal upon notice to such person as the Tribunal may direct

236. Application for sanction of compromise.— Every application for sanction of a compromise or arrangement with any person shall be accompanied by a copy of the proposed compromise or arrangement and shall be supported by an affidavit of the Liquidator stating that for the reasons set out in the affidavit he is satisfied that the proposed compromise or arrangement is beneficial to the LLP and the Tribunal may, if it thinks fit, direct notice of the application to be- given to the Committee of Inspection, if there is one, and to such other person as it may think fit. SALES BY THE LIQUIDATORS 237. Sale to be subject to sanction and to confirmation by Tribunal. — Unless the Tribunal otherwise orders, no property belonging to LLP which is being wound-up by the Tribunal shall be sold by the Liquidator without the previous sanction of the Tribunal, and every sale shall be subject to confirrnation by the Tribunal and such order of confirmation or otherwise may be passed within sixty days of the filing. of the report by the liquidator or the Provisional Liquidator, as the case may be

238. Procedure at sale.— (I) Subject to the provisions of the Act and rules, every sale shall be held by the Liquidator by an agent or a_n auctioneer approved by the Tribunal, and subject to such ten-ns and conditions, if any, as may be approved by the Tribunal. (2) All sales shall be made by public auction or by inviting sealed tenders or in such manner as the Member may direct

239. Expenses of sale. Where property forming part of a LLP's assets is sold by the Liquidator through an auctioneer or other agent, the gross proceeds of the sale shall, unless, the Tribunal otherwise orders, be paid over to the Liquidator by such auctioneer or agent and the charges and expenses connected with the sale shall anerwards be paid to such auctioneer 11—ÜOZ 3(i)] or agent in accordance with the scales, if any, fixed by the Tribunal or as approved bv the Tribunal. DISTRIBUTABLE sUM AND RETURNS op ASSETS IN A WINDING UP BY TRIBUNAL 240. Declaration of distributable sum or return of assets. — No distributable sum to creditors or retum öf assets to partners shall be declared by the Liquidator without the sanctipn of the Tribunal and no payment shall be made to the creditors which would be deemed to be distributable sum without filing list of creditors and sanctioned by the Tribunal as distributable sum and no payment shall be made to the partners N,vithout filing final settlement of the list of settlement of partners and sanctioned by the Tribunal

241. Notice of declaration.— The Liquidator shall give notice of the declaration of distributable sum not less than one month prior to the date fixed for the payment thereof and unless otherwise directed by the Member, such notice shall be given by advertisement in such newspapers as the Member shall direct and by sending by prepaid fetter post under certificate of posting a notice to every person whose name appears in the list of creditors as on such date. The advertisement shall be in

242. Farm of authority to pay distributable sum.A person to whom distributable sunl is payable may lodge with the Liquidator an authority in writing to pay such distributable sum to another person named therein. Such authority shall be in

Form No. 84

243. Transmission of distributable sums by post.— Distributable sum may, at the request and risks of the persons to whom they are payable, be transmitted to him by registered post or any other mode as approved by the Ttibunal, by cheques or Demand Drafts or any other manner as may be appropriate or as approved by the Tribunal within forty five days from the date of filing the list of creditors before the Tribunal

244. Form of order directing return of Assets.— (l) Every order by which the Liquidator is autlwrized to make a return to partners of the LLP, shall, unless the Tribunal otherwise directs, contain or have appended thereto a list (which the Liquidator shall prepare) setting out in a tabular form the full names and addresses of the persons to whom the return is to be paid, •and the amount of money payable to each person, and particulars of the transfers of economic interest (if any) which have been made or the variations in the list of partners which luve arisen since date of the settlement of the list of partners and such other information as may be necessary to enable the retum to be made. (2) The list shall be in

Form No.85, with such variations as circumstances shall require and the Liquidator shall send a notice of return to each partner by ordinary post under certificate of posting in Form No.86. (3) Payment may be sent either by registered post or any other mode as may be appropriate or as approved by the Tribunal at the risk of the partners. 328 THE GAZETTE OF INDIA : EXTRAORDINARY [PART IPSEC

245. Payment of distributable sum or return of Assets due to a deceased creditor or partner.— Where a claim made in respect of a disü•ibåtable sum due to a deceased creditor or a return of contribution due to a deceased partner is Rs.500 or less, the Liquidator may, upon satisfying himself as to the claimant's right and title to receive the distributable sum or the retum, as the case may be, apply to the Tribuml for sanctioning the payment of such distributable sum or return to the claimant without the production oi a succession certificate or like authority and where the Tribunal sanc6cns the payment, the Liquidator shall make the payment upon obtaining a personal indemnity from tlr payee. TERMINATIONbF WINDING UP 246. Liquidator to apply for dissolution, — (1) As soon as the affairs of the LLP luve been fully wound up, the Liquidator in a winding-up by the Tribunal shall file his final account with the Tribunal in

Form No.89 and apply for orders as to the dissolution Of the LLP. (2) The application shall not be set down for hearing until the completion of the audit of the final accounts and the filing of the auditor's certificate in relation thereto and in the event, affairs of the LLP have not been wound up within one year from the date of the winding up order, the liquidator shall file an application before the Tribunal explaining the reasons and seek appropriate directions

241. Dissolution of the LLP.— Upon the hearing of the application, the Tribunal may, after hearing the Liquidator and any other person to whom notice may have been ordered by the Tribunal, upon perusing the account as audited, make such orders as it may think fit to the dissolution of the LLP, the application, subject to the provisions of the Act, of the balance in the hands of the Liquidator or the payment thereof into the LLPs Liquidation Account in the public account of India and the disposal of the books and papers of the LLP and of the Liquidator

248. Liquidator to pay the balance into public account.— (I) Upon an order for dissolution being made, the Liquidator shall forthwith pay into the LLPs Liquidation Account in the public account of India any unclaimed or unpaid distributable sum payable to creditors or undistributed or unpaid assets refilndable to partners in his hands on the date of the order of dissolution, and such other balance in his hands as he has been directed by the Tribunal to deposit into the LLPs Liquidation Account. (2) A copy of the order of dissolution shall, within thirty days from the date thereof, be forwarded by the Liquidator to the Registrar in

Form No. 11 who shall make in his books a minute of the dissolution of the LLP and along with the copy of the order shall be filed with the Regisfra_r, a statement by the Liquidator that the directions of the Tribunal regarding the application of the balance as per his final account have been duly complied uith. Explanation:- In computing the period of thirty days from the date of the order, the requisite time for obtaining a certified copy of the order shall be excluded. 329 249, Conclusion of winding up. — The winding up of a LLP shall be deemed to be in the case of— (a) an LLP wound up by order of the Tribunal, at the date on which the cruer dissolving the.LLP has been reported by the Liquidator to the Registrar ; (b) an LLP wound up voluntarily, at the date of the dissolution of the LLP, unless at such date any fund or assets of the LLP remain unclaimed or undistributed in the hands or under the control of the LLP Liquidator, or any person who has acted as Liquidator, in which case the winding up shall not be deemed to be concluded until such funds or assets have either been distributed or paid into the LLP Liquidation Account

250. Application to declare dissolution void.— An application shall be made upon notice to the Central Government and the Registrar, Where the Tribunal declares the dissolution to have been void, the applicant shall file a certified copy of the order with the Registrar not later than thirty days from the date of the order. Explanation:- computing the period of thirty days from the date of the order, the requisite time for obtaining a certified copy of the order shall be excluded, REGISTERS AND BOOKS OF ACCOUNT OF THE LIQUIDATOR 251. Registers and Books to be maintained by the Liquidator. — (l) The Liquidator shall maintain the following Registers and Books either in physical or digital format or both physical and digital:- (a) (c) (d) (e) (f) (g) (h) (i) (k) (m) (n) (o) (p) 2532 Glf12 Register of Liquidations in

Form No. 87; Central Cash Book in Form Nor 87A; LLP's Cash Book in Form No. 87B; General Ledger in Form No. 87C; Cashier's Cash Book in Form No. 871); Bank Ledger in Form No. 87E; Register of Assets in Form No. 87F; Investment Register in Form No. 87G; Register of Book Debts and Outstanding in Form No. 87H; Tenants Ledger in Fonn No. 87-1; Suits Register in Form No. 87J; Decree Register in Form No. 87K; Sales Register in Form No. 87L; Register of Claims and Distributable sums in Form No. 87M; partners Register/ Ledger in Form No. 87N; Distributable sums Paid Register in Fonn No. 87-0; 42 330 (q) (r) (s) (u) THE OF INDIA : EXTRAORDINARY Comr:nission Register in Form No. 87P; Suspense Register in Form No. 87Q; Documents Register in Form No. 87R; Books Register in Form No. 87S; (PART II—SEC. Register 'of unclaimed distributable sums and undistributed assets, deposited into the LLPs liquidation account in Form No. 87T; A Record Book for each LLP in which shall be entered all minutes of proceedings (v) and the resolutions passed at any meeting of the creditors or partners or of the Committee of Inspection, the substance of all orders passed by the Tribunal in the liquidation proceedings, and all such matters other than matters of account as may be necessm•y to fumish a correct view of the administration of the LLP's affairs; and (w) _ any other register as may be prescribed by the Tribunal or the Central Govemment from time to time. (2) In maintaining the registers and books mentioned in sub-rule (l), Liquidator shall follow -the instructions contained in the respective fonns prescribed for the said books and registers and with such variations as may be necessary for the purpose of Inaintaining in the cornßiter system or in digital format and frie Central Govemment may review the Registers and modify the same from time to time. The Liquidator shall, in addition to the Registers and Books under (3) subrule (I), maintain such books as may be necessary for the proper and emcient working of his office. such as Petty Cash Register, Correspondence Register, Dispatch Register, Daily Register of Money Orders and Cheques received, and so on, and shall also keep the necessary files of correspondence and of proceedings in respect of each LLP un&r liquidatiori in his charge. (4) Where the accounts of the LLP are incomplete, the Liquidator with all convenient speed, as soon as the order for winding up is made, have them completed and brought up-to-date and audited by the partners and officers of the LLP in liquidation. (i) Where the Liquidator is authorised to carry on the business of the (5) LI_P. he shall keep separite books of account in respect of such business and such books shall. as far as possible, be in conformity with the books already kept by the 'LLP in the course of its business and the Liquidator incorporate in the Central Cash Book and in the LLP's Cash Book. the total weekly amounts of the receipts and payments on such trading account.. ex erv month (6) triplicate in The trading account shall from time to time not less than once in be verified by affidavit. The Liquidator shall also keep a counterfoil - Receipt Book in Form No.88, the leaves of which shall. be machine numbered serially, from VR7 which shall be issued all receipts for payment made to the Liquidator. The duplicate and the triplicate shall bear the same number as the original. (7) 'Ihe Liquidator shall keep proper vouchers for all payments made or expenses incurred by him. The vouchers shall be serially numbered. Baiking Account of the Liquidator 252. All money to be paid into Scheduled Bank. — (I) The Liquidator shall pay into the Public Account of India or the designated Scheduled bank (hereinafter referred to as the Bank) to the credit of an account in his Official name, all moneys received by him as the Liquidator of any LLP, and the realiutions of each day shall be paid into the Bank without deduction not later ihan the next working day of the Bank, provided that the remittance of money into the Bank may be deferred until the realizations exceed rupees one thousard. All _payments out of the account by the Liquidator above rupees one thousand shall ordinarily, be mule by cheques drawn against the said account: Provided that in the case of liquidator appointed from the panel, the Tribunal may direct maintaining and operating the bank accöunt in any other mamer. (2) The Liqüidator shall maintain a bank remittance challan book in counterfoil, tlr leaves of which shall be serially numbered in which acknowledgement of the Bank shall be obtained for all moneys (whedler in cash or cheques) deposited into the Bank to the credit of the account mentioned in clause (l) above and the Form of the challan book shall be settled by Liquidator in consultation with the bank 253. Bids, cheques and securities to be deposited into bank,. — All bills, cheques, hundies notes and other securities of a like nature payable to the LLP or to the Liquidator thereof shall, as_soon as they come into- the hands of the Liquidator, be deposited by him with the Bank for the being presented for acceptance and payment or for payment only, as the c.ße-may be,' and-the-pmceeds when realised shall be credited by the Baik to the account of the Liquidator. 254, Payments into Bank— (1) Where-the Tribunal makes an order directing any person to pay any money due to the LLP into the Public Account of India in the Reserve Bank of India or the designated Scheduled

bank, instead of the Liquidator, the person so directed shall, at the time of making the imyment, pmduce to the Bank a certified copy of order or a payment in chållan endorsed by the Liquidator under his signature. (2) The money so paid shall' bé credited to the Liquidator's account into the Public Account of India or the designated S&duled bank and the person making the payment shall give notice thereof to the Liquidator and produce him the Bank receipt relating thereto. 2SS. Liquidator's Distributable sum Account — (I) The Liquidator shall also open a separate distributable sum account for each LLP under Liquidation either in the designated bank, or, with the sanction of the Tribunal, in any other Scheduled Bank,' as may be 331 332 THE GAZETTE OF INDIA : EXTRAORDINARY [PART IL—SEC. convenient, under the name 'the Distributable Sum Account of .... (name of the LLP) in liquidation by the Liquidator', into which account he shall, upon a declaration of distributable sum being made in the winding up of any LLP, deposit by transfer forn his account, with the Reserve Bank of India or designated bank tlE total amount of the distributable sum payable upon such declaration. (2) There shall be a separate account in respect of each declaration of distributable sum and all payments of distributable sum shan be from the said Liquidator's distributable sum account and any unpaid balance in the account shall be transferred back to Liquidator's in Reserve Bank of India or designated bank before being paid into tke LLPs liquidation account as unclaimed distributable sums. (3) AI} payments of distributable sums above Rs. 100 shall ordinarily be made by cheques drawn against said accmmt. — (I) In every winding up where the 256. Fees to be credited to Central Government. Offcial Liquidator becomes or acts as Liquidator or is appointed as Liquidator in terms of rule 29, there skull be paid into tke public account of India in the designated bank to the cyedit of the Central Government, from out of the assets of the LLP in liquidation (or by the petitioner as provided in clause (a) below) such amount as laid down in clause (b) on or before 30th October the commission due for the preceding period ended 3 1 March. (2) In the cases where Liquidator is appointed in terms of rule 29, the remuneration of the Liquidator shall be approved by the Tribunal subject to a maximum remuneration of 5% of the value of the debt recovered and realization by sale of assets. The fees shall be determined in accordance with the following provisions:- (a) where the Official Liquidator acts as a Provisional Liquidator only, such fee as the Tribunal may consider reasonable, to be paid out of the assets of the LLP or by the petitioner as the Tribunal may direct, in respect Of the services of the Liquidator as Pfovisional Liquidator; (b) where a winding up order is made and the official Liquidator acts as liquidator of upon total assets, including unrealized or unrecovered contribution, interest on investments and rents from properties, realised or brought to crdit by the Liquidator, after deducting sums on which fees are chargeable under clause (c) below and the amount spent out of the money in carrying on the business of the LLP, upon each year's collections. On the first Rs. 10,0000 or fraction tlrreof On tlE next Rs.40,0000 or fraction thereof On tbe next Rs.50,0000 or fraction thereof Above Rs. 4 per cent. 3 per cent. 2 per cent. I per cent. trG the total amount distributed as distributable sum to the creditors or return of contribution or assets to the partners; where the offcial Liquidator realises property for secured creditors, on thw (c) 333 amount realised for each secured creditor - On the first Rs. 10,0000 or fraction therof On the next Rs. 40,0000 or fraction thereof On the next Rs.50,0000 or fraction thereof Above Rs. 5 per cent. 3% per cent. 3 per cent. 2 per cent. when the official Liquidator acts a.s trustee, under a scheme of arrangement, such (d) fee not exceeding the scale of fees under clause (b) above, as the Tribundl shall allow; when the official. Liquidator performs any special duties- not-provided for abve (e) such fee as the Tribunal may fix on the application of the Liquidator, in addition to any other fee payable; where the official Liquidator acts as liquidator in a creditor's voluntary winding- u.Q, such fee as the Tribunal may fix, not exceeding the scale under sub-rule(2) below; where the Tribunal appoints any persons who aze already liquidators in a winding- (g) up to be additional liquidators in a winding-up of the LLP by the Tribunal, subject to the control of the official Liquidator, such fee as may be fixed by the Tribuml after taking into consideration the remuneration payable to such additional liquidators; where the Tribunal has sancti01Ed the rconstruction of the LLP under liquidation (h) or a scheme of arrangement of its affairs, or where for any reason the Tribunal is of the opinion that the fees prescribed above would be insufficient. Such fee may be made as the Tribunal thinks fit. (2) Kn every -winding up where Liquidator has been appointed under any other rule, the remuneration of the Liquidator shall be approved by the Tribl.mal subject to 8 maximum remuneration of five per cent of the value of the debt recoverd and realization by sale of assets

257. Where the LLP has no available assets.— Where a LLP against which a winding up order has been made has no available assets, t.}k Liquidator may, with the leave of the Tribunal, incur any necessary eipenses in connection with the winding up out of any permanent advance or other fund provided by the Central Government or the Tribunal, and the expenses so incurred shall be reco* out of die assets of the LLP in priority to the debts of the LLP: Provided that where any money has been advanced to the Liquidator by the petitionirw or other creditor or partner for meeting any Feliminary expenses in connection with the winding-up, the Liquidator may incur any necessary expenses out of such amount, and the money so advanced shall be paid out of the assets of the LLP in priority to-the debts of the LLP. THE GAZETTE OF INDIA : D(TRAORDTNARY INVESTMENT OF SURPLUS FUNDS [PART II—SEC. 3(i)] 2S8. Investment of moneys. — All such money for the time being standing to the credit of Liquidator at tkE as is not immediately required for the purposes of winding up, shan be invested in Govemment secUrities or in interst bearing deposits in the designated schedule bank, or, with the previous sanction of the Tribunal, in interest bearing deposits in any Scheduled Bank, in tkE name of the Liquidator as Liquidator $ the LLP to which the ftnds belong wherever beneficial to the liquidation: Provided thM in the case of liquidator appointed from the panel, the Tribunal may direct investment of surplus ftnd in other ma.nner

259. Liquidator to examine the accounts for purposes of investment. The Liquidator shall, at the end of every three months, examine the account of each liquidation in his chmge to ascertain what moneys ae available for investment, and shall make an entry at the end of three months in the Record Book relating to the LLP of his having examined the account for the purpose and of the decision taken by him regarding the investment, •and in case he decides not to invest any surplus fundS, the leasons for such decision

260. Investment* to be made by the Bank.— (l) All investments shall be made by Bank upon the written request of the Liquidator. (2) The securities shall be retailEd in the Bank in the name and on behalf of the Liquidator, md shall not be sold except by the Bank and under the written instructions of the Liquidator and the securities are sold. the proceeds shall be ctedited by the Bank to the •æcount of tkE Liquidat(E

261. Distributable sum and- interest be credited.— All distributable sums-and interest accruing from securities or investmentg shall from time to time be received by the Bank and placed to the credit of the account of the Liquidator and intimation thereof shall be given to the Liquidator, who shall üwreupon credit such, distributable sum or interest in his accounte to the LLP to which tkE security or invesünent relating thereto belongs

262. Refund of Income-tax.— The Liquidator shall claim such renmds of income-tax as may be due in respect of any distributable sums or interest received on the securities or invesünents and credit the same - when realised to the Qpropriate æcount. FLING. AUDIT AND INSPECTION OF THE LIOUIDATOR'S ACCOUNT 263. Yearly Accounts to be filled.- (I) Unless otherwise ordered by the Tribunal the shall prepare, every year, a stMement of accounts as on the 3 March within two mom.hs from the 31 st March and file such ucounts with the Registrar not later than 30th September following. (2) The final accounts of the liquidator shall be filed with the Tribunal and the Registrar as soon as the affairs of the LLP have been fully wound up, irrespective of the period prescribed above. 335 Explanation;- "Year" in relation to the statement means period from first day of April of the year to the 3 1 day of Marth following year

Form No. IS and shall be verified by a declaration. The final account shall be in Form No. 89. 265 Nil Account- Where the liquidator has not, during the period of account, received or paid any sum of morry on account of the assets of the LLP, he shall file an affdnvit of no receipt or payment for the period

266. Audit of the Lk4uidator's accounts,- (I) The accounts shall be audited by a pron qualified to act as auditor of the.limited-liability partnership and for the pu.tpose of the audit, the liquidator shall furnish the auditor such information as the auditor may require: Provided tlEt no such audit is required where the transaction during the period is for rupees fifty or less. (2) Where the audit of the accotmts is not required under this Rile, the statements of accounts shall contain a declaration by the liquidator that t.l% books and accounts- are properly maintained and funds have k»en utilized oily for the purpose of winding up of the affairs of 267. Auditors certincate to be med. - One copy of the of accounts along with the auditor's report shall be filed with the Tribunal forthwith and the Tribunal may at any time require the production of, ahd inspect, any books -of æcounts kept by the liquidator. Other copy of the statement along with the auditor's report shall be filed with the Registrar in Fonn No. IO pot later than 30th September

268. Audit fees.— Audit fees on the gross amount brought to including the unrealized or unrecovered contribution of the partners on partners interest on investments and rents from properties, but after deducting (a) the amount spent out of the money leceived in carrying cm the business of the LLP and (b) the amounts paid by the Liqui&tor to secured creditors (other than debenn.ne holders), shall be paid to the auditor and debited to account of the liquidation to which the audit re14tes according to the following scale:- (a) On the amount brought to credit including unrealized or unrecovered contribution, interest on investments and rents from properties, but aner deducting (a) the amount spent out of the money received in carrying on the Insiness of the LLP, and (b) arnounts paid by the to secured creditors other than &benture holders ..h per cent (b) On disbursemalts, other than paymenG to secured creditors not being debenture holders .. ...h per cent; Provided that the minimu.rn audit fee for the account of the Liquidator shall be not less than Rs. 2500/- in re*ct of one LLP for a period of one year and tkk rnaximum audit fee shall be Rs. 25,000/- for the audit of account of a LLP for one year subject to variation of 25% of the THE GAZETTE OF INDIA : EXTRAORDINARY [PART 11—SEC. 3(i)] aforesaid fee at the discretion of the Member or Triburnal for reasons to be recorded in writing

269. Inspecöon of the accountand certificate of audit. Any creditor or partner shall be entitled to inspect the accounts and the auditor's certificate in the office of the Tribunal on payment ofa fee as specified in Annexure, and to obtain a copy thereof on payment of the specified charges

270. Account and auditor's report to be placed before Member.— Upon the audit of the account, the Registrar of Tribunal shall place the sntement of account and the auditor's certificate before the Member for his consideration and orders

271. Assbtance for the Liquidator.— The Liquidator may, appoint one or more practicing Chartered Accountants or practicing Company Secretaries.or practicing Cost Accountants or legal practitioners entitled to appear before the Tribunal or such other professionals or experts or valuer or agency as he considers necessary to assist him in the performance of his dt.fies and functions under the Act or the rules, in accordance with the rule 42

272. Employment of additional or special staff where official Liquidator acts as Liquidator.— (I) Where the Liquidator is of opinion that the employment of any special or staff is necessary in any •liquidation, he shall apply to the Tribunal for sanction, and the Tribunal may sanction such staff as it thinks fit on such salaries and allowances as to the Tribunal may seem appropriate. (2) The special or additional staff shall be from ex- servicemen and in case of their non- availability , persons retired from Central Govemment, State Government, autonomous bodies of Cen-traf or State Governments and pubiic sector undertakings and they shall be on •contractual basis till dissolütion of a particular LLP or for five years whichever is earlier. In case his services are availed for more than one LLP, contract shall terminate as aforesaid and fresh contract may be entered into for another LLP

273. Apportionment of expenses of common staff Where official Liquidator acts as Liquidator — Where any staff is employed to attend to the work of more than one liquidation, or any establishment or other charges are incurred for more than one liquidation, the expenses incurred on such staff and the common establishment and other concerned in such proportions as he may think fit, subject to the directions of the Member, if any

274. Application for examination—(I) The Central Governrnent may at any time require any liquidOr of an LLP which is being wound-up by the Tribunal to answer any inquiry in relation to any winding up in which he is engaged, and may, if the Central Government thinks fit, apply to the Tribunal to examine him or any other person on oath conceming the winding up. (2) [f it qpears to the liquidator in the course of a voluüry winding up that any past or present offcer, or any member, of the LLP has been guilty of any offence in relation to the LLP, he shall forthwith report the matter to the Registrar and shall fumish to him such 337 information and give to him such access to and facilities for inspecting and taking copies of any books and papers, being information or books and papers in the possession or under the control of the liquidator and relating to the matter in question, as the Registrar may require. (3) Where any report is made under sub-rule-(2) to the Registrar, he may, if he thinks fit, lefet the matter to the Central Govermnent for further inquiry and the Central Government shall thereupon investigate the matter and may, if it thinks it expedient, apply to the Tribunal for an order conferöng on any person designated by the Central Govemment for the purpose, with respect to the LLP concerned, all such powers of investigating the affairs of the LLP as are provided by this Act in the case of a winding up by the Tribunal, VOLUNTARY WINDING UP AND WINDING UP SUBJECT TO SUPERVISION 275. Applicability of rules. — (1) Where an application is made to the Tribunal in pursuance of the provisions relating to the voluntary winding up of a LLP, whether or not an order shall have been made that the voluntary winding up shall continue, the proceedings contained in these rules, so far as may be, shall be applied to the subject- matter and mode of such application in a voluntary winding up. (2) Save as aforesaid, Rules which from their nature and subject-matter, or by the headlines above the group in which they are contained or by their terms are made applicable only to proceedings in a winding-up by the Tribunal or only to such proceedings and to proceedings in a creditors' voluntary winding up, shall not apply to proceedings in a voluntary' winding up, or, as the case may be, in a members' voluntary winding up, whether any such voluntary winding up is or is not being continued under the supervision of the Tribunal

277. Statement to be laid before meeting of creditors.— The statement of the assets and liabilities of the LLP to be laid before a meeting_of creditors by a liquidator in a voluntary winding-up shall be in Form. No.4 with such variations, as may be necessary. LLP LIOUIDATOR 'N VOLUNTARY WINPING-UP

278. Notice of appointment of LLP liquidator — The notice of his appointment which every LLP liquidator is required to be published in the newspaper shall be iri

Form No. 90 and lhe notice of the appoihtment to be delivered to the Registrar shall be in Form No 7

279. Security by LLP liquidator appointed by Tribunal.— (f) Every LLP Liquidator appointed by the Tribunal shall, before entering upon his duties as a Liquidator of the LLP for which he is appointed, furnish security in such sum and in such manner as the Tribunal may direct. The cost of furnishing the required security shall be borne by the LLP Liquidator and shall not be charged against the assets of the LLP as an expense incurred in the winding up. 2532 GVI 2—43 338 THE GAZETTE OF INDIA : EXTRAORDINARY "—SEC- 30)] (2) If the Tribunal is of the opinion that the security furnished by the LLP Liquidator un&f sub-rule (l) is inadequate, the Tribunal may require the LLP Liquidator to furnish additional security. Where the security furnished is excessive, the LLP Liquidator may apply to the Tribunal for reducing the amount of security, and the Tribunal may make such order thereon as it thinks fit

280. Limit of remuneration of LLP liquid*tor appointed by the Tribunal.— An LLP liquidator shall not, un&E any circumstances whatever, make any arrangement for, or accept from any advocate, auctioneer or any other person connected with LLP of which he is the liquidator, or employed in or in connection with the winding-up of the LLP, any gift, remuneration, or pecuniary or other benefit whatever beyond the remuneration to which under the Act and the rufes he is entitled as liquidator, nor shall he make any arrangement for giving up, or give up any part of such remuneration to any such person

281. Restriction on purchase of goods by LLP liquidator.— Where the LLP liquidator carries on the business of the LLP, he shall not, without the express sanction of the Tribunal,, purchase goods for the carrying on of such business from any person whose connection with him is of such a nature as would result in his obtaining directly or indirectly any benefit out of the transaction. Where the LLP liquidator applies for sanction, he shall disclose in his application the nature of his interest in the transaction, and the cost of obtaining sanction of Tribunal shall be bome by the LLP liquidator personally

282. Office of LLP liquidator vacated by his insolvency.— An LLP liquidator against whom an order of adjudication is made, shall thereby vacate his office, and for the purpose of the application of the Act and the rules, he shall be deemed to have been removed

283. Resignation of LLP liquidator.(I) An LLP liquidator who desires to resign his office shali summon separate meetings of the pa_rtners and creditors, if any, of the LLP to decide whether or not his resignation shall be accepted. If the partners and creditors, if any, agree, by majority, to accept the resignation of the LLP liquidator, the resignation shall take effect. In any other case, the LLP liquidator shall report to the Tribunal the result of the meetings and apply for appropriate orders of the Tribunal and the Tribunal may, upon such application, determine whether or not the resignation of the LLP liquidator shall be accepted, and may give such directions and make such orders as it considers necessary. (2) The LLP liquidator shall, along with his resignation, submit an account of his acts and dealings as liquidator and a statement as to the position of the liquidation, in a

form in all respects similar to the statement specified un&r rule 56, commencing from the date when the last previous statement, if any, under the said section terminated, or from the date of his appointment as liquidator, whichever is later, and brought down to the date of his resignation. (3) The expenses of summoning meetings under sub-rule (l), and of the application to be made to the Tribunal, shall be part of the expenses of the liquidation. 339 284. Duty of LLP liquidator upon resignation. — Upon a LLP liquidator resigning or being released or removed from his office, he shall deliver over to the new LLP liquidator all-books kept by him, and all other books, documents, papers and accounts in his possession relating to the LLP or to the office of the liquidator. — (1) The LLP liquidator shall keep proper 285. Books to be kept by the LLP liquidator. books of account in the form and manner specified in this part showing all receipts and payments made by him in the course of the liquidation. (2) He shall keep such books as the Committee of Inspection, or if there is no such Committee, as the creditors, if any, direct, and submit all the books and accounts and documents and papers in his possession relating to his office as liquidator or to the LLP, to the Committee of Inspection, or if there is none, to the creditors whenever required by the Committee or creditors, as the case may be. (3) In addition to the books of accounts, the LLP liquidator shall keep a record book in which shan be entered all minutes of proceedings and the resolutions passed at any meeting of the creditors or partners or of the Committee of Inspection, particulars of all his transactions and negotiations in relation to the winding up and all such matters other than matters of account as •may be necessary to furnish a correct view of the administration of the LLP's affairs. He shall also keep a book showing the dates at which all notices to creditors and partners were sent out and posted. The person who dispatched the notices shall initial the entries in the book relating thereto. (4) The accounts of the liquidator shall be open to the inspection of every credift)r or partner during office hours upon payment of a of Rs.10 för every hour of or part thereof

286. Banking account of the LLP liquidator.— (l) The liquidator shall open a account of the liquidator called the "Liquidation Account of ... . LLP" in a Scheduled Bank, into which he shall pay all money received by him as liquidator, and the realization of each day shall be paid into the said account without deduction not later than the next working day of the Bank, provided that the remittance of moneys into the Bank may be deferred until the realization exceeds Rs

1000. The money needed for meeting the expenses of liqüidation or for making any payments by the liquidator in cash shall be drawn from the Bank by cheques drawn upon the Bank by the liquidator. Ail payrnents by the liquidator above Rs. 1000/- shall ordinarily be made by cheque. (2) Unless the contrary appears, all references in these rules to the Bank in a voluntary winding-up shall mean references to the Bank in which an account has been opened as aforesaid

287. Bills, cheques and securities to be deposited in Bank. Ali bills, cheques, hundies, notes and other securities ofa like nature payable to the LLP or to the liquidator thereof shall, as soon as they come into the hands of the liquidator be deposited by him with the Bank for THE GAZETTE OF INDIA EXTRAORDINARY [PART tl—SEC_ 3(i)] the purpose of being presented for acceptance and payment or for payment only, as the case may be, and the proceeds when realised shall be credited by the Bank to the account of the liquidator

288. Investment of surplus funds.— (l) All such moneys for the time being standing to the credit of the liquidation account as is not immediately required for the purposes of the winding up, shall be invested by the LLP liquidator in Government securities or in interest bearing deposits in a Scheduled Bank. (2) Rules 258 to 262 of these rules relating to investment shall apply mutatis mutandis to investments made by the LLP liquidator

289. Liquidator's statements under rule 56.— In a voluntary winding-up or a winding- up under the supervision of the Tribunal, the statements required to be flied under Rule 56 with respect to the proceeding.s in and position of the liquidation of an LLP the winding up of which is not concluded within a year after its commencement, shall be filed with the Registrar twice in every year as follows:- (I) The first statement, commencing from the date when a liquidator was first appointed and brought down to the end of twelve months from the commencement of the winding up Shaif be filed within one month from the expiration of such twelve months, and subsequent statements shall be filed at intervals of half a year, each statement being brought down to the end of the half year for which it is filed. Where the winding up is concluded before the expiration of a half-yearly interval, the final statement of account brought down to the close of the winding-up shall be filed forthwith. (2) Where the time for filing the statement has expired the Tribunal may on application extend the tiffE, and unless the Tribunal otherwise orders, the costs of such application shall be borne by the liquidator personally. (3) The statements Shail be in

Form No. 15 (with such variations as may be necessary in the case of the final account) and shall be prepared ili accordance with the instructions contained in the Form and verified by an affdavit. (4) Where the liquidator has not, during any period for which the statement has to be filed, received or paid any money on account of the LLP, he shall, at the period when he is required to file his statement, file with the Registrar the prscribed statement in the above Form No. 15, containing the particulars therein required with respect to the proceedings in and the position of the liquidation together with an affdavit of no receipt or payments. (5) Every statement shall be filed in duplicate with the Registrar, and, in a winding up under the supervision of the Tribunal, a copy of the statement shall also be filed in the Tribunal, within the time prescribed in clause (i) above. 341 290. Submission of periodical reports to the Tribunal.- (1) The LLP Liquidator shall make periodical reports to the Tribunal and in any case make a report at the end of each quarter with respect to the progress of the winding up of the LLP in Form No. 8

291. Notice convening final meeting and the account to be laid before the meeting.— The notice convening the final meeting of the LLP and the creditors in a voluntary winding- up, shall be in Form No

59. The Accounts of the winding up to be laid by the LLP Liquidator before the said meeting or meetings shall be

Form No.9

292. Returns to Registrar.— The returns to be made to the Registrar after final meeting and dissolution during voluntary winding up shall be in Forms Nos 10 and I r respectively

293. Inspection by creditor or partner of statements filed by liquidator.— Any partner or creditor, if any, of an LLP which is being wound up shaik be entitled to inspect any of the filed with the liquidator on payment of a fee as prescribed in Annexure and to obtain a copy thereof or extract therefrom on payment of the prescribed charges as prescribed in Annexure, 294. Audit of the liquidators' account. — "lhe partners, in a meeting, and ffe creditors, if any of an LLP may, if and when they think fit, appoint an auditor te audit the accounts of the liquidator, and shall fix the fees to be paid to such auditor

295. Applications for stay of proceeding in the winding up —(l) An application shall be made by a summons, and notice of the application shall be given to the LLP liquidator where he is not the applicant, to the respondents, if any, named in the application, and to such ot}Er persons and in such manner as the Tribunal may direct. (2) Where an order is made staying the proceeding in the winding-up, the order shah direct that the applicant at whose instance the order for stay was made shall, within seven days of the making of the order, file a certified copy thereof with the Registrar in Form No

11. Explanation- In computing the period of thirty days from the date of the order, the requisite time for obtaining a certified copy of the order shall be excluded.PAYMENT OF UNCLAIMED DISTRIBUTABL,E SUMS AND UNDISTRIBUTED ASSETS INTO THE LLPS LIQUIDATION ACCOUNT IN A WINDING UP 296. Statement of payment — (I) The Statement to be furnished, un&r rule 60 to -the Registrar by the Liquidator in a winding up by the Tribunal and a LLP Liquidator in a voluntary winding-up, when making any payment of unclaimed distributable sums or undistributed assets into the LLPs Liquidation Account in the Reserve Bank of India or designated Bank under rule 61, shall be in

Form No.91

297. Unclaimed distributable sums or undistributed assets under investment.- For purposes of payment of unclaimed disfributable sums and undistributed assets into the LLPs Liquidation Account, money invested or deposited at interest by the liquidator shall be deemed to be money in his hand, and when such money forms part of the unclaimed 342 GAZETTE OF INDIA : EXTRAORDINARY [PARF IF---SEC. distributable sums or undistributed assets of the LLP, the liquidator shall realize the investment or withdraw the deposit and shall pay the proceeds into the LLPs Liquidation Account

298. Operation and maintenance of the Account.- LLP Liquidation account shall be operated by the Registrar and the Registrar. shall cause to be maintained in his office separate accöunts in respect, of each LLP whose unpaid distributable sums or undistributed assets are deposited in the said account. COST INCLUDING EXPENSES, CHARGES OR FEES 299. Cost , expenses, charges or fees payable out of the assets in a winding up by the Tribunal — (1) The assets ofa LLP in a winding up by the Tribunal remaining after payment of the fees and expenses properly incurred in preserving, realizing or getting in the assets including, where the LLP has previously commenced to be wound up voluntarily, such remuneration, cost arid expenses as the Tribunal may allow to the liquidator in such voluntary winding up, Sha)). subject to any order of the Tribunal and to the rights of secured creditors if any. be liable to the following payments which shall be made in the following order of priority. namely :- (i) — the costs of the petitiorfincluding the costs of any person appearing on the petition, whose costs are allowed by the Tribunal; (ii) — fees to the liquidator appointed from the panel; (iii) — the necessary disbursements of the Liquidator otha• than expenses properly incurred in preserving, realizing or getting in the properties of the LLP; (iv) — the cost of any person properly employed by the Liquidators which may in the fomi of salary, perks etc and cost incurred in engaging the services of professionals, advocates, experts etc: - the tues to be credited to Government; (v) lhe actual out of pocket expenses necessarily incurred bv the members of the Committee of Inspection, and sanctioned by the Tribunal. (2) Save as otherwise ordered by the Tribunal no payments in respect of bills of professionals. advocates, experts etc shall be allowed out of the assets of the LLP unless the appointrnent is made in accordance with the rule and the fees payable is approved by the T'ribunal. (3) Nothing contained in this rule shall apply to or affect costs which in the course of legal proceeding by or against the LLP which is being wound up by the Tribunal, are ordered by the Tribunal in which such proceedings are pending, to be paid by the LLP or the liquidator, cr the rights of the person to whom such costs are payable MISCELLANEOUS 300. Inspection of file. — (1) Every duly authorized officer of the Central Government and save as otherwise provided by the rules. every person who has been a partner or creditor of a LLP which is being wound up, shall be entitled, on payment of charges specified in Annexure, at all reasonable times to inspect the file of proceeding of the liquidation and to take copies of extracts from any document therein. and, on payment of prescribed charges, to be furnished with such copies or extracts. (2) Save as otherwise provided in the rules. every partner and every creditor whose claim proof has been admitted, shall be entitled, on payment of the specified charges, at all [qrT1 3(i)] reasonable time to inspect the file of proceedings and to be furnished with copies and extracts from any document therein, 301. Appeal from Order of Tribunal to National Company Law Appellate Tribunal Any aggrieved person may prefer an appeal against the order or decision of the Tribunal to the National Company Law Appellate Tribunal within a period of forty-five days from the date on which the copy of the order is delivered in such manner as may be provided by that Appellate Tribunal, 343 1. 2. 3. 4. 5. 6, (See rule 51 LL,PTN Name of the Limited Liability Partnership Full address of the tegistered office of the Limited Liability Partnership Line 2 State Country Date of Passing resolution Number of Partners code Three-fourths majority of partners consented for voluntary winding up -Yes List of attachments (I) Copy of the resolution. (2) Copy of the Authority (3) Optional attachment. Verification To the best of our knowledge and belief, the information given in this förm and its attachments is correct and complete. have gone Ihrough the provisions of the Limited Liability Partnership Act, 2008, and the rules framed there under. I have been authorized to sign and submit this application. THE GAZETTE OF INDIA : EXTRAORDINARY To be digitally signed by designated partner DPIN Dated: Place:

Form no. 2 [See rules and 2761 Voluntary Winding-up [PART (I—SEC- 3(i)] Declaration of solvency, embodying a statement of assets and liabilities and valuation report Presented Name of LLP:, by: Declaration of Solvency We, designated partners of .....all the / majority of the solemnly affirm and declare that we have made a full enquiry into the affairs of this LLP, and that having done so, we have formed the opinion that this LLP has no debts/ will be able to pay its debts in full from the proceeds of assets sold in voluntary winding up, within a period of' ..months from the commencement of the winding-up, and we append a statement of the LLP's assets and liabilities as being the latest practicable date before the making of this declaration. And we make this solemn declaration believing the same to be true. Solemnly affirmed and declared at. before me. Commissioner for Oaths or Notary Public. the .....day of .....20..... Signatures showing assets at book value and as per ...20... Statement as at... valuer report and liabilities. A. Assets Book value Value as per valuation report I . Balance at Bank 2. Cash in hand 3. Investments 4. Debtorsnrade receivable 5. Loans & Advances 6. Inventories 7. Freehold Property 8. Leasehold Property 9. Plant & Machinery IO. Furniture, fittings etc. 345 Assets 12. Other Assets (tg *cify) 13. Outstanding contribution Of the partners B. Liabilities Total l'. Secured creditors (secured on specific as.sets) including workrnen dues

2. Cost of liquidation 3. Preferential Czeditors 4. Creditors secured by floating charge on the assets 5. Unsecured creditors 6. Contingent liabilities Total total value of the assets (as per valuers report) Rs.... Total liabilities Estimated surplus after paying debts in ful C. Remarks 2532 G Ill Rs... . Signature ßartners of LLP THE GAZETTE OF INDIA : EXTRAORDINARY

Form No. 3 'See clause (a) of sub-rule (2) of rule 11 l. LLP[N 2. Narne of the Limited Liability Pm•tnership [PART 11—sæ. 3(i)] 3. Full of the registered offce of the Limited Liability Partnership Line 2 country 4. Date of passing resolution 5

6. Date of declaration made on Declaration and statement in Form 2 and 4 and valuer report areattached - Yes List of attachments (l) Copy of the declaration , statemcnt& valuation report.(2) Copy of the Authority (3) Optional attachment. Verifica tion To the best of our knowledge and belief, the information given in this form and its attachments is correct and complete. I have gone through the provisions of the Limited Liability Partnership Act, 2008, the rules framed there under. I have been authorized to sign and submit this application. To be digitally signed by designated partner DPIN Dated: 30) J Name of LIN: LLPIN: Particulars 347 Form No 4 (See clause (e) of sub rule (2) Of rule 7 277) (In Rupees Figures as at the end Figures as at the end of the last reporting eriod as on. (l) (2) 11 CONTRIBUTION AND LIABILITIES Partners' funds (a) Contribution (b) Reserves and Surplus (Surplus being the profit/loss made durin the ear) Liabilities (a) Secured Loans (b) Unsecured Loans (c) Short term borrowings (d) CreditorsfTrade Payables - Advance from customers (e) other liabilities (to specify) (f) Provisions (i), for taxation (ii) for contingencies (iii) for insurance .(iv) other provisions (if any) TOTAL ASSETS (a) Fixed Assets (b) Investments (c) Loans and Advances (d) Inventories (e) Debtors/ Trade Receivables (f) Cash and Cash equivalents (g) other assets (to specim TOTAL Notes: (a) Contingent liabilities not provided for. Signatures Dated.. Designated partners of LLP THE GAZETTE OF INDIA : •EXTRAORDINARY Form NoS (See sub-rule (4) of rule 81 l. LLP[N 2. Narre of the Limited Liability Partnership Ik-*pg. 30)) 3. 4. 5

6. Full address ofthe registeEd office of the Limited Liability Partnership country SRN ofdclivering or the Declaration of solvency by Designated Partner to the Registrar Date of meeting of partners at which resolution for voluntary winding up was passed Date of fomarding copy of the declaration etc to the 7. Date ofconsent of creditors 8, Two third in value of Creditors of the LLP consented—Yes List of attachments Q) Copy of the consent. (2) Copy of the Aughority (3) Optional attachment. V erineation best of my knowledge and belief, the information given in the

form is correct and c eone through the provisions ot' the I.imited I.,iability Pannership Act, 20.08. and the li•atued there under. Cppy of the consent is attached. haye guthqyized to sign and submit this application. To be digint!y signed by designaced partner DPIN 2. 3. 4

5. Dated: Form Na.6 [See sub-rule (8) of rule IO & sub-rule (7) of rule 291 *IHeading as in form no 161 *LLP Petition of LUPIN Name of the Limited Liability Partnership Name of LLP Liquidator or Liquidator. Address of LLP Liquidator or Liquidator In pursuance of rule) of the rules hereby declare that there is no conflict of interest and not lack of independence in Espect of my appointment Verification To the best of my knowledge and belief, the information given in the form is correct and complete. I have gone through the provisions of the Limited Liability Partnership Act, 2008, the rules framed there under. Signature, Name Capacity.... ..... Place Date .....(LLP Liquidator or Liquidator) Note: - *Delete if not applicable. THE GAZEITE OF INDIA : EXTRAORDINARY Form No.7 {See rules 12 and 2181 of the Limited Liability Partnership IPART IPSEC. of the Registered Office of the Limited Liabiiity Partnership country 4. Purpose of form Appointment of LLP Liquidator Cessation of LLP Liquidator Part A — In case of appointment of LLP Liquidator S, (a) Date of appointment of LLP Liquidator by partners (DD/MWYYYY) (b) Name of the LLP Liquidator so appointed (c) Majority of the partners of LLP consented;- Yes 6. In ease the LLP has creditors, creditors consented under clause (b) or (c) of sub-rule (3) of rule 7, Date of approval by two third majority of the creditors in value of LLP (DD/MWYYYY) 7. (a) In case, creditors do not approve of LLP Liquidator appoinledb dale ur appointgnent of another LLP Liquidator. (DD/MM/YYYY) (b) Name of the LLP Liquidator so appointed 8. (a) Date by thc (DD/MM/YYYY) (h) Name of the LLP Liquidator so appointed .35] 9. Name of LLP Liquidator Appointed as voluntary liquidator IO. Address of the LLP Liquidator Line I District Country Part 'B' In case of change(s) of LLP Liquidator l. In case of reinoval (a) Date of notice of [.iquidator stating grounds of removal (b) Reasons for removal (DD/MWYYYY) (c) Date Of passing fff resolution deciding the Removal of Liquidator by three-fourth in value by partners/cfeditors (DD/MM/YYYY) (d) Date of removal by the Tribunal, 12. In case of any other change (a) Date of change (DD/MM/YYYY) (b) Nature of change (2) (3) Verification (DD/MM/YYYY) List of attachments Copy of thé resolution of the partners/creditors/ order of the Tribunal. Copy at' the Authority Optional attachment. Io the best of rny knowledge and belief, the given in the törnl is correct and complete. I have gone through the provisions or the Liabi!itv Partnership rules frarned there under. To be digitally signed by designatgd partner DPIN THE GAZEITE OF INDIA : EXTRAORDINARY Form no 8 (See rules 17 and 2901 Voluntary Winding-up Quarterty progress report (PART U—SEc. I. Preliminary (1) Name ofLLP (2) LLPtN (3) Date Of eemmencement of winding up (4) Näh-ie äddress of the LLP Liquidator (5) Period orthe Report 11. Asset management (l) Date of taking the custody of property, assets and books Of accounts. (2) Date of valuation of the property. (3) Value of the property as per the valuation report. (4) Date of advettlsettiéiit inviting bids. (S) Date of sale of prot*rty. assets etc. (6) Shle amount. Ill. Settlement UT creditors (l) Date of inviting claims. Date of adjudication of claims. NV. Declaration of dletribütabie sum (t) Dale of declaration. (2) Rate of distributable sum. (3) Date of distribution V. Cost of voluntary winding up (item wise details) VI. Dues from partners (l) Amount of outstanding contribution. (2) Any other dues, (3) Amount realized. WI. Settlement of list "f partners and distribution (l) Date of' settlement of list. (2) Rate of retum. (3) Date of distribution. Vlll. Professionals and experts appointment (I) Namc (s) of thc professional/cxpcrt (2) Purpose of appointment (3) Amount of fee IX. Investigation into the affairs of ILP I)ate 01? subinission of rcpon to ibunal. 353 X. Legal proceedings instituted, concluded or pending for and against LLP XL Expected date of submission of report for dissölution/ causes for delay XIL Receipts agd payments. Recei ts xtu. Remarks Dated this Pa ments Ru es LLP Liquidator day of 20 FORM NO. 9 [See rules 19 and 291] 2. 3

4. LLPLiquidator•s final winding up account in voluntary winding up Name of the LLP LLP!N . Date of commencement of the winding-up Name and address of the LLP Liquidator Statement showing how the winding-up has been conducted and the propeny of the From LLP has been disposed of (Commencement of winding-up) to. (close of winding-up) A, Report of the LLP Liquidator:- 2532 2—45 THE GAZETTE OF INDIA : EXTRAORDINARY B. Final winding up accoum:- [PART 30} Paymen•.$ Receipts Assets 2. 3. 4. 5. 6. 7. g. 9. 10. 12. 1.3, from 14. Value as valuation report Rs. value realised Rs. Balance at Bank Cash in hand Investments Debmrsnrade Receivable Loans & Advances Inventories Freehold Property Leasehold Property Plant & Machinery Fuhniture, fittings ctc. intangible Assets Other Assets (to Outstanding contribution the partners realized Receipt per tmding account. 15. other receipts Total Less Payments per trading account Net realization 'f'OTAL Payments I . Cost of liquidation (i) LLP Liquidator's remuneration:— Gi) Fees/charges to professionals I experts (individual details) (iii) Other Cost of voluntury winding up (expenses/ charges on each item shall be disc losed) 2. Di*ributable sum (i) Secured creditors including workmen dues (ii) Preferential creditors (iii) Creditors having floating charge (W) Unsecured creditors (v) Others if any sum(s) of.,.np. in the rupee on Rs. I partners:— Returns to Return of. .... np iii the rupee on Rs... ....e Add balance TOTAL (1) The assets estimabd to be of the value of Rs. ..have to be untealisable:— [Give details of the assets which have proved to be unrealizable] (2) Ammnt-paid into tt•e LLPs L"uüion Account in respect of:— (a) dstributa& sums payable to creditors in tie wit-ding-up, (b) tmaimed distributions in the windiro-up, (c) Moneys tpld by the LLP in trust in respect of distibut±e sums or otw sums due befo:e tt•E ca•nmenænmt to any as a partner of tie LIP. C. tp S and oonbirs a full' and accurate account close the wit-ding-up. 2. 3. 4. 5. 6. 7. D&dthis..... day of.....2Ø.... LLP LiqüWätor tsee rulés 19(3Xa), 267, and 292] Swement-•of Account Finol Account Name Limited Liability Partnership Narne and address of the LLP Liquidator or Liquidator Line I Line2 country Voluntary winding up or winding up by Tribunal Period of Statement of Account or Final Account (a) Name of auditor or auditor's firm 356 THE GAZETTE OF INDIA : EXTRAORDINARY (b) Address of Auditor or auditor's firm PART II—SEC. List of attachments (l) Statement of account/final account (2) Optional Attachment (s) Verification To the best of my knowledge and belief, the information given in the form along with the attachments is correct and comple,'el have gone through the provisions of the Limited Liability Partnership Act, 2008. the rules framed there under. Po be digitally signed by Particulars of the Person signing and submitting the Form Name Capacity i. LLPIN (LI .P Liquidator or Liquidator)

Form No. 11 [See rules 19(5), 23(4), 64(2), 248, 292 and 2951 2. Name of the Limited Liability Partnership 3. Name and address of the LLP Liquidator or Liquidator Line 2 country 4. Date of passing of Order (DD/MM/YYYY) 5, Date of issue of certified copy of order (DD/MM/YYYY) 6. Reference of the rule 357 List (l) Copy of the order (2) Oliional (s) Verification To the best of my knowledge and belief, the information givai in the form dWig wiå the attachment is correct and complete. I have gone through the - provisions of the Limited Liability Partnership Act, 2008, the rulw framed there under, To be digitally signed-by Particulars ofthe #igniog submitting Name . Capacity. . , Förm No. 12 [See sub-rule (1) of ruE31] [Heading as in form no 161 LLP Pagition To The Registrar To Thc Liquidator Order pronounced this day by the Hon'ble Member Mr. mentioned LLP under the Act:- 2. 3. 4. 5

6. Dated _ Name of the LLP LLPIN Registered office of the LLP Petitioner's authorized representative Date of presentation of i*tition Name of the Liquidator for winding up thé under Registrar of Tribunal THE GAZETTE OF iNDiA : EXTRAORDINARY

Form 13 ISee rele 401 [Heading •s in form no 161 LLP Petition of 20 Windhg-up Tribunl- Quarterly pmgress report I. Preliminary (1) Name of LLP (2) LLPIN (3) Date of winding up order (4) Dne of receipt of winding up order (5) Date of Commewement of winding up (6) Name and address of Liquidator (7) Period of the Report 11. Asset management l. Date of taking the custody of property, assets and of accounts

2. Date of valuation of the pmperty and a.*ts

3. Value of the property as per the valuation report

4. Date of advertisement inviting bids: 5. Date of sale of property, assets etc, 6. Sale value

111. Realbation of debts.l. Number of debts not barred by limitation and qrnount

2. Number of claim applicatiotß filed befoæ•the umunc

3. Number of debts barred by limitation and-amoyw [V. Settkment of creditors l. Date of inviting claims

2. Date of adjudication of claims

3. Date of' submission of list to Tribunal.V. Declaration or distributabié sun I. Date of declaraticm

2. Rate of distributable sum

3. Date of distribution.VI. Professionals and experts appointment 1. Name of the professidnals/experts 2. Purpose of appointnynt 3. Amount of fee VIL Cost of winding up (item wise details) VIII. Dues from partners. l.. Amount of outstanding contribution

2. Any other dues

3. Amount realized.IX. Settlement of list of partners and distribution I. Date of settlement of iis!. 1i—SEC. 3(i)J 2. Rate of return declard 3. Date of distribüdon. X. Investigation into •e affairs of LLP (fraudulent conduct of business, misfeasance etc.) 1. Name aod auress of the investigator

2. Date of Qpointment., 3. Date of submission of report to the Tribunal. XL Legal pneeedings instituted, concluded or pending for and against LLP XIL Expected date of submksion of report for dissolution/causes fer delay. XIN. Receipts and payments. Re • ts Pa nes XiV. Remarks Dated this l. LLPIN Liquidator day of 20

Form No. 14 ISe sub-rule (2) of ruk 421 [Heading as in form no 161 LLP Petition 2. Name of the Limited Liability Partnership 3. Name and address of the Liquidator 4. Name of the practising professional , experts etc, am"0intcd by Liquidator to assist him Address of practising professional , experts etc, Date of appointment 6

7. Purpose of appointment In pursuance to rule 42(2) of the rules.I hereby declare that there is no conflict of 8. il,terest and not lack Of in respect of my apointment. To the of my knowledge and the information given in the

form is correct and complete. I have gone through the pnvisions of the Limited Liability Partnership Act, 2008,. the THE GAZETFE OF INDIA : EXTRAORDINARY f .....200.. [PART IPSEC. rules frarned there mder. Name.... .... Capacity.... ..... . Name of •LLP: LLPtN : . . ....1:..... (Pmfesümai/expen etc.) no I-S [see 56, 264 ag in form no 161 LLP Petition of Voluntary windilV up by Tribunal: Date of winding up •olutien: Date of commencement of Period of the statenwnt of eceouN. Name and ad&ess -läudator: LiquWator/LLP Liquidator of the above-named LLP solemnly stata— That the statement of anunt made overleaf and attachments marked I to V contains a ful and true account of and payments in the winding-up of the above-named day of... ..20..., inclusive and that I LLP from ttw.... ...day of... ....20....., to the.... haw not nor has any oth& person by my order or for my use during such period, received or paid any moneys on account of the säid LLP other than and except the mentioned and specified in the said statement of account. further say that the particulars in the statement of account and the åtachments thereto, are true to the best of my knowle#e and belief. • I &clare that the valLE total trar-ßactions during the period was Rs. Fifty thousand or less arwthat I ackn6wie#e the responsiiity for maintaining the r*oks and records and furthe dedare that the funds were utilized for the purposes of wind!ng up of affairs of the Dated this.... LLP Liquidator/Liquidator Nate: • Delde if not applicable. 3(i)] 361 (2) ln case the LLP Liquidator or liquidator has not, during the period of account, received or paid any sum of moneyon account of the assets of lhe LLPs he shall filc an affidavit of no receipts or payments on the date on which he shall have to file his accounts for the period. Statement of Account Pursuant to rule 56 LLP Liquidator's/ Liquidators Statement of Account from.. Realisations Date Of whom Nature received of assets Disbursements Amount Date To whom Nature of disburse- s 3 Amount Rs. 4 p. paid 2 2 Brought forward Total carried over . 2 4 Brought forward Total carried over Note; No balance should be shown on this account, but only the total realizations and disbursements, which Qhould be carried forward to the next account. Analysis of Balance Rs. Total realizations Total disbursements Balance The -balance is made up as follows: — I. Cash in the hands of the liquidator 2. Total payments into Bank, inclUding balance at date of commencement of winding-up (as per Bank statement) Less total withdrawals from Bank Balance at Bank *3. Amounts invested by the Liquidator Less Amounts received by realisation of investment Balance under investment Total balance as shown above Rs. *Note : Fu" details of investments made and realisations thereof should be gwen a separate statement, .200., Dated, 2>32 2—46 THE GAZETTE OF NDIA : EXTRAORDINARY Attachment I Statement of account as on March . [PART IPSEC

1. Assets:(including cash, bank balance, invent0'Y, debtors, investments etc.) (a) Assets specifically mortgaged, pledged or having fixed charge::- Bddk Value Rs

2. Plant and machinery 3: Furniture, fittings etc

4. Inventory 5.. Other Assets Value realised Rs Due to secured cyeötas and wcrkmen Sbrplus (+) or Derwency (b) Assets not specifically etc:- (ii) (iii) Total-amount of the assets at the date of the commencement of the winding-up Assets realized Value of assets still to be realized 2. Liabilities: Taal Amount paid Amount outMand- amount due Rs. ing Rs Rs. Secured creditors including 1. workmen dues

2. Cost of liquidation Preferential creditors 3. Creditors having floating charge 4. Unsecured creditors 5

6. Any other liability 3.(a) Total amount of partners contr$bution (with dåtai's of nature of contribution): (b) Outstanding contribution (c). Outstanding contribution realized 4. Legal proceedings (if any), instituted, pending or concfuded durihg the period: Name of the Names of Natunof Stage of Natureol Remarks 363 Rs. authority parties and number of proceeding proceedng pm- decree or oeeding order made

5. Causes which delay the termination of the winding-up: 6. PeriOd. within which the winding-up may probably be concluded: Dated.....200..... Attachment 11 LLP liquidators/Liquidators Trading account Signature Cr. Rs. Date Dated. , Receipts Rs particulars Total Date Payments particulars Total . .200.....,, Signature 364 Number on list THE GAZETTE OF INDIA EXTRAORDINARY Attabhment Ill List of Distributable sums (Paki) [PART IPSEC. 3(i)] Amount of distributable sum Name of cædtor 2 Amount of claim (as admitted) Paid Rs Uncla&ned Rs. Dated.. 200.. Total Signature Attachmeht IV List of amounts paid or payable to partners Amount returned Number on list Name of partner 2 Amount of contribution 3 Paid Rs. 4 Dated 1 200.. Total Unclaimed Rs. 5 Signature Attachment V Statement of unclaimed distributable sums and undistributed assets paid into the LLP Liquidation Account Serial Name and number address of creditor or partner Amount of distributable sum or undistributed assets payable or Date when Date of payment into Remarks LLP Liquidation payable or refundable to Account creditor or partner

Form no 16 and LLP petition no is not required, Form No.16 {See sub-rule (2) of rule 691 General heading for proceedings Before the National Company Law Tribunal* In the matter of the Limited Liability Partnership Act, 2008, and 365 Bench In the matter of LLPIN Notes: LLP** [Give the name of the Limited Liability Partnership] • Until the T ribunal is constituted under åe Companies Act,' 1956, the word "Tribunal" shall be substituted with the word' "High Court"; - Where the LLP is being wound I.V, the words 'in liquidation' should lx inserted in brackets after the name of the Limited Liability Partnership. LLP Application No. LLP Petition No. Name and Description Form No. 17 See sub rule (1) of rule 82 J [Heading as in form no 161 of 20 of 20 Applicant(s) Versus Respondent(s) Summons [under* • Let all parties concerned attend tlr NCLT Bench on day, the day of THE GAZETTE OF INDIA : EXTRAORDINARY [PART IPSEC. 3(i)] 20 at o'clock on hearing of an application by the applicant(s) above-rnrned, for an order that relief soughi) day of 20 Aughorized Represenlalivefor rhe Aplicanl (s) This summon(s) was taken out by Shri (here set out Registrar Of Tribunal A±rized Representative for tlr applicant(s) and will be supported by affdavi(s) To [Respondent] [or if the summons is not to be on any one, then write, it is' not intended to serve this summon on any person] To be in t}-w case of an inerlocutory applicdion Here insert the section of the Act or rule reference number or other prqvision of Law under which is made Note: A summon which is an inerlocutory application in a proweding shall be served not less than 3 clear days before the date of hearing. In order cases, it ±all be wrved_ not less than I O days date fixed for hearing. 3(i)] Form No. 18 [See rule 841 [Heading as in form no 161 LLP Petition No... ..... of 20..... Afiidavit veri&ing petition son/dpughter. of affrm and say as follöws. : aged residing at 367 do solemnly I am partner/designatéd partner of _ LLP (LLPIN the petitioner in the above matter and am duly auünrized by the said petitiorrr to make this 2. amciavit on its behalf The statements made in paragraphs Of the herein now shown to ine and-marked with the lettei • A' 'are true to my knowledge, and ere statements made in paragraphs true. Solemnly affirmed, etc. ....Signature . J. : ....Deponent are based on. information, and I believe them to be * This point is to be included in cases where the petitioner is the LLP. 368 THE GAZETTE OF INDIA : EXTRAORDINARY Form No. 19 (See rule 861 (Heading u in form no 161 LLP Petition No . . of ..... .Petitioner LLP Application No .. , ... of 20... Summons for directions [PART 'I—SEC. 3(i)] IA all concerned attend the Member in charnbers on ..... day, the ..... day of .,,.20.. ... at o'clock, on the hearing of an application by the above named petitioner enat a day may be fixed for the hearing of the petition above-mentioned for ..... (purpose) pröented On the .... day of. ...20... and that directions may be given as to the advertisement of the petition and the pa•sons (if any) on whom the petition is to be served. Dared this ..... day of.... 20.... Authorized Representative for petitioner This summons was tüen out by Shri Registrar of Tribunal Authorized Representative for the petitioner, and will be supported by the affidavit of ... ... [Note : it is not intended to serve this summons on any person.] 3(i)] Form No. 20 Form of Advertisement of Petition (See rule 881 [Heading as in form no 161 ... of LLP Petition No.. .... Notice of petition A petition under the Limited Liability Partnership Act, 2008, for . presented by . . on the . hearing before the NCLT .. ...20.... and the said petition is fixed for . day of Bench on.... .... .20 Any person desirous of supporting or opposing the said petition should send to the petitioner or his authorized representative notice of his intention, signed by him or his authorized representative, with his name and address, so as to reach the petitioner or his authorized representative not later. than *two days before the date fixed for the hearing of the petition. Where he seeks to oppose the petition, the grounds of opposition or a copy of his affidavit shall be furnished with such notice. A copy of the petition will be furnished by the undersigned to any person requiring the same on payment of the prescribed charges for the same. Dated.... ...(Sd).....(Name)..... (Authorized representative for petitioner) Address *Where the petition is for winding up, 4 days for 2 days. 2532 Gill 2—47 370 To Date. ..... THE GALEH'E OF INDIA : DCIRAORDINARY Form No. 21 {See rule 901 [Heading as in form no 161 LLP Petition Notice of petition [PART IPSEC. Take notice that a petition under the Limited Liability Partnership Act, 2008 for ....presented by.. ...on the... ...day of .....20..... was admitted-on the.... day of... .20... and that the said petition is fixed for hearing before the NCLT Bench on the .. day of. .-..20.. .. If you desire to support or oppose the petition at the hearing, you should give me notice thereof in writing so as to reach me not later than 2 days before the date- fixed for the hearing of the petition, and appear at the hearing in person or by your authoriiedm representative. If you wish to oppose the petition, the grounds of opposition or a copy of your affidavit should be furnished with your notice. A copy of the petition will be furnished to you if you require it on payment of the prescribed charges_for the same/ _is

enclosed herewith*. (Signature). .... (Authorised Representative for petitioner) Address .....day of.....20.....] [This notice should be served on or before the Note ** Where the notice is to a respondent named in petition, a copy of the petition should be served on him along with the notice. The notice should be served not legs than 7 days before the dale of hearing. 371 Form No. n [See sub-rule (2) of rule 931 [Heading as in form no 161 LLP Petition No.... ..... of Affidavit of service of petition on LLP In fie matter of a petition, dated. ...for.... .....I.... son/daughter of.... ... ...aged.... ..... residing at ... ... do solemnly affirm and say as follows : 2. 3. 4. [In the case of service of petition on a LLP, by leaving it with an officer or employee of the LLP at the registered offce, or, if no registeted office, at the principal or last known principal place of business of the LLP] That I did on... day, the... day of.... 20... serve the above named LLP with the above mentioned petition by delivering to and leaving with [name and descriptionl, an offeer or employee of the said LLP, a copy of-the above mentioned, duly sealed Bench, at [offce or place of busines4 as - with tip seal of the NCLT afotesaidl, at... .o'clock. [In the case of no omcer or employee of the LLP being found at the registered office or place of business] 'Miat I did on... ..... day, the... day of. ...20... having aner the due diligerxæ failed to find any omcer or employee of the above-named LLP at [hete state regiStered office or place of business] leave there a oopy of the above-mentioned petition, duly ....o'Olock where such sealed. 'with the seal of the NCLT Bench, at sealed copy was -lens e.g.; affixed to door of office or placed in letter box or otherwise] [In the case of diNctions by the Member or Registrar of Tribunal for substituted service]. That I did on... day, the.... day of serve [rume or names and ....20..... description] with a copy of the above-named petition, duly sealed with the seal Of Bench, by delivering the same together with a true copy of the the NCLT order for substituted service dated... .... personally to the said.. at (place] . ..o'clock (or as the case nuy be). [Where the service is by registered post.] That I did on.... day, the .... Day of.. 20 scnd by pre-paid registered post addressed to the said LLP at [her state registered office or place of business] lor addressed to (name and description) as directed by the Member or Registrar of 372 5. LLP Petition No... of THE GAZETTE OF INDIA : EXTRAORDINARY [PARI "—SEC. 30)} Tribunal], a true copy of the above-mentioned petition, and the postal voucher and the acknowledgment received in respect of the same are annexed hereto. The copy served is a copy of the said petition now produced and shown to me macked Solemnly affirmed, etc. Form No. 23 [see sub-rule (2) of rule 931 [Heading as in form no 161 Affidavit of service of petition/appiication on -In-the matter of a petition}application, dated .... for... ..l.....son/daughter ....of ... aged. . residing at do solemnly affirm and say as follows: That I did, on.... .. day, the day of. ....20...,,, serve [name and description) the Liquidator of the above named LLP with a copy of the above-mentioned petition/application, duly sealed with the seal of the NCLT Bench by delivering the same personally to the said.. ...at [place], at.. ...o'clock [or by sending the same by registered post addressed to the said liquidator at. .... Thc postal receipt and acknowledgement are annexed hereto]. The copy served is a copy of the said petition/application now produced and shown to-me marked ' A'. Solemnly affirmed, etc. Form No. 24 [See rule 971 [Heading as in form no 161 LLP Petition of 20,,..... Notice of intention to appear To . (Name of Petitioner or his authorized representative) .. (Address as given in Advertisement) Take notice that Shri..... to be heard on the .... intends to appear at the hearing of the petition advertised of ...20. and to oppose (or support) such petition. 3(i)] Name . Address..... [Note: of cbjections or copy of the affidavit, ifany, should be served with the notice]. May be signed by the *rson or his authorized*presentative It should reach the addressee not later than two'dvs previous to the date of hearing and four days in caw of winding up Form No. 25 [See rule 981 [Heading as in form no 161 LLP Petition of List of Persons intending to appear The- following are the names of those who have given notice of their intention to attend at the hearing ofthe petition herein On the.... .-.. da of .....:20..... Name. Address Name of Authorized Representative, if an Opposing Supporting Signature.... .....,.....e..... Authorized Rqresentative for Petitioner 374 THE GAZETTE OF INDIA : EXTRAORDINARY Form No. 26 [See rule 101] (Heading as in form no 16] LLP Petition No .... of 20 Petition for wh*ding up (General Form) [PART [I—SEC. 3(i)] TIW petition of (here insert full name, description, occupation and address of petitioner) Showeth: l. 2. 3. 4

5. Ihe address of the petitioner above named for the service of all notices, processes etc., is that of his authorized repröentative Shri . ...at..... The LLP above named, viz. (haeinaRer referred to as 'the LLP') ....20.....under the LLP (LLPIN was incorporated in the month of . Act, 2008. registered office of the LLP is situate-at .. The business of the LLP is .... The names of partners and designated partners are as under: 6,7,8 [Here set out in numbered paragraphs, as may necesery, the facts on which the petitiona• relies -in support of the petition. Where -the petitiotEr is a LLP/partner/creditor/the -Registrar/any person by the Cairal GovernmentjCentral Govemmerit; petition should -state whether conditionS stated under sub-rule (2) to (5) of rule 26 are satisfied. Where the LLP is being wound-up voluntarily, the mcts showing that the voluntay winding-LP,, cannot be continued with due tegald to the interests of the creditors or partners or both* should be set out. After out the facts conclude as follo•rvs]: The petitioner, therefore, prays as follows: 2. . ...LLP be Mound up by the NCLT That the . provisions of the LLP Act, 2008 and Such other order may be made in the premises as shall be just. Bench under the Petitioner Authorised Representative for the petitioner Notes: It is intended to serve this petition on 375

Form No. 27 [See rule 1011 [Heading as in form no 16] LLP Petition Petition by creditor The petition of [insert full name, description, occupation andaidreés of petitiorEr] showeth as follows: 2. 3. 4. S. 6, 7. 8 The address of the petitioner above named for the service of all M)tices, etc., is that of his authorized representative Shri ....at .... The LLP above named, Viz. ... . (hereinafter referred to as 'the LLP') (LLPIN was incorporated in the month of ..20.. ...under the Limited Liability Partnership Act, 2008. The registered office of the LLP is situate at ..... The business of the LLP is .... The narnes of. partners and designata:i partners are as under: The LLP iS indebted to the petitioner. in the sum of Rs... ..... for {state consideration for the debt, with particulars, showing that tbe debt claimed is duel* The petitioner applied to the LLP for the payment of his debt by his notice of demand signed and dated.. ...served on LLP by causing it to be delivered at its registered office, by registered post qr otherwise, but the LLP has hiled to pay the sum or to provide security or re-structure or compound tiE debt the reasonable satisfaction of the creditor, The two-third in valueof creditors of the LLP consented that the LLP will not be able to pay for its debts in full from the proceeds of assets to be sold in voluntary winding up and propose-that the LLP be wound up under the supervision of the Tribunal as winding up by the Tribunal. [Where the LLP is being already wound-up voluntarily, set out tlr facts showing that the voluntary winding up cannot be continued with due regard to the interests of the creditors.] 9. The petitioner, therefore, pays as follows: That the .. ..LLP may be wound up by the Bench under the provisions of the Limited Liability NCLT Partnership Act, 2008 2. .GAÆITE OF INDm : EXTRAORDINARY Such other order may be made in the premises as shall be jtst Authorised Reø•esentativefor the petitioner Petitioner • Wha•e petitioner is an assignee of a debtdue by the LLP, say so, and set out the partia.ilars debt, the dm.e of ü:ne assiyt.meat, whether notice of the assignment was given to LLP arid ifso, date of such notiE. Form No. 28 [See rule 1011 tH"ding as in foem no 161 LLP Petiüon No. ... of n Petition LLP or partner(s) of LLP The petiüon of..... (name of üE LLP/ParüM(s) of LLP), tkE petitioner hæin, as follow: 1. 2. 3. 4. 5

6. Ibe ofthe petitioner above named for the service orall notices, pmcesses etc.is thn ofhis authorind tepresentative Shri ... .,,at..... (trreinafler referred to as 'the LLP') 'Ibe LLP Öove named, viz. ....20.. ...underte (LI-PIN was incorporated in the month of . Limited Partnership Act, 2008. The regi<ered omce LLP iS situate at . ... The Hzsirzs offre LLP The names ofpmners md designated are as tmder: By a resolution of tyee BMth majority of partners of the LLP, at a baeof, day Of. ....20,.-... it was or by a free fourth *rity of .... votes .inst ....votes, as Ellows : et out the resolution] [Here set tlr relating to. position of LLP und circumstances haw led to the pasing ofthe resolution for winding up 30)] The petitioner therefore prays as following 7. .. ....LLP may be wound up by the NCLT l) that lhe the provisions of the Limited Liability Partnership Act, 2008 2) Such other order may be made in Lhe premises as shall be just. Authorised Representative for lhe Petitioner Bench under Petitioner (Note:- Petition shall be accompanied by the statement of affairs and copy of the resolution]

Form No. 29 [See rule 105] [Heading as in form no 161 LLP Petition No... of 20... ..... Advertisement of Petition Notice is hereby given that a petition for the winding up of the above named LLP by the . 20. .... presented to the said Tribunal NCLT Bench was on the . by the said LLP [or where the petition was not presented by the LLP, state the narne and address of the petitioner and the capacity in which he presents the petition, e.g, creditor] and that the said petition is directed to the heard before the NCLT Bench on the... .. day ...of. ....20. Any creditor or other person desirous of supporting or opposing the making of an order on the said petition should send to the petitioner or his authorized representative notice of his intention signed by him or his authorized representative with his name and address, so as to reach the petitioner or his authorized representative not later than 2 days before the date fixed for the hearing of the petition, and appear at the hearing for the purpose in person or by his, authorized representative. A copy of the petition will be furnished by the undersigned to any creditor or contributory on payment of the prescribed charges for the same. Any amdavit intended to be used in opposition to the petition should be filed Bench and a copy served on the petitioner or his authorized in NCLT rpresa-ntative, not less than 2 days before the date fixed for the hearing. Authorized Representative for Petitioner 2532 GV12—48 THE GAZETTE OF [NDIA •.EX Form Nc. 30 {See rule [Heading as in form LLP Petit*an LLP Application IPSEC. Before Hon'ble Member ö;fr. ..... , . Dated. ..... Order appointing Upon the application of and upon Shai... , authorized representative for the applicant, and Shri,.... aztiSAørized for the LLP and upon-reading the petition and affidavit filed the . affidavit of the applicant herein filed the ..day of. Bench doth appoint lhe The NCLI' address) be Provisional Liquidator of the above day of ....20.... and the _ (State the name and And the NCLT Bench doth hereby limit restrict the powece of the said Provisional Liquidator to the following acts, that is te say, [here describe the acts which the Provisional Liquidator is auth0?ized to do.} Bench doth order that the Prov;siona' Liquidator do 'forthwith take And the NCLT charge of all the property and effects of the LLP; And that the costs of this application shall be costs ia the petiüon. (By the NCLT Note: Bench) Registrar of Tribünal it will be the duty of such of the pcrsons named in 37 of the ru!ss to attend on the Provisional Liquidator at such time and place as he may appoint and to givc him ail information he Inay require, Where the NCLT Bench dircts that the Provisiona! Liqui(iatar is take possession of any specific properties. the clause should be suitably modified, and the particulars of such properties be set out in a schedule to the order. 11 ____@BC 3(i)] No. 31 1141 r qeadir..g in form no 161 LLP ..... . of Notification Ko Ligatidttor of winding up order ** The Liquidator Order ponounced this day by the .KonSb*.e Member Mr. . lhe under mentioned LLP under the LLP Act, 2008: 379 . ...för winding up 2. 3. 4. 5

6. Name of LLP LLPIN Registered Office of the LLP Petitioner's authorized representative Dale of pesentation of Petition Name of {he Liquidato.- A copy of the petition and the affidavit filed in support is herewith enclosed. Dated: Registrar of Tribünal ** The Registrar Shail also be served with the copy of the order. Note: (I) it Will be the duty of such of ffe persons named in rule 37 of the rules to attend on the Liquidor at such time and piac.•:: ? 3 he may appoint to give him all information he may require. (2) Copy of the statement of affairs submitted to the Tribunal in ertns of rule 26(4) or 28(1) shall be enclosed. 380 THE GAZETI'E OF INDIA EXTRAORDINARY

Form No. 32 [See rule 14] IHeading as in form no 161 [PARf 11—Scc. LLP Petition No... ..... of LLP Application No. of 20 Notification to Liquidator of order appointing him Provisional Liquidator ** The Liquidator . for appointment of Order pronounced this day by the Hon'ble Member Mr. . 7 5. 6. igeu!ator as Provisional Liquidator of the under-mentioned LLP: Name of LLP LLP[N Registered Officc of the LLP Petitioner's authorized representative Date of presentation of Petition Name of the provisional liquidator. A copy of the petition and the affidavit filed in support is herewith enclosed. Dated . Registrar of Tribunal Note :- (1) It will be the duty of such of the persons named in rule 37 of the rules to attend on the Liquidator at such time and place as he may appoint and to give him all inforrnation he may require. (2) Copy of the statement of affairs submitted to the Tribunal in terms of rule 26(4) or 28(l) shall be enclosed. [qm 11-..-aog 3(i)) Upon the petition of . Fonn No. 33 tSee rule 1161 [Heading as in form no 16] of LLP Petition No.... ..... Before the Hon'ble Member Mr. . Dated.... .. . Winding up Order ...20..... ...presented on the . . ...day of authorised representative for the petitioner, Shri . representative for the creditors supporting the petition, Shri . representative for the creditors opposing the petition, and Shri upon hearing authorised . Authorised authorized æpresentative for the LLP or partner(s), upon reading the said petition, the affidavit of verifying the said petition, the . day of.. ...20..... filed the . . And (here enter the f,. ....20. . . filed the . affidavit of Shri.... newspapers) dated.. .. containing the advertisement of the said petition, this NC.J,T Bench doth order : Bench under the provisions of (i) That the said LLP be wound up by this NCLT the Limited Liability Partnership Act, 2008. ..(Panel Liquidator) do, as liquidator of (2) That the Official Liquidator or the LLP aforesaid, forthwith take charge of all the property and effects of the said LLP., @) (3) That the Liquidator shall cause a sealed copy of this order to be served on the LLP (4) (5) (6) by pre-paid registered post; That the petitioner do advertise within i4 days from this date a notice in the prescribed form of the making of this order in one issue (each) of .... (herc enter the newspaper or newspapers in which the order is to be advertised): That the said petitioner do scrve a certified copy of this order on the Registrar not later than onc month from this date; and That the cost of the said petition be taxed and paid out of the assets of the said LLP. Dated this.... Day... ... 20... Registrar of Tribunal THE GAZETTE GF : EXTRAORDiNARY I Sec. (By the NCLT Bench) QTO be inserted onky where the LLP is noi the petitioner. Note : It will be the dut)l cf such of the pe{sons named in 37 of rules to attend on the Liquidator a: such time and place as may appoifit and to gi ve him an information he may require. NG. 34 (See H 9i iHeading as form no 16} GLP Petition Naäce Sing ap By an order made by the NC-LT Bench in the above matter, daled the ... . day of... . .20. ..it was ordered that the above named LLP he wound up under the provisions of the Limited Liability Partrærship Act, 2038. Dated.. Authorized Represenuy;ve for the Form 35 {See 123; [letterheac of the !iquidatot or the provisioned liquidator as the 2ase may bel ...LLP (in liquida:ion) In I he matter of Mis..... LP Petition No... of . • .20 Not. to submit statement zifairs and attend Liquidator . day of.. windifig-up order was made on the . Take notice that a by an order dated of the above-name and the rules LLP, require you Of&r (or the said :he , I was appointed Provisional Liquidator LLP] and that in pursuance of the provisions of th.e LLP Act, 2008, thereunder, i as the Liquidator ot Provisional Liquidator of the said submit RO me, within 21 * days from the date of the said winding-up fder appointing me as Provisional Liquidator) a staternent of affairs in duplicate of the sa i LLP, Dated this dm of ....20. a. (Liquidator or Pro-'Esionai Liquidator) *Where the time has been extended, tlE extended time should be substituted. No. 36 åSee rule !2'.i [Heading as in (onn no 161 Petiti0G NG.... a Appication oflO... Versus Respondents Before the Hon'ble Menrber, Mr.. Dated, ... Order by under rule 28(S) the Liquidator, by summons dated . Upon the application of Shri . and upon hearing the applicant, and the respondent not appearing either in person or by authorized representative, though dv.\y served with the summons, as by affidavit appears (or upon hearing Shri representative for ['he respondent), upon reading the order wind-up the LLP (or the or appointing Provisionai Liquidator) , and {he atfldt.vit of .....filed the . , day of ,20. dated . -rha: ibe said . DOTH ORDER . the responden: herein forme:ly (a partner, design-lated partner. etc,) . .days from this date for from the dale service upon hizn o? lhe said LLP. do withiü! ot' this order* J submit nr'd verity (or concur in and verify), a statement of ihe affairs of the said ULP and/or conurj?ete and audit the accounts pursuant to the pnvisions of rule 28 ot the rules. respondent herein. do ftétend on the Liquidaæor at his office. at And that the said, such tunes as the' mnav appoint and give all Ehe information he *hay require as to the affairs ot' the I L.P. Dated this . .dav of. (By the NCLT Reuistraæ- of bunal order is nol lilåde in the presence the re.spcnndent 384 THE GAZETTE OF INDIA : EXTRAORDINARY Form No. 37 (See rule 1261 {Heading as in form no 161 LLP Petition ... of

Statement of affairs under rule 28 Statement of affairs of the above named LLP as on the. .. IPSEC. 3(i)] day of... .. .20...., the date of petition or the winding up order or the order appointing Provisional Liquidator, as the case may be. , of. .... do solemnly affirm and say that the statement made overleaf and the VWe several lists hereunto annexed marked 'A' to 'G' ate to the best of my/our knowledge and belief a full, true and complete statement as to the affairs of the above LLP, on the. the date of the petition or winding-up order or the order appointing day ot . ..20 Provisionat Liquidator and that the said LLP carried/carried on the following business : (Here set out nature of business) Solemnly affirmed a: . ...day of.. Signature(s) .20.... Before me. Commissioner of Oaths or Notary public STA'fEMENT OF AFFAIRS AND I.Es•rs -ro BE ANNEXED . LLP (I.LP!N J, on the ....day of.. ...20, Statetnent as to IIIC affairs of.. being the date of the petition or winding up order or order appointing Provisional I.iquidator as the case may be showing assets at estimated realizable value and liabilities:-)Assets value :nortgaged/pledged or inu fixed charge (excluding noatine charge) Esthnated reahz_ztbke I)ue to secured creditors I)eticiency ranking as unseeured Estimated Surplus 385 Rs. Rs. Rs. Freehold Property Leasehold Property Plant & Machinery Furniture, fittings etc Inventories Other assets Rs. H. Assets not specifically mortgaged/pledged etc. (as per List Balance at Bank Cash in hand Investments Debtors/Trade receivables Loans & Advances Inventories Freehold Property Leasehold Property Plant & Machnery Furniture, fittings etc. Intangible Assets Other Assets (to specify) Outstanding contribution of the panners (iross Assets Gross realizable value of assets specifically mortgaged/pledged/having fixed charge (ither assets Gross Assets B. Liabiiities Liabilities Secured creditors including workmen dues Preferential creditors Creditors having floating charge Unsecured creditor and contingent laabllltes Gross liabilities 2532 Gill 2—49 Rs. Estimated realisable values Rs. Book Value Rs. GAZET"I'E OF INDIA : EX [R_AORDiNARY Estimated surplus from assets specifically mortgaged/ pledged/having fixed charge Assets which are not specifically Mortgaged/pledged etc. Estimated total assets available for preferential creditors, creditors having floating charge and un.secured creditors Preferential creditors (as per List Estimated balance of assets available for creditors having floating charge and unsecured creditors Creditors having floating charge (as per list 'D') Estimated balance of assets available unsecured creditors and unsecured balance of creditors partly secured on specific assets. Unsecured Creditors etc. (as per List 'E') Estimated balance available to partners Claim of partners (as per List 'F') Rs. Note:- Positive balance is treated as 'Surplus' Deficiency' Datcd..,.,.. and negative balance is treated as Signature LIS •ro STATEMENI• OF AFFAIRS: Schedule I SPECIFICALLY MORTGAGED. PLEDGED OR FtXED tARGE (EXCLUDING CHARGE) AND INCI WORKMEN. FULLY OR PARI'I,Y SECURED Particulars 01' Date when assets specifically mortgaged/ pledged etc. Proportion of amount of secured creditors see urity Estimated value of security 3. Nune address of eredit0iS 4. Arnount of debt of secured creditors 5. Work nien dues 6. Proportion of amount of workmen dues 8. Balance ot'debt / workrnen dues unsecured carried to List 9. Eistimutcd surplus fronl sceuri(y 10. Signature Assets Free hold property Leasehold property Plant and machinery Fumiture and fittings Inventories etc. Signature Dated... ...n. Sehedii\e 11 Description of Assets S ccificall mortgaged 'pledged etc I.ocation address & desgription Area I folder of the title & the person who is having the custody of the title deeds Anu»unl 388 11. Assets not specifically mortgaged/pledged Book Value Dated.....,...20... Dated... ....20.... IHE GAZETTE OF INDIA E.XTRAORDINARY LIST TO THE STATEMENT OF AFFAIRS Schedule ASSETS NOT MORTGAGED:'PLEDGED ETC. ete. realisable values Balance at Bank Cash in hand Investments Debtors/Trade receivables Loans & Advances inventories Freehoki Property •asehold Property P lant & Machinery Furniture. fittings etc. intangible Assets Other Assets (to specify) Outstanding contribution of the partners Signature Nante•and address ot the bank Signature Schedule BALANCE AT BANK Nature o the Account No. Bank balance Rs. account (FD/SB/CA) F.D No. Person in whose custody the F.D. is lying Name and address of the officer of the LLP who operated the account 11 30)] Amount Schedule fff CASH HAND Person in whose custody Person who was handling the cash is lying the cash in the LLP Signature Nature of the investment Schedule IV INVESTMENTS Name of the body Date of corporatc/institutions investment where invested Schedule V Dated. .....20..... Amount of Person in investment whose CUStody scrip(s) is/are .....20..... Dated. Signature Nalne and address ('elated to desienated xanlc and DEBTORS/TRADE RECEIVABLES (INCLUDING BILLS OF EXCHANGE PROMISSORY NOTES ETC Alnonnt Good or bad Within lilüitation i eontacted or barred lilnitation supporting docutuents Schedule VI LOANS & ADVANCES Legal Particulars proceeding of anv instituted(füll securities Bal. details) Dated.. 20. (iood

Ot' Within lilililation When j fuli Particulars I securities Signature Description Signature Assets Free hold property Leasehold property Plant and machinery Furniture and fittings etc. Signature Name and address of the partner Signature THE GAZETTE OF INDIA : EXTRAORDINARY [PART designated artner Dated. .20.... .....20..... Amount Schedule INVENTORIES Quantity Schedule V Ill Location address Dated DESCR[VHON OF OTHER ASSETS Since when .1 in .....20..... Amount Location address & Area Schedule IX Holder of the title & person in whose custody the title deeds are I in ' Dated. OUTSTANDING CONFRKBU'NON OF THE PARTNERS Nature of the Amount contribution outstanding Since when Any obligation outstanding Dated. 11 No. 3(i)] Name of creditor LIST 'C' TO THE STATHvfENT OF AFFAIRS PREFERENTIAL CREDITORS Address & N atur of claim Period during which claim accmed due Date when due Amount Amount of payable claim in full Dated.... ....20 391 Balance not preferential carried to List 'D' Signature No. Signature No. LIST 'D'TO THE STATEMENT OF AFFAIRS CREDITORS HAVING FLOATING CHARGE Name of Holder Address Amount Rs. Dated.. LIST 'E' TO THE STATEMENT OF AFFAIRS UNSECURED CREDITORS ETC, Name Description of assets over which security extends ....20..... consideration Document Date Address Amount when in support contacted Unsecured creditors L)nsecured balance of creditors partly secured brought from List • A • Balance not preferential creditors brought from List Signature Dated.... .20. 392 No. THE GAZEI*I'E OF INDIA • FX' LIST •F' to THE STATEMENT OF AFFAIRS LIST OF PARTNERS Name & address Signature Amount of eomribution Nature ot' contribution Since when the partner & whether desi k-•nated LEST TO STATEMENT OF AFFAIRS DEBT DUE FROM PARTNERS Name Residential Amount of Debts Details of address doeun)ents in support When contracted and whether good or bad Amount of outstanding eonlribution 20. Particulars o? any securily held Signature Note:- Contra entry shall be disclosed with full details, Farm No. 38 [See rule '261 'Heading as in form no 161 LLP Petition No... of 20... ..... Affidavit of concurrence in statement of affairs uwe ...Iname(s). description(s) etc. of authorized Partners. in case I_.LP Petitioner and name of Partr.et in case zhe petitioner is partner/(s)] do solemnly attirin and say as follows: - That I/We have perused the statement of affairs lodged herein by. r. and that to the best of my/our information, knowledge and belief, such statement contains a fulf and accurate account of the LLP affairs [except as stated below] , [Here state, if necessary, in what respect, if any. the statement of affairs is not concurred in.] solemnly affirmed etc. Signature of deponent Commissioner for Oaths or Notary public Form No. 39 ISee rule 1271 [Heading as in form no 161 LLP Petition No .. .. of Certificate extending time for statement of affairs . the Liquidator, do hereby certify that I have, under the powers given to me by rule 127 extended the time for submitting the statement of affairs of the LLP required (here mention the name and description of person who is go submit the statement), from the Dated this .... day of. , LLP Application 0f20..... . day of. .....20.... .., to the day of... . 20... Liquidator FORM NO. 40 rule 1321 [Heading as in form no 161 LLP Petition No.... 0f20..... Report of the Liquidator under rule 132 read with rule 34 -the Liquidator, in pursuance of rule 132 read with rule 34, hereby submit his report to the NCLT---Bench as follows:- (A)Assets I. Assets specifically mortgaged/pledged or having fixed charge (excluding floating charge) Freehold Property Leasehold Property Plant & Machinery Furniture,- fittings etc Inventories Other assets 2532 Book vall.k Rs. Estimated realizable val I.es Rs. Due to secured creditors and workmen Rs. Deficiency ranking as unsecured Rs. Estimated Surplus Rs. THE GAZETTE OF INDIA : EXTRAORDINARY li-=sæ. A. Assets not specifically Bmk Value etc. Rs. Balance at Bank Cash in hand Investments Debtorsnrade receivables Loans & Advances Inventories Freehold Property I-casehold Property Plant & Mæhinery Furniture, fittings etc. Intangible Assets Other Assets (to specify) Outstanding contributi6n of the partners Gross Assets Gross realizable value ofassets specifically mortgagedtpledgedfhavingfixed charge Other assets Gross Assets (B)Liabilitieg Gross Liabilities Secured creditors including workmen dues. Preferential creditors Creditors having floating charge Unsecured creditor and contingent liabilities Gross liabilities Estimated realisable values Rs. Rs. 395 Description ot Assets Specifically mort—ed /pledged etc Assets Free hold pmperty Leasehold property Plant and machinery Furniture and tittings Inventories etc. Assets Free hold property Leasehold property Plant and machinery Furniture and fittings Inventories etc. Location address & description Area Holder of the Amount title & person in whose custody the title deeds are I in DESCRIP'VION OF OTHER ASSE'FS Location address & description Area Holder of the title & the person in whose custody the title deeds Atnount (C) Information and materials to various items provided in Claus" (a) to (m) of sub-rule (l) of rule

34. (D) Details of fraud, if any, committed by persons provided in sub-rule (2) of rule 34. (E) Material information provided in sub-rule (3) of rule 34. (F) Any further report or reports, if the Liquidator thinks so to make, as provided in sub- rule (4) of rule 34. Dated this . ...day of ....20 Liquidator THE GAZETTE OF INDIA : EXTRAORDINARY Form No. 41 [See sub-rule (2) rule 1381 [Heading as in form no 161 LI-IP Petition f [PA.kT IPSEC. *Advertisement of notice to creditors to prove their claim Notice is hereby given to the creditors of the above-named LLP that they are required to submit to the Liquidator (as the case may be) of the NCLT proofs of their respective debts or claims against the above-named LLP by delivering at the office of the Liquidator on or before the .....day of, ...20.....or sending by post to the Liquidator so as to reach him not later than the said date, an affidavit proving the debt or claim in the prescribed form with their respective names, addreses and particulars of debt or claim, and any title to priority under the Act and the rules. Any creditor who fails to submit his amclavit of proof within the time limited as aforesaid will be excluded from the benefit of any distribution of distributable sum before his debt is proved, or, as the case may be, from objecting to such distribution. Any creditor who has sent in his proof, if so required by notice in writing from the Liquidator, shall either in person or by his authorized representative, ntend the invcstigation of such debt or claim at such time and place as shall be specified in such notice and shall produced such further evidence of his debt or claim as may be required. Dated this ... ...day of. ...20 Liquidator * If the number of creditors does not exceed 100 individuals, the advertisement in newspaper may be dispensed with. In such gases, individuat notices may be given. Fori No.42 (See nib-•rule (4) of rule 1381 iHediig-$in Enn no 161 LLP--PetftioiiNo Notice-to creditor to prove his debt To You are hereby required to subnit proof of your debt or claim against the said LLP by dilivering at the office Liquidmm• of the NCLT Bencb on-or Qi or sendiiWtö Liquidato$bYpost so as to reach him no the..... ig(er--ibgithehsaiå date,' I in hg:pescribed fom with. your- you may Äairi :undér• Limiw INiliiy ION. ryau tail tösübmit your aMdaVit of prod within ühte ioii' Win, e*cluded the of any disuibution"of distributable sum -your débt is.•prgvéd, gr as tlr may be. from Objecting to such diatribution. so rrquired by petiee in writing -thc - Liqüidatov,_ you attend upon in9estigaticn pf'-your.pdebt or at -such tr%e 'be in the notice arid pröduce such evidence of yot.u• or claim as may be remird. Dated this ... ...day of... ...20.. Liquidator THE GAZETTE OF INDIA : EXTRAORDINARY Form No. 43 Voluntaw winding up {See sub-rule (4) of rule 1381 •Name of (in Liquidation) LLPIN .... Name of the LLP Liquidator... , Address of the LLP Liquidator.... .... Date of commencement of winding. up..... Notice to creditor to prove his debt ., the Liquidator of die said LLP, hereby require you to sybmit proof of your debt claim against the said LLP by delivering to me at my office the. above f .....20.... or-by sending to me at the above, address on or before the.... .....da address post so as to reuh me not later than the said date, your affidavit of proof in the prescribed form with your name, address and patticulars of claim and any title to pricrity you may claim under LLP Act, 2008. If you fail to your affidavit of proof within the time limited as aforesaid, you will bc cxcludcd from the benefit of any distribution of distributable stun your deu is admitted, or as the case n-ny be, from objecting to such distribution. If so required by notice in writing from me, you should utend upon the investigation of your debt or claim at such time and place as shall be specified in the notice and prodrre such evidmce of your debt or claim as nny be required. Dated this ...day of... LLP Liquidator 3(i.1] Form No. 44 [See rule 141) IHeading as in form no 161 LLP Petition of Affidavit of proof of debt of etc. (full name, address and occupation of deponent to be given) do solemnly affirm and state as follows The above-named LLP was at the date of the order winding-up the same, viz the .. ...day of. ...20.... and still is, justly and hilly, indebted to me/us the sum of Rs... ... for (here state consideration), as shown in the schedule below

2. In respect of the said sum..or any thereqf, I say I have not, nor have my partners or any of them, rior kus any person, by my/our knowledge or belief, for my/our use, had or rcccived any manner of satisfaction or security whatsoever. save and except the following : [here state the particulars of all securities held, and where the securities are on the property of the LLP, assess the value of the same, and if any bills or other negotiable securities be held specify them in tkE schedule.] [If the claim is made as a preferential claim, say so and set out the grounds on which the preference is claimed.] Date Schedule Nature of the Description Amount mae Date invoice account number, cheques or DD Number and Remarks name and address of the Bank) Credit should be given for contra accounts. Lku.ils of contra accounts. TIG CAEr•rE OF : -EXTRAORDINARY [PART 11—sæ. 30] i.....the.....day Solemnly amrmed ot.....20 Before me Deponents* Signature Where the affidavit is not by creditor, but by some person mithorizæd by him, the deponent should state in a separate paragraph his authority for making the affidavit and the-'ineans of his knowledge, and suitable alternations should be made. Form NO. - 45 ISee rule 142) IHeiding as in

form no 161 LLP Petition of 20.... .... Proof of debt of workmen of etc. (fill in full name. address and occupation of deponent), on behalf of the workmen and others employed by the above-narned LLP. solemnly affirm and say : and still is justly and That the above-named LLP was. on the ... ...day of . truly indebted to the several persons whose narnes. addresses and descriptions appear in the schedule below in sums severally set against their names in the seventh column of such scl*dule for wages due to them respectively •as workmen or others in the employment of the LLP, in respect of services rendered by them respectively to the LLP during such periods as are set out against their respective names in the fifth column of such schedule, and for the accrued holiday remuneration so due to them in respect of such periods as are so set out in the sixth column of such schedule, for which said sums or any part thereof, I say that they have not nor has any of them. had or received any Inanner of satisfaction or security whatsoever. Full name of workmen/other employees and pnot• of employment I and designation Address of workman/ employee 2 Whether workman or employee 3 Schedule Date of birth & date of entry to into the service of LLP 4 Scale of pay 5 Deponent Components of wages/salaty 6 3(i)] Period over which wages due 7 Period over which Total Dues ærued holiday remuneration due Remarks Solemnly affirmed etc. Deponent's signature Form No. 46 rule 1471 [Heading as in form no 161 LLP Petition No. .... of Notice to a creditor to attend the investigation or produce further evidence To Take notice that pursuant to rule 147 you are hereby required to attend before the Bench at his office in person or by authorized Liquidator of the NCL'I' ... ...day of. ....20.... .. at o'clock for the investigation of representative on. .day, the your debt or claim against the above named LLP and tUrnish turther evidence in support of your proof against the above-named LLP. Thc further evidence required is as follows And take further notice that unless the above evidence is produced to the Liquidator on or before the Said date, your said proof is liable to the rejected. *Dated this. ..day of.. Liquidator * The notice should reach not later than 7 days before the date fixed ibr the creditor to attcnd/prodnce cvidcncc of thc debt. 2532 GYI 2—51 Take notice that as the Liquidator of the above-named LLP, I have this day rejected your full claim against the LLP or rejected to the extent of Rs... on the following grounds And take further notice that, subject to the power of the NCLT Bench to extend the time, no application to reverse or vary my decision in rejecting your proof will be entertained after the expiration of 21 days from the date of the service of this notice. Dated this..... ..day of.. Liquidator Note: In case of workmen/other employees it may be drawn in the form of a suitable statement and communicated to the person who has Ipdged the claim on behalf of those workmen/other employees. Form No. 48 [See rule 151] [Heading as in form no 16] Notice to admission of proof To You are hereby informed that your-etärm against the above-named LLP has been allowed at the sum of Rs.... .... THE GAZEITE OF INDIA : EXTRAORDINARY Form No. 47 [See rule 1511 (Heading as in form no 161 LLP Petition No..... of Notice of rejection of proof of debt To LLP Petition of Dated this.... ...dav of... [PART 11—Sæ. 403 Note: 'n case of workmen/other employees it may be drawn in the form of a suitable statement and communicated to the person who has lodged the claim on behalf of those workmen/other employees. Form No. 49 [See rule 1551 IHeading as in form no 161 LLP Petition No ..... of 20.....,, Certified list of proofs tendered to, and admitted or rejected by, the Liquidator Liquidator of the above-named LLP, hereby certify that the following is a correct list of all creditors who submitted their proofs of debts or claims against the said LLP pursuant to advertisement, datcd thc ...day of, and the notices issued individually to the creditors. I further certify that in the first parl of the said list are set out debts and claims admitted by me in full or in part, and the amounts admitted altogether amount to Rs. ..... In the second part are set out the claims which have been wholly réjeqted by me. First Part Debts and Claims admitted wholly or in Part Serial Serial No. Name, address and description of creditor Amount Claimed Amount Admitted Whether admitted as secured including workmen or preferential or floating charge or unsecured. Second Part Claims which have been wholly rejected Name, address and description of Amount of cteditor claim Dated this. ..day of... ...20 Liquidator THE GAZETTE OF INDIA EXTRAORDINARY Form No. 50 [See rule 1601 (Heading as in form no 161 LLP Petition of Provisional List of Partners Serial No. Name and Address 2 Form] Nature of contribution 3 Amount of contribution 4 Contribution SEC. 3(i)) Total Amount of contribution upto the daue of of winding up Total 5 Amount contributed aner lhe date of commencement of winding up Outstanding contribution Amount of contribution outstanding upto toe date of commencement of winding up Date: 6 Amount of contribution outstanding after the date of commencement of windin u Sd/- Liquidator (1- 3(i)] Form No. 51 ISee rule 1611 IHeading as in form no 161 LLP Petition Nm..... ... of Notice to Partners of date fixed to settle list of

Partners To Take notice that l, .. Dated this.... ...day of.. .,the Liquidator of the above LLP, have fixed the... ..day of. , at....o'clock at rny office to settle the list of Partners of the above name LLP which has been made out by ene, pursuant to the Limited Liability Partnership Act, 2008 and the rules thereundsr, and that you are included in such list. If no sufticient cause is shown by you to the contrary at the time and place aforesaid, the list will be settled ineluding you therein as set forth in the said list. Serial No in the Name and Addrcss 2 Formf Nature of contribution 3 Amount of contribution 4 Contribution Outstandin contribution Amount of upto the date of commencement of winding up Total Amouru of contribution outstanding upto the of • comnwncement of winding up 6 Amount of contribution outstanding after the date of commencement of windin u ..20..... 5 Amount contributed aner the date of commencement Of winding up Liquidator Notes: 2. Partners are under no obligation to attend before the Liquidator if they are satisfied that the particulars contained in the notice are correct. A change of address may be notified by giving notice by post before the date fixed tar the settlement of the list. Pursuant to the Limited Liability Partnership Act, 2008 and the mles made thereunder, the undersigned, being the Liquidator of the above-named LLP hereby certify unt L.... the result of the settlement of the list of partners of the above-named LLP so far as the said list has settled up to the date of this certificate is as follows : THE GAZETIE OF : EXTRAORDINARY Form No. 52 (See rule 1631 IHeading as in form nq 16] LLP Petition No..... of Certificate of anal settlement of the list of Partners Dated this... Dav of.. [PART II—SEC. Serial the Name and Address 2 Form/ Nature of contribution 3 Amount of contribution 4 Contribution 5 Amount Amount of contribution upto the date of commencement of winding up Total Total Outstanding contribution Amount of contribution outstanding upto the date of conuneacemeaa of winding up 6 Amount of contribution outstanding after the date of commencement of windin u 20. contributed after the date of commencement of winding up Sd/- Liquidator 3(i)] Form No. 53 ISee rule 1641 {Heading as in form no 161 LLP Petition of Notice to p»rtner of final settlement of list of pnrtners and that his name is included To Take notice that l.. ..... the Liquidator of the above-named LLP, have, by certificate dated the... day .20.... under my hand, finally settled the list of contributories of the said LLP, and that you are included in such list. Any application by you to vary the said list of partners, or that your name may be excluded therefrom, must be made by you to tlE NCLT Bench within 21 days from the date of service on you of this notice. Any application made after the expiry of the said period will not be entertained. Serial No in the Name and Address 2 Forrn/ Nature of contribution 3 Amount of contribution 4 Contribution Amount of comribution upto the date ot' commencemenl of winding up 5 Amount contributed after the date of com mencement of winding up Total Outstanding contribution Anwunt of contribution outstanding upto the date or conunencelnen• ot- winding. up . ...this 6 Amount of contribution outstandiü* (hc date of conunenecrnetu ..... day of.... 20.... for an by summons dated the Upon the application of Sh..... order that the list of partners of the LLP and the liquidator's (or NCLT Bench) certificate finally settling the same be varied by excluding the name of the applicant therefrom, and upon hearing etc. and upon reading, etc., IT IS ORI)ERED : That the list of partners of theLLP and the Liquidators (or NCLT Bench) certificate from the finally settling that same be varied by excluding the name of the said Sh... ... said list of pa_rtners or by including the name of the said Sh..... as a parmer in the THE GAær1E OF INDIA : EXTRAORDENARY Form No. S4 [See rule 1661 [Heading as in form no 161 LLP Petition of20..... .. of LLP Appücation No.. ..... Order varying I't of partners Dated this.... .....day of.... [PART IPSEC. said list for.... ... contribution. (by NCLT amount of outstanding amount of contribution and for .....20..... Bench) Registrar of Tribunal Form No. 55 Form of advertisement [See sub-rule (4) of rule 170] [Heading as in form no 161 LLP Petition 0f20..... Notice of meetin& of creditors and partners under rule 110 Noticeis hereby given that A meeting of the creditors of the above-named LLP will be held at ....(place) ...o'clock to determine whether or not a on.. ...day, the ...day of... .20. at Committee of Inspection shall be appointed to act with the Liquidator and who are to be the members or the Committee if one is appointed. Note: To entitle a creditor to vote at the meeting of creditors aforesaid. his proof must be lodged with the Liquidator no! later tham . ..o•clock on the day of.. 20. (2) A meeting of the partners of the above named LLP will be held at• (Place) on... . at o•cfock to consider lhe decision the said meeting of of ....20... dav the... creditors and 10 express the of the panners whether or not a Conunittee of Inspection shall be appointed and who are to be the rnembers of the Committee if one is appointed. Form of proof and of general and special proxies can be had at the office of the Liquidator. Proxies should be lodged with the Liquidator not later than...o'clock on the dav of.. .20. Dated this . . day of ...20.. Liquidalor Note: The

LLP's statement of affairs has not been lodged (or has been lodged and may be .inspected at the office of Liquidator during office hours on payment of the prescribed fee.) Form No. SSA Form of individual notice to creditors [See sub-rule (4) of rule 1701 [Heading as in form no .16' LLP Petition No ... . of Notice of creditors' meetieg under rule 170 Take notice that a meeting of the credit0Fs of the above-named LLP •will be held at .....(place) on... ..... day the day... of 20, . . at o'cloCk for the purpose mentioned below : Agenda To determine whether or hot a Committee of Inspection shau be appointed to act with the liquidator, and who are to be the members of the Committee if one is appointed. To entitle you to vote thereat your proof must be lodged with the Liquidator not later than o'clock on the day of. The LLP's statement of affairs has not been lodged or has been lodged and may be inspected at the office of the Liquidator during office hours on payment of the prescribed fee. Forms of proof and of general and special proxies are enclosed herewith. Proxies to be used at the meeting must be lodged with the Liquidator not later than.. ...o'clock on the day of. ...20... ... Dated this ..... day of ...20.... Liquidator 2532 2—52 IF. GAZE'I"I'E. OF INDIA Form No. 55B Individuul notice to partners 'See sub-rute (4) of rote 1701 [Heading as in form no 161 LLP Petition No . . .. of Notice of partners' meeting under rule 170 Take notice that a meeting of the partners ot" the above-named LLP will be held at . day the..,... day of 20... . at o'clock tor the purpose .....(place) on... mentioned below : Agenda -ro consider the decision to be taken at a meeting of the creditors of the said LLP to be (or determining whether or not a C01nmittee of held on the day. .... of ...20.. Inspection shall be appointed to act with the liquidator, and who are to -be the .nenftx•rs of the Committee if one is appointed, and to express the views of the partners on the said matters. The LLP's statement of affairs has not been lodged or has been lodged and Inay be inspected at thc office of the Liquidator during office hours on payment of the prescribed fee. Forms of proof and of general and special proxies are enclosed herewith. Proxies to be used at the meeting must be lodged with the Liquidator at his office not later than.. ...o'clock on the day of. ...20. . Dated this . . day of ...20.... Liquidator i..7TTä : Form No. 55C Q/ • Individua/ notice [See sub-rule (4) of rule 1701 *IHeading as in form no 161 ... ... of *LLP Petition No . .. Notice of Meeting (General Form) Creditor or partner of the said LLP rake notice that a meeting of creditors or *partners will be held at . . at o'clock day the.. Agenda [Here insert the purpose for which the meeting is called] ...(place) on.... Forms of general and special proxies are enclosed herewith. Proxies to be used at the meeting must be lodged with the Liquidator not later than.. ...o'clock on the day Dated this . day of ...20.... Liquidator Note : * Delete if not applicable. 412 NE GAZETTE OF INDIA : EXTRAORDINARY Form No. SSD Form of advertisement [See sub-rule (4) of rule 1101 * [Heading as in form no 161 * LLP Petition Nm..... ... of Notice of Meeting (General Form) [PART IPSEC. Notice is hereby given that a meeting of creditors or *partners in the above matter will be held at ...(place) on the... ..... day of 20... ... at o'clock Agenda (Her insert the purpose for which the meeting is called] Forms of general and special proxies can be had at the office of the Liquidator. Proxies to be used at the meeting must be lodged with the Liquidator not- later than.. ...o'clock on the day of. ...20..... , Dated tl-;s . . day of ...20.. Liquidator Note * Delete if not applicable. Form No. 56 {See sub-rGIck2) of rule 1721 {Heading as in form no 161 LLP Petition of Notice to Officers of LLP to attend meeting of creditors or partners Take notice that a meeting of the creditors or partners will be held on the.. ...day 20. . . at o'clock . ...at (here insert the place where the meeting is to be held] and that you are required to attend thereat and give such information as the meeting may require. []ated this dav of _ Liquidator 413 Foi•m No. S7 [See 1731 (Heading as in Grm no 161 LLP of20 Affidavit as to the posting of notices of meeting l. (name and description) of etc., solemnly affirm and say as follows: That I did on the ..... day of.. ..20..... send to each creditor or partner memioned in the LLP's statement of affairs a notice of the time and place of the (reslrctive) of creditors or partners. That the notices for creditors were addressed to the said cmditors respectively 2. according to their respective names and addiesses appearing either in their proofs or in the stæment of affairs or to the last known addresses of such creditors uld that the notices for partners were addresses of the parmers respectively according to their respective. names and addresses appearing in the statement of affairs or to the last known addresses of such partners. That f further sent to each of the officers of the LLP as mentioned in the statement 3. attached, at his respective address a notice of the time and place of the @spective) neeting(s) of creditors or partners. 4

5. That I sent the notices by putting the same into the post office at That the notice was also advertised in (here set out the newspapers) dated.. Deponent Solemnly affirmed

Form No. ISee rule 175} \Heading as iR form no 161 LLP Petition of Nomination of Chairman of Liquidator (iame _and the Liquidator of the above-named do hereby nominate... . to be chairman of the meeting of creditors (or partners) in the above description) OF.. and I depute him to attend ....,on the . ...day [natter appointed to be held at . such meeting and use, on my behalf, any proxy or proxies held by hil)l in this matter. Dated this day of.. . 20... 414 11--1E GAZETTE OF INDIA : EXTRAORDINARY Form No. 59 (See rules 189 & 2911 [Heading as in form no 161 .... of LLP Petitioa No ..... Report of result of meeting(s) of creditor or partners Bench dated .. 20 held under order of NCLT 'I—SEC. 3(i)] Bench and/or Chairman of the Name, Liquidator of the NCLT meeting(s) of the creditorslpartners held in pursuance of the order of the NCLT Bench dated ....20. do hereby report the result of the said meetings. Bench dated. .....20..... a meeting In pursuance of trE order of this NCLT of the creditors or partners of tie above LLP was by advertisement in (here enter the newspaper or newspapers) of the date (s). ....20....,, and was held on the... ... day of. ....20.... ...at... ...o'clock at ..... I was the chairman of the said meeting. 'Ihe said meeting was attended either personally or by proxy by. .creditors of the 2. said LLP whose proofs of debts against the LLP were admitted or admitted for voting purposes amounting in the whole (as admitted) to the value of Rs..... .or by .....partners of the said LLP and entitled to ... .votes. The question(s) submitted to the said meeting was (were): [Here set out the question(s) submitted to the meeting] 4. At the said meeting it was resolved unanimously or as a result of the voting as set out below as follows: (Here set out the resolution(s) passed at the zneetingl. RESULt OF VOTING Resolutions State the substance of any resolution passed.. Votin on resolutions No. For Amount -No. A ainst Amount Creditors.. Partners.. Dated this day of... Note: No. Amount Votes No. Amount 415 Votes Liquidator The report of the result of meetings is required tö be sent to Registrar of Tribunal within seven days of conclusion of the meeting by the Chairman. Farm No. 60 (See sub-rule (2) of rule 1901 [Heading as in form no 161 LLP Petition No.... ...p. of List of Creditors or Partners present at a meeting Meeting held at... Consecutive Number 2 3 4 6 7 7 . day of.. ...20... Name of creditor or Partner present Amount of proof or amount Of contribution by each or represented pmner In person Totåi number of creditors or resent or resented By proxies Liquidat* 416 appoint . THE GAZETTE OF IND\A EXTRAORDINARY Form No. 61 tsee rule 1921 IHeading as in form no 16] LLP Petition of Form of general proxy [PARI — -SFC. 3(i)! . a creditor [or partner] of the above-named LL,P, hereby ..of..... as my/our general proxy to vote for me/us and on my/our behalf at the meeting of creditors [or partner] of the said LLP summoned to be held in lhe above matter on the. ..day of. ....20. , ... and at any adjournment thereof. Dated this. . ...day of.. ...20... Signature: . Name Notes : kt is open to a creditor or partner to appoint the Liquidator as his proxy 2. If the proxy is given by a firm, sign the firm's trading name and add 'by Shri..... a partner in the said firm'. If the proxy is given by a body corporate, the form of proxy must be un&r its common seal or under the hand of some officer duly authorized in that behalf and the fact that the officer is so authorized must be stated

3. The proxy form when signed must be lodged with the Liquidator within tkr time mentioned in the notice convening the meeting at which it is to be used.417

Form No. 61 A rule 1921 IHeading as in form no 161 LLP Petition No. of Form of special proxy of... ....a creditor Ior partner] hereby appoint as my/our proxy at the .neeting of creditors [or partner] to be held on the . . ...day of... .. 00.... or at any adjournment thereof, to vote. [Here insert the word 'for' or the word •against' as the case may require, and specify the particulars resolution] the resolution nulnbered notice convening the meeting. Dated this.. ...day ot'. .,,.20.. Signature: , . Naane Notes: It is open to a creditor or partner to appoint the Liquidator as his proxy If the proxy is given by a firm, sign the firm's trading name and add 'by 2. a partner in the said firm'. If the proxy is given by a body corporate, then the form of proxy must be under its common seal or under the hand of some officer duly authorized in that behalf and the fact that he is so authorized must be stated. The proxy form when signed must be lodged with the Liquidator within the 3. time mentioned in the notice convening the meeting at which it is to be used. Where the person giving proxy wishes to give instructions regarding voting on 4. any amendments that may be moved or as the case may be, such instructions may be noted in the Droxy if so desired. 2532 GI/12—53 418 Dated this.... .. day of... .....20.. of .20.. GAZETTE OF INDIA : EXTRAORDINARY Form No. 62 (See rule 2051 [Heading as in form Go 161 LLP Petition Notice by Liquidator requiring payment of money or delivery of property books, etc. to the Liquidator [PARI 'I—sum. 3(i)] I, the undersigned, the Liquidator of the above-named LLP, hereby require you, the under-mentioned.....(rnme of person to whom notice is addressed) to pay to me (or deliver, convey, surrender, transfer to or into my hands) at my offce the sum of being the amount appearing to be due from you on your account with the said Rs... .... . LLP [or any money, property* , books or papers] now in your har•ds and to which the said LLP is entitled [or otherwise, as the case may be]. Liquidator To (name and address of the person to whom the notice is addressed) *Property to be specifically described Form No. 63 tsee rule 2071 IHeading as in form no 161 LLP Petition No ... . of Document making a demand . the Liquidator of the above-named LLP, in pursuance of rule 207 hereby call you to make •payn-rent of Rs.. . the amount due to the LLP by you in respect . Liquidator of the NCLT payable at . Dated this . ..... : .... which sum is to be paid at the office of the . ..Bench through bank draft drawn in favour of Liquidator ..... on or before the . day of . Liquidator 419 Form ND. 64 [See rule 2081 [Heading as in form no 161 LLP Petition No..... of LLP Application No. of Liquidator -—— Applicant Summons to enforce the demand Let all parties concerned attend the Member in NCLT . . Bench on the ..... day. of 20 . . at ... ...o'clock on the hearing of an application made by the Liquidator of the above named LLP for an order that the persons named in the second colurnn of the schedule to this summons, being respectively partners of the above LLP be ordered to pay to the said Liquidator at his office, the sums set opposite their respective names in the fifth column of the schedule hereto, such sums being the amounts due from said persons respectively, made by the applicant, with interest thereon at. . . ..per cent per annum from the date of the order, and that the said several •persons may be ordered 'to pay to the applicant the costs of and incidental to this applica!ion. SCHEDULE LLP Petition No.....of20..... No. Name and (Escription Address 3 ..20..... Outstanding Amount of contribution 4 Dated this . Liquidator 2 . Day of.. Total Amount due 5 Registrar of Tribunal Form No. 65 [See rule 2081 [Heading as in form no 161 LLP Application -No . ... of 2. Liquidator Applicant Affidavit in support of application for payment . Liquidator of the above-named LLP, solemnly affirm and say as follows: The partners of the said LLP whose names are set forth in the to the summons herein marked 'A' have not paid the sums set opposite their rspective names in the said schédule, which sums are the amounts due from them. A notice in the prescribed form specifying the amount due from each of the said partners were duly served by regi$ere•d post or . (or as the case may be) on such partncrs respectively. THE GAZEr1E OF : EXTRAORDINARY 3. The lespective amounts opposite of partners respectively fifth column of the said schedule are the true amounts due and owing by them respectively in respect of Solemnly affirmed etc. Liquidator Form No. [See rule 208) (Heading as in form no 161 of LLP Petition No... .... of20..... LLP Application No .... Liquidator Applic&lt Before the Hon 'ble Member Mr... Dated... Order ibr pyment of amount due from Partner Upon the application of the Liquidator of the above-named LLP and, the affidavit of .. ...filed the. .... day of.. ..20..... and the affidavit of the Liquidator filed the ... . Day . it is ordered: ... the legal representative of Shri . ...of etc., (or Shri That Shri late of. etc. deceased), one of the partners of the said LLP or, if against several partners, that the several persons named in the second column of the schedule to this order, being respectively partners of the said LLP do on or before the . day 20. pay to the Liquidator of,the said LLP at his offce, the sum of Rs.... .... (If of.... against the legal representative add, out of the assets of the said Shri . . ..deceased in his

hands as such legal representative as aforesaid),,or if against several partners, the several sums of money set opposite to their respective names in the fifth column of the said 301 schedule hereto, being the amount(s) due from the said ., or the said several persons respectively in respect of . or Shri .. or Shri or the said And it is further ordered that the said Shli . several persons do also pay interest at the rate of ... per cent per annum on the said amount(s) specified in the fifth column of the said schedule from this date to the date of payment. No. this SCHEDULE (to be included where there are two or more partners) Name and description Address 3 . Bench Outstanding Amount o contribulton 4 Total Amount due 5 421 Note: The copy for service of the above order must bear the following endorsement:- . .... .neglect to obey this order by the time mentioned therein you "If you, Shri . will be liable to process of execution for the purpose of compelling you to obey the same" Form No. 67 ISee sub-rule (2) of rule 2101 IHeading as in form no 161 LLP Petition No... 0f20..... LLP Application No. of 20 Liquidator (or as the case may be) Applicant Summons for leave to examine person(s) day of. ....20, La all parties concerned attend the Member in Chambers on. ...day the... on the hearing of an application of the Liquidator of the above LLP (or as the case may be) for an order .....[Here insert the name(s) of the person(s) to examined] be examined by the NCLT,.. Bench tespecting [the property (or books and papers) of the LLP in his (their) possession or his (their) indebtedness to the LLP or the promotion, formation, dealings, property, books or papers or affairs of the LLPI fanwor for the production of all books, papers, writings and documents in his (their) custody or c0 extend corporation in discovery and delivery of property, assets, books etc or •power • relating to the said LLP] and that a date be fixed for such examination and summons be issued to the said person(s) for his (their) on the date fixed and that all necessary directions may be givcn in tlw said matter. (Omit what is not qpired). Dated this. .... day of. ...20... ... Liquidator Registrar of Tribunal THE GAZE!TE OF INDIA EXTRAORDINARY Form No. 68 [See rule 2111 IHeading as tn form no 161 LLP Petition 0f20 LLP NO. .... 0f20..... Liquidator (or as case may be) ---- Applicant Before the Hon 'ble Member Mr. . Order for private examination [PART 11—sec. 3(i)} Ihted... ..... Upon the application by summons dated.. of the Liquidator or of.... .... , a partner of the above-named LLP and upon hearing, etc., and upon reading the order to wind-up the said LLP or the order appointing a Provisional Liquidator dated. ....20...,.. and the statement of the Liquidator or. the affidavit of the said Mr. NCLT , filed on , itis ordered : .. ...20.... .....(name and description be summoned to attend the .....i....Bench on... ....d .....day of. .....20..,.., at .. ...o'clock, for 2. the purpose of being examined concerning the property or books or papers of the LLP in his possession or his indebtedness to the LLP or the promotion, formation, trade, dealings, property, books or papers, or affairs of the or to extend co- operation in discovery and delivery of assets, books etc and the said. , ...be required to bring with him and produce at the said time and place the documents mentioned in the schedule hereto, and all other books, papers; deeds, writingsand other documents in his custody or power in any way relating to the above-named That the Liquidator do have the conduct of the examination of the said person(s); That the examination shall be in Chambers or in NCLT Bench; *That . .. .(natne) being a creditor OE Partner of the said LLP be at liberty to attend or take part in the said examirution (Of persons to be examined and/or of documents to be produced, as the case may be) Dated this. (By ,VCLT . ..day of . . .20... Bench) Registrar bf Tribunal 423 * Where more than one person is to be examined, say, • "Ihat the persons mentioned in the sehedule hereto be .summoned. and give the natnes and addresses in a schedule to the order ' ** ()mil What is not required. *'Fo be included where necessary. Form No. 69 ISee rule 2131 illcading as in fortn no 16) LLP Petition No ... . of LLP Application No. of , iq idator Applicant Summons to witness for examination Whereas by an order of the NCLT Bench •datcd the ....20...made herein, it was ordered that you.... ... (name and description) be examined touching the affairs of the above-named LLP (or as the case may be), you are hereby required to attend the NCLT Bench before the Member in Chambers . day the... .. day of. : ...20.... ..at....o'clack to bc examined as aforesaid: And you, on.... Ehe said . . are. hereby required to bring with you and produce a: the time and place aforcsaid the (here give the description of the property or document etc.) and other documents in your custody or information or power in any way relating or t*longing to the LLP. If you fail to attend at the said place and time, having no lawful impedirlent to be then made known to the Member and allowed by him, the Member may by warrant cause you to be and brought up for exarnination. A sum of Rs . ... is herewith tendered or. sent- separately by Demand Lh•an for your expenses in connection with the aforesaid examination. Dated this day of 20 Liquiütor Registrar of Tribunal 2, 3. THE GAZETTE OF INDIA : D'TRAORDINAR.Y 70 {See sub-tuk (I) of rule 2161 as in

form no 16) LLP Petition No....,,.... of LLP Application No. . ... 0120..... Before the Hon'ble Memtzr ur... ... . Order direcdng public examination Upon reading the eport of the Liquidator in the ahove matt& dated the... .. IT IS ORDERED : da 0'.....20.... [PART 30] day of.... ... That the several perwns whose names and addresses are set forth in the schedule hereto do attend before the NCLT.....Bench on the day and hour to be appointed for purpo*, and be publicly examined as to the promotion or formation or the conduct of the business of the LLP, or as to their conduct and dealings ts officers of the LLP. That notice of the date fixed for examination be advertised in pne issue (each) of (hérc set out newspaper or newspapers in which the advertisement is to be insened) and such notice be served on the perS(ms to be examined not less than 7 days before the date of the examination. That the examination shall be held before (here name the offcer and follow up with any further directions that may be given relating to the comluct of the examination or the matter on which the persons are to be examined). The Schedule Referred to Serial No. Name Dated this.... ..... (By the NCLT Address Bench) Connection with the LLP Registrar of Tribunal 3(i)] Form No. 71 (See rule 2171 (Heading as in form no 161 LLP Petition No....,,... of Notice of public examination Notice is hereby given that a public examination will be held in NCLT .... Bench on the ....day of... .20.....at o'clock... .. before....., of . a part.ner ((x other officer) of the above-named LLP. Liquidaror Form No. 72 {See rule 217] [Heading as in form no 161 LLP Petition f Notice to attend public examination Whereas by an order of -this NCLT Bench made on the... .. day of. ....2()....., it was ordered that you, the under-mentioned Mr... , should attend before the Bench and by publicly examined as to the promotion or formation of the LLP and/or as to the conduct of the business of the LLP, and/or as to your conduct, dealings as (here insert, partners, designated partners or officer, as the case may be); And Whereas it has been directed that the said examination be held before the Member [or the NCLT Bench has directed that the said examination be held t-r.fore- (here mention the officer) before whom the examination has been directed to be held] and where"... . day the. .... day of. ..,.20....., at . ...o'clock has been fixed as the time for holding the said examination before the Member (or officer as the case may be). Notice is Irreby given that you are required to attend at the said time and and ut any adjoumments of the examination which•may be ordered, and to bring with you and producc all books, papers, and writings and other documents in your custody or power in any way relating to the above-named LLP. And take further notice that if you fail, without reasonable excuse, to attend at the said time and place and at any adjournments of the said public examination, a warrant for your arrest wili issue. and you will be liable to be cornmitted to prison without further notice. 2532 Giff 2—54 426 THE GAZETTE OF INDIA : EXTRAORDINARY [PART II—SEC. Note: A copy of the report of the Liquidator on which the order för public examination was made will be furnished to you on payment of the prescribed charges for the same. Dated this.. To ..20. day of.. Liquidator . .....(Name) . (Description and address) Form No. 73 {See rule 2191 [Heading as in form no 16) LLP Petition No .... of Bench where person exa"ed refuses to answer to Report to the NCLT satisfaction of the officer of NCLT Bench At the public examination of .....(name and description of the person examined) before me this.....day of. ....20....., the following question(s) was/were put by me or allowed to be put by me to the said person (hereinafter referred to as 'the witness'). Q. [Here state the question(s).] The witness refused to answer the said question(s) or the witness answered tlr said question(s) as follows [Hcrc insert answer(s), if any.] I thereupon intimated the witness that I was reptling his refusal to answer or his Bench and that he should the Member on answer(s) to the Member, NCLT the *day of. ....20.. ...at.. ...o'clock when the repon will be considered by the Member. Officer holding the examination 427 Form No. 74 [See rule 2251 [Heading as in form no 161 LLP Petition No... of LLP Application No Liquidator of the LLP Applicant Versus . Respondent . of20..... Summons under rule 225 Let all parties attend the sitting Member in Chambers on day . of . ..... the day.. 20 .....at. ...o'clock on the hearing of an application under rule 225 on the part of a creditor/partner of the said the Liquidator of the LLP aforesaid or, ...of ... LLP for the following declarations and order:- A declaration that business of the said LLP was carried on from the.... .. 20 20 ..... (the date of the commencement of the winding-up of the LLP), with to the intent to defraud creditors and for other fraudulent purposes by reason of tkk fact that (Here set out the facts showing the frauduleni purposes, e.g., that the LLP continued to trade and to obtain goods on credit and to incur other liabilities without any means or prospect of being able to pay or provide for payment thereof,) and that the respondents as the. , .of the LLP were knowingly parties to tke carrying on of the business of the said LLP in the manner aforesaid. (Names)... shall be personally A declaration that the respöndents.... 2. responsible, without any

limitation of liability, for all the debts or other liabilities of the LLP. A declaration that the said respondents jointly and severally liable to pay to 3. the Liquidator sunu amounting to ... being the amount of debts owing by the LLP in respect of goods supplied to or services rendered to or other liabilities incurred by the said LLP during the period aforesaid or such part of tkk said sums as to NCLT Bench shall seem fit aner due inquiry. An order for payment to Liquidator by the said respondents of the said st.u•n of 4. Belich shall seem fit. Rs.. or such other sum as NCLT An order tkM for tb puqose of giving effect to the foregoing declaration, the 5. liability of the respondent. (name) shay constitute a first charge on (Here set out the debt, mortgage or interest of the repondent on which the charge is created); and that the liability of the respondent Sh....., thereunder sul be and constitute a first charge . issued by the said LLP to him and .morEY secured thereby. 428 An order that the-respondents do pay to the applicant costs of and incidental to 6. This summons was taken out by Shri. authorized representative for the applicant .. .. .Df20..... THE GAZETTE OF INDIA : EXTRAORDINARY IPART il—SEc_ 3(i)) this application. Such other order in the premises as the NCLT 7 make. Dated Ihis..... day of.....20...,. To (respondents) .. Bench shan think fit to Registrar of Tribunal Note: If you do not attend, either in person or by your authorized representative, at the time and place above mentioned, such order will be made and proceedings taken as the Member may think just and expedient. Form No. 74A [See rule 2251 'Heading as in form no 161 LLP Petition 0 LLP Application No. .. ... Liquidator of.... .... LLP Versus . .... Applicant . .. Respondents Summons under rule 225 12t all parties attend the Member in Chambers on... da . day of... .. .20.. .....o'clock on the hearing of an application under rule 225 on the part of at Liquidator of the LLP afosesaid or Sh. a creditor partner of the above LLP for A declaration that the respozxients, the ... .(designated pararrs, partners, officers, etc. as the case may be) of-the above LLP had misapplied, retained or become liahle Of accountable fir the money or property of ur LLP, or were guilty of misfeasance and breach of trust in relation to the said LLP in (here set 0M &iefly the ground on which the declaration is sought, e.g. lending without consideration and without uking any security Rs.....,, of the said LLP to... .... on ....20..... whereby the same becune wholly lost to the said LLP on the adjudication of the said ....as insolvent • on .20. . .20 or asthecasemaybe).

2. An order that all necessary inquiries be made and ecounts taken for ascertaining wk•nt sums the respon&nts are liable to contribute to the assets of the said LLP by way of compensation such misfeooce and brach of the trust as firesaid. An order that the zespondents do jointly and severally to the assets of 3. the said LLP and do pay to the Liquidator or tle said LLP ail suÖ sums as they may be found liable to éomribute to assets together interest on such sums at the rate of per cent annum as from the several dates wien the said sums were respectively wmngfu]ly paid away until the date of replacernent An order that the said respondents do pay coSts of and incidental to the 4. application. Such otkcr orer as in the Bemises, NCLT 5. rnake. Dated this... .dav of- .20. Bench shall think fit to Registrar. Tribunal Authorized representafivefor applicant [This summons was taken out by Shri. ..authorised representative tor the applicant] . (Respondent) Note : If you do not attend, either in person or by your authorized representative, at the time and place above-mentioned, such order will be made and proceedings taken as the Registiar may think just and expedient. THE GAZETTE : EXTRAORDINARY rub IHeading •s in form ao 16) LLP Petitbn orzo LLP No. .,..... ot 20 Applicant(s) Versus Respondent(s) Points of chim ander rule 226 [PART "—SEE. The above—named LLP called 'the LLP'] was incorporated on the... ....20. ..... with a contribution of Rs... ....

2. By an or&r made on the ......20....., The Liquidator/Sh.. the applicani claims: tiE LLP was ordered to be wound up Thc respondent was a designated partner/partner/officer etc. of the said LLP (state 3. tlr position occupied by the respondent in the LLP and the rxriod during which he occupied such pasitü)n and the salary paid to him)

4. Etc.[set out in separate paragraphs, as may be necessary, the nature of the business of tlk LLP, in which it was carried on and the futs showing .that the business was fraudulently and that the resm)ndent was knowingly a party to the same.) A declaration the respondent is liable without any limitation of liability for all the debts ot' the LLP amounting to the sum of Rs. If necessary. an amount of dehis of the I,LP. Payment by the respondent of the said sum of Rs. or other sum for which he may be found responsible on the taking of accounts. 4. 3. costs Further or other relief' Delivered the . da.l' QI 20_ Representative /ör lhe .4pplicam Applicant 431 Fonn No. 7SA [See rule 2261 (Heading as in

form no 161 LLP Petition of20 LLP Application No. of 20 .... *Applicant(s) Versus .... ..RespondQ1t(s) Poinb of under rate 226 The above named LLP (hereinafter called 'the LLP') was incorporated on the ....20.... with a con&ibution of Rs.. .... By an order dated the... 20.. the LLP was ordered to be wound —up by the 2. . ...Bench [or as the case may be]. The respondents were at all material times [state the position occupied by each of 3. them -e.g. designated partner, panner or offic« of the LLP] Etc. [set out in paragraphs as may be necessary the -main facts showing 4. tb misfeasance or breach of trust committed by each of the respondents and the amounts which they are jointly and *verally liable to make good to the LLP in consequence of such mis&asance or breach of trust]. And the Liquidator/Sh... the *can claims :- (l) A that üle arø of them as past or present partners or, as the case tuy be, as aforesaid have guilty of misfeasance and breach of trust in relation to the LLP as aforesaid. (2) An order that the respondents and of them do repay to the Liquidator of the said LLP the said sum, together with interest at the rate of. .... per cent per annum from ..20..... down to the date of payment. (3) (4) Costs Further or other relief Applicanl Delivered the day 20. 432 THE GAZETTE OF INDIA : EXTRAORDINARY Form No. 76 {See sub«ule (2) of rule 2281 (Heading as in Corm no 161 LLP Petition No..... of 20... Notice eo or LLP Liquidator to elect whether he will disclaim I, the undersigned give you notice that the above-named LLP was. at the thne of the making of the winding - up order herein [or the time of the passing of the resolution tat winding up], the Ies.see of the property described in the schedule hereto [or as the case may be], and i, as lessor of the said property [or as the case may be], hereby require you pumuant to the provisions of rule 228 within 28 days after the receipt of this notice to decide whdher you will disclaim the said lease [or as the case may be], and if you decide to disclaim as afösesaid, to give me nNice within the said 28 days of your intention to apply to the NCLT.. , .Bench for leave to disclaim accordingly, ** f .....20... (Signature) Auress: (Lessor or authorized representative fat lessor. ax the ease 'llay he) Dated this.... da To me LiquidnorLLP L@uidüor of . LLP (in Liquidation) SCHEDULE Here set ou paticulars of the property, lease. contract, etc. • Titte to be modified in the case of voluntary winding-up i the cse ofa contract, au at the end -and also disclaim the contract within the said poiod". Form No. {See sub — rule (2) of 2ZSJ [Heading as in form no 161 LLP Petition of20 Notice by or LLP Liquidator of intentie to appty to for leave to diclaim Take notice that I intend to apply to the NCLT.....Beach for leave to disclaim there specify the property. lease, etc.. with short parti'.ulars and the interest of the LLP therein sought to be disclaimed] referred to in the notice given by- you to me as the Liquidator or LLP Liquidator of the above-named LLP. (Signature) or I.LP Liquidator 3(i)] Dated this... .....day of.. 433 Form No. 76B (See sub — rule (2) of rule 2281 (Heading as in form no 161 LLP Petition No.... ..... LLP Application No. . . 0f20..... ..... . .0f20..... Liquidator or LLP Liquidator of the said LLP Applicant Summons for extension of time for giving notice of intention to apply for leave to disclaim Let all parties concemed attend the Member in Chambers on the day of 20.... on the hearing of an application by the applicant herein for an order that the appiicant as the Liquidator or LLP Liquidator of the above-named LLP may be at liberty within... .. ...days of the order to be made herein to given notice to. ...of. .. ...of his intention to apply to the Tribunal for leave to disclaim [here specify the property, lease or contract etc., and the interest of the LLP therein to be disclaimed, with short particulars thereof]. Liquidator or LLP Liquidator Registrar of Tribunal This summons as taken out by the Liquidator or LLP Liquidator of the above-narned LLP. (Insert names of persons to be served, if any) Form No. 76C [See sub — rule (2) of rule 2281 [Heading •as in form no 161 LLP Petition No. .... of 20... Before the Hon'ble Member Mr. , (or as the case may be) Order extending time for disclaimer Upon the application of etc. IT IS ORDERED that the applicant, as such Liquidator or LLP Liquidator, be and is within which he ,.days from the hereby allowed a further l*riod of. may give notice to, ...of his intention to apply to the Tribunal for leave to disclaim the [here specify the property, lease, contract etc., with short particulars and the interest of the LLP therein which is to be disclaimed], Dated this. (By the Tribunal) 2532 2—55 ..day of.. 434 To THE GAZETTE OF NDIA : EXTRAORDINARY Form No. 761) {See sub — rule (2) of rule 2281 [Heading as in form no 161-LLP.Petition No..... of 20... ..... Notice of interest in property sought to be disclaimed [PART The Liquidator or LLP Liquidator etc., Take notice that I, the undersigned, claim to be interested in lspecify the property, lease contract etc., with short particulars] which is souÜ1t to be disclaimed by you, and that the nature of my interest therein is as follows: {Signature) (Address) Form No. 16E [See sub — rule (2) of rule 2281 [Heading as in form no 161 LLP Petition No.... ..... of 20... .... of 20... ..... LLP Application No .... Liquidator or LLP Liquidator of the said LLP — Applicant Summons for leave to disclaim day Let

all parties concerned attend the sitting Member in Chambers on the at.. ...o'clock, on the hearing of an application of the L_iquidator or LLP Liquidator of the above-named LLP tbr an order pursuant to rule 228 that the said Liquidator or LLP Liquidator may be at liberty to disclaim (here specify property, lease, contract, etc. with short particulars and the interest of the LLP therein sought to be disclaimed) and that the costs of the application may be provided for. Dated. this .. . day of... Registrar Liquidator or IÆP Liquidator of the said LLP Note: On _the hearing. the summons will be adjourned for notice to interested parties. Förm No. 76B [See sub — rule (2) df rule 2-28]' [Heading as in form no 161 LLP Petition No.. LLP Application ... or ..0f20..... Liquidator or LLP Liquidator Of the said LLP — Applicant Affidavit in support of summons for leave to disclaim a lease I, the Liquidator or LLP Liquidator of the said LLP, do solemnly affirm and say as follows:— The above-named LLP [hereinafter referred to as the LLP) was ordered to be or the above- wound up by this NCLT.....Bench by order. dated that it should be wom#-up named LLP resolved by a resolution passed on voluntarily, and I was appointed Liquidator or LLP Liquidator for the purpose of 2. 3. 4, 6. 7, the winding-up. ....20 made between .....ofthe one By a lease dated the .....„day of part and the LLP of the other part, the said .....„.demised upto the LLP all that (specify shortly the premises leased and the rent, mentioning any special covenants). The said lease* is now produced and shown to me marked 'A'. The premises so demised to the LLP wer used by them for thc purposes of (specify what) but have not been occupied or used by the LLP since the month of , (etc., as the case may be) nor are there any goods and chattels of the .20. LLP thereon. have/have not endeavored to sell the said lease. Having regard to the rent payable and the terms thereof, the lease is not. a profitable one. I have/have not entered into possession of the premises thereby demised or exercised any act of ownership in relation thereto (or as the case may be). The said lease is of no benefit to the LLP, its creditors or partners, and to the best of my knowledge, infprmation and belief. there are no persons interested in the said lease except the LLP and the lessors as Saforesaid (or, as the case may be, and state any advantages sought to be attained by the disclaimer, how it would affect other people, etc.). (If the 'disclaimer' is out of. time, facts in explanation on which the Tribunal may be properly asked to extend the tirne should stated). of ... ...requiring me to say whether I received a notice from [On the ur noe it was rny interuion Io disclailll flie said eontract. The notice is hereto ...20...., within 28 days of the receipt of . ...on the day of annexed. marked the said notice- (or it' the Tribunal ms extended the time, add, by teave of the]'ribunal notwithstanding that 28 days had elapsed since the receipt by me of the ...of my intention 10 make said notice) gave notice to the said.. lhe •rribunat.,A copy of the said notice is hereto annexed and marked. l'he assets of the LLP are insufficient to meet the claims of the creditors (or as (he case nra.v be). 436 9. the day of OF INDIA : E)CRAORDINARY (PART 3(i)] In these circmnstances, I ask for leave to disclaim said lease, and tae should be allowed to prove for the loss suffered by rason of the said said. ..... disclaimer along with the other creditors. Solemnly qffirmed etc. Liquidator/ LLP Liquidator *Note : The original or a c&tified copy of the tease to be produced. Form No. 77 (See rule 2311 IHeading as in form no 16] LLP Petition No .... of20..... Notice to parties interested in the property in respect of which the application to disclaim is made Notice is herby given that on an application to the Tribunal by me as Liquidator or LLP Liquidator of the above-named LLP for leave to disclaim lease to the above-named LLP dated. .... 20 . etc., (or as the case may be), tlz Tribunal adiourned the matter until . 20.... ... for notice to be given to you. If you desird to be heard on the said application, you should attend the adjourned before hearing the NCLT .....Bench on. .... day the. .....day .. .at. ..o'clock either in person or by authorized representative. Any affidavit that you intent to use in opposition should be flied in NCLT.. Bench and a copy thereof served•on me not later than 2 days bef01E the date of the adjourned hearing. A copy of the summons and a copy of my affidavit filed in support thereof are sent herewith (Signature) Liquidator/ LLP Liquidator 437 Form No. 78 [See rule 2321 {Heading as in form no 161 LLP Petition of .. ..,.....0f20..... LLP Application No ..... . Liquidator or LLP Liquidator of the said LLP -z Applicant Before the Hon'ble Member Shri..... Order giving leave to disclaim Upon the application by summons dated.. ...20. .... of the Liquidator or LLP Liquidator of the above-named LLP and upon hearing the applicant in person (or Shri . authorized representative for the applicant and the authorized representative for .....(party interested) or no one appearing for or on behalf of ..a party interested although he has been duly served with notice of the said application pursuant to the directions of the Tribunal as appears by the affidavit of ..... filed on. ....20.. and upon rcading the order ..,or on pursuing the resolution of the LLP for to wind-up the said LLP dated the. ,...20.. filed the . the affidavit of. and the voluntary winding-up dated...

.20. , and the exhibits in the said affidavits respectively affidavit of. .... filed the... .20 to the first mentioned affidavit being the contract or lease or as referred to (Exhibit. the case may be)* IT IS ORDERED that the Liquidator or LLP Liquidator of the said LLP, the applicant, be , to disclaim the contract (or the lease, or other property at liberty, on or before . ..20...., as the case may be) dated. ....20. .... made between.. ...of the one part and the said LLP of the other part, whereby (set out in brief the nature of the contract or the lease or other property as the case may be) particulars of which are set out in the schedule hereto, upon the following terms, namely, [Here set out the terms and conditions, if any subject to which leave to disclaim has been Dated this.... ..... day of.. grantcd]. Schedule above referred to [Here sel out the particulars of the property disclaimed e.g. dated.....20. made between etc. (or as the case may be)]. contract or lease ....20..... (By Bench) Registrar of Tribunal . , ... Bench had an order extending the time, that order *Note : Where the NCLT should also be mentioned in the preamble to this older. 438 ....per TRE GAZETTE OF INDIA : EXTRAORDINARY Form No. 79 tsee rule 233) [Heading as in form no 16} LLP Petition of20 Disclaimer of Lease* —SEC. 3(i)) Pursuant to an order of the NCLT. .... Bench dated the .... day of... ..... 20 l, the undersigned, the Liquidator or LLP Liquidator of the above-named LLP, hereby disclaim all interest in the lease dated.... ..20....., whereby the premises (here insert (Escription of the propetty disclaimed) were demised to. ..... at a rent of Rs.... .. per annum (or per mensem) for a term of years. Notice of this has been given to.... .... Dated this day of.. 20.. Liquidator/ LLP Liquidator *The form to be suitably altered ili the case of property other than lease. No. 80 ISee rule 2331 [Heading as in form no 16)' LLP Petition No... of 2 Notice of disclaimer Of lease* Take notice that pursuant to an or&r of the NCLT.....Bench , dated the . day of.... ..20.. ., I, the undersiyred , the Liquidator or LLP Liquidator of the &ve-named LLP, by Miting under my hand bearing date the .... day of... ....20....., disclaimed all interest in the lease dned the.....-. day of... ...20....., whGeby the premi» (here insert description of property disclaimed) were demised to... .. ... at a rent of Rs annum (or per mensem) for a term of.. ...years. *Ihe- above-memioæd disclaimer was filed in NCLT.....Bench on the .. day Liquidator/ LLP Liqui&for 'Fonn iD yuilubly in the case of propery other lease. 11 3(i)] Form No. 81 i-ule 2341 IBeading as in form no 161 LLP Petition No. ..... of . ... 0f20..... LLP Application No.. ... ... Sh. -------Applicant -------Respondent Order requiring parties interested in disclaimed lease-to apply for vesting order or to be excluded from all interest in the leasehold premises Whereas it appears by- the affidavit of.... .. and 'the affidavit of. ..... respectively in the above matter on. ....20.. and ..20.. 439 (a) (b) By a lease dated the . .....20.... ., and made between Sh.. thc applicant herein of the one part and the above-narned LLP ('hereinafter called 'the LI.P') of the other part, the premises comprising. .... .(give particulars) were demised unto the LLP for a term of. .... years from. ....20.... . at a rental of' Rs....., per annum (or per mensem); By a sub-lease dated the . ..20... , made between the LLP of the one part and Sh.. .....,..,the respondent of the other part, in consideration of the payment therein made and the covenants and conditions therein named, the LLP demised (part* of) the said premises to the said the and the respondent [or by a mortgage or charge dated..... .20 charged the said premises to secure the repayment ot a sum of Rs.... .. together with interest at.... per cent per annum iri tivour of the said Sh. ...,....the respondent), 2. 3. 4. an order was made tor the winding-up of the LLP by And whereas on the .. ...20 . ...Bench or the LLP resolved to be wound - up voluntarily and Shri NCLT ... ... was appointed liquidator for purposes of winding-up; And whereas the Liquidator or LLP Liquidator of •the said LLP was by order dated... .. .20.... given leave to disclaim the said lease; And whereas the said Liquidator or LLP Liquidator of the above-named LLP on .20.. ... gave notice of his intention to disclaim the said lease, and by writing unur his band dated. ....20...,,, disclaimed the said lease, and filed such disclaimer in these proceedings On the .....20..... and served notice thereof on or the ..•..20.... on the said Sh....l....., the Qlicant; Now upon the application by summons dated... .20...,., of the said Sh....., the applicant, of.... for an order that the respondent, Sh.... do elect whether he wilt or will not take a vesting order of the disclaimer property comprised in the said lease, g .... (give particulars of the property); This NCLT .. Bench doth order that unless the said respondent Sh.. ..... within 14 days aner the sei-vice of this order on him applies for a vesting order of the said lease subject to the same liabilities and obligations as those to which the LLP was subject under the lease in respect of the property on. .,....20....., the date of the commencernent'of the winding-up (or subject to the same liabilities and obligations as if the said lease had been assigned to him on... .20.. ... the date of the commencement of the winding-up of the said LLP), the said Sh.... .., the respondent be excluded from all GAZETTE OF NDIA EXTRAORDINARY Dated this... ... ...day of... ....20.... LLP Petition of Sh. ------

-„Appl:cant Sh.... [PART IPSEC. 3(i)} interest in and security upon the said premises. That this summons do stand adjourned for further orders to... ..20 order on the said Sh. ..., the respondent. (By the NCLT.. ...Bench) ., for service of this Registrar of Tribunal different parts have been sub-leased to different persons, repeat the provision to cover all such sub-leases. Form No. 81A (See rule 2341 [Heading as in form no 161 . ...0f20..... LLP Application .. . . Sh.... ---Responden: 5. Before the Hon'ble Member Mr. . Dated... Order vesting lease and excluding persons who hive not elected (l) to (4) as in Form No. 81 And whereas upon the hearing of *his applicaiion by sutnmons of lhe said . the applican[, for an order that the respondent Sh... . do elect whether or not he will take a vesting order. of the disclaimed property comprised in the said lease, ., ordered that unless said respondent Sh... the NCLT . ...r. Bench on . within 14 days after the service of the said order on him applied for a vesting order of the said lease subjcct to thc conditions mcntioned in the said order, the said respondent, .. be excluded from all interest in and security upon said premises. And whereas the said order was duty served on the said respondent Rh 6. appears from the affidavit of as 441 7. And whereas the said respondent has not applied or intimated his inmtion to apply for a vesting order within the time limited by the said or&r [*or the said respondent Sh. ... applied for a vesting order of the said leaseJ Upon hearing, etc., and upon itading etc., this NCLT . . ..,....Bench doth order: l. Illat the said respondent Sh... ... , , be and is hereby excluded from all interest in and security upon the premises aforesaid [and that the property do vest in. .. ... l. [or That tke LLP's interest in the premises.... more particularly described in the lease deed dated. ....20... .. do vest in Sh. in respondent herein, for the residue of the tenn of.... .... . years demised by the said lease, subject to the same liabilities and obligations as -those to which the LLP was subject under the lease in respect of the property at the commencement of the winding-up (or subject only to the same liabilities and obligations as if the lease had been assigned Io that person on. ....20 the date of the commencelnent of the winding-up]. Dated this... ... day of. .„.20.•. (By NCLT. Bench) Registrar of'l'ribunal *Where such an application for a vesting order is made, the application should be included in the cause-title. Form No. 82 [See rule 241! [Heading in torm no 161 LLP Petition No.... ..... of 20.... .... Advertisement as to declaration of distributable sum Notice is hereby given that a * distributable sum of.... I . (in ruoees) has been declared and that the same will be payable on the . . day of.... 20.... ... and on the subsequent working days upto the day of, ...20.. at the office of the Liquidator. Every person entided to participate in this distributable sum will receive a notice to that effect and no payment will made except upon production of such notice. Liquidator *Insert here •first' or 'second' or •final' as the case may be. Note: This notice of declaration of distributablersum by way of advertisement should be given atleast one month prior to the date fixed (Or the payment thereof. 2532 Gill 2—56 442 To NE GAZETTE OF EXTRAORDNARY Form No. 83 (See rule 2411 (Headipg as in form no 161 LLP Peti60n No..... of Notice of distributable sum (Please bring this distributable sum notice with you) Distributable sum of ..... (in rupees) , (Name) . , (Address) [PART n—s€c. 3(i)} Take notice that a *.. .. ...distributable sum of.... .... (in rupees) has been declared. The amount payable to you is Rs. and the same will be payable at my , and on the subsequent working days up to the ..... offce on the . day of.....20..... .20. between tlE hours of If you (Eire the distributable sum to be paid to some other person, you may sign and lodge with the Liquidator an authority in the prescribed form (Fonn No. 84). If you do not attend personally you must fill up and sign the enctosed form of Receipt and Authority. Dated . this.... day of.... 20... Liquidator * Insert here 'first' or 'second' or 'final' as the case may be. Enclosures. Receipt (Heading as in form no 161 Address: Date: Received from the Liquidator of the above LLP the sum of Rs.. being the amounl payable to me,us in respect ofthe . distributable su•n of.. . (in the rupee). Pavee •s signature 443. *Authority for delivery IHeading as in form no 16) Address: Date: Sir, Please deliver to the bearer .... (name of send to me by cheques or Demand . distributablc sum of Rs... Draft by post, at my cxpcnsc and risk] the payable to me. Rs. To The Liquidator of..... Payee 's signature Note: 'Ihis is an authority only to deliver the distributable sum (the cheque or the Demand Draft amount as the case maybe), and not to make it payable to another person, for which Forxn No. 84 should be used. Insert here 'first' or-'second' or 'final' as the may be. Form No. 84 rule 2421 IHeading as in form no 161 ... of LLP Petition No.. Authority to Liquidator to pay distributable sum to another person Address: Date: Sir, hereby authorize and request you to pay the distributable sum referred to in the enclosed . (a specimen of whose signature is given below) whose receipt notice to of åall be a sufficient discthrge. Signarure Witnesses to the signature of. . (Signature) (Occupation) (Address) NE GAZETTE OF INDIA : EXTRAORDNRY signature of person appointed as above Witness to specimen signature : [PART 11 —SEC. 3(i)] (S

pecimen signature) Dated the Number as in settled 1 To (Signature) (Occupation) (Address) day of... ...20.. Form No. 8S (See rule 2441 (Heading win form no 161 Schedule of partners to whom return is to be paid Name Address Amount of of panner as in settled 2 3 contri bution by each person as per the settled 4 Amount of Money payable to each person as per settled 5 Amount of outstanding contribution not yet realized from euh 6 Amount of débt due not vet recovered from each 7 Remarks 8 Form No. 86 (See rute 2441 [Heading as in form no 16) LLP Petition No .... of20..... Notice of return to partners Notice is hereby given that a return of Rs.... ..... per . Rupees of contribution by partner has been declared. The unount payable to you is Rs... .... and the same will be payable at my offce on the... ... . day of. 20.. and the subsequent working days *'the day of .. ...20... between the hours of. . If you do not attend personally you mun feward this notice and fill up and sigu enclosed forms of receipt and authority for delivery. Dated... „ Liqui"or -Note: The receipt should be signed by the partner personally. and in the case of a body corporate by an omcer of LLP so described. Enclosures: RECEIPT IHeading •s in form no 161 RECEIVED from the Liquidator of the above LLP the sum of Rs. .... being the amount payable to me/us in respect of the return of Rs, . contributions by partners in the above LLP. .. per (Signature/Signatures) Address Dated (2) Sir. AUTHORITY FOR DELIVERY [Heading as in form np 16) Address. .. Date. . Please deliver to the bearer.... .....(name of bearer) or send to me/us by cheques or Denand Draft by post. at my/our expense and risk the return of Rs.... ..... payable to me/us. The Liquidator of Payee's Signature Note : This is an authority only to deliver. and not to make the return payable to another person. THE OF INDIA : EXTRAORDINARY Form No. 87 ISee sub-rule (Y) of rule 2511 Re*ter of LLP Liquidations [PART II—SEC. 3(i)] LLP Petition No... ..... of Name of the LLP ..... (in Liquidatk)n) LLPIN .... Date of pæseMatioa of petition for winding up Date of filing of report by Liquidator un&r rule 34 9 Date of order, if any, appointing pmvisional liquidator 2 Date of order under rule 34 Date of Date of receipt of winding communication by up order Liquidator/provisi onal Liquidator o t the OT&• Date of sending notice to the LLP, secured ceditors, pertners 5 Date(s) of taking possession of the assets, books and papers of the LLP 6 Date when notice, if any, was isstEd to partnetW officers of the LLP fM submission of statement of affairs 7 Date of 3 Date of valuation of the property'assets 11 4 Date of report to the Tribunal for permission for sale 12 Dates of advertisement, receipt of bid and submission of eporl to the Tri bunal 13 confirmation Of sale and sales value 14 Date of submission , aiffrs. 8 Date of inviting claims and date fixed for filing proofs of claims 15 Date of filing of list of creditors before the Tribunal 16 3(i)] Date of distribution of distributable sum 17 Date of settlement of final list of partners 18 lhte of distribution• ofætum to partners 19 Date of appointment of investigator, if any, for reporting etc, 20 Date of submission of report relating to misfeasance etc to the Tribunal 21 447 Date oforder on misfeasance etc. 22 Dates of ckposits of unclaimed distributable sums or undistributed assets into LLP Liquidation Account Date of Date of filing the submission of order of report for dissolution and Date of order 24 dissolution with the Registrar 25 Form No. 87A Date of deposit into the general revenue æcount of central government of unclaimed distributable sums or assets 26 Remarks 27 23 Date Date 7 Name of the ISee sub-rule (I) of rule 2511 Central Cash Book (Cash book of the Liquidator) Receipts Particulars Number of Recei s Cash 3 LLP 2 Name of the LLP 8 Particulars 9 Pa ments Number of voucher or clullan 10 Cash 11 Amounl 1.2 Amount Bank Number of cheque 1.3 THE OAZ.ETTE OF INDIA : EXTRAORDINARY O [PAK l'—ssc. 30)) This register is common to all the liquidatiois administered by the Liquid*0i, and the day to day transætiom of the Liquidator should be entered in this Register chrorølogical)y. Sufficient details stwu)d be entered under the column 'particulars' to show clearly the nature of the transaction, the person by whom or to w}wm the payment mode, and on whut account it was made. TIE Cash Book should be balanced at thc end of each day ami Cash and Bank 2. Balance carried over to the following day. A certificate Df verification of Cash by actual count should b recorded in the Cash book by the Officer verifying the Cash. The Cash Book should be closed monthly under the personal attestation of the Liquidator. The Bank balances should be reconciled with the Bank Statement at the cod of each month, aner taking into account thctors arising out of cheques drawn but not cashed, or remittances madc but adjusted in the Bank's Books in the accounts a month. For— No. 87B (See sub-rule (1) of rule 251 | LLP's Cash Book LLP Petition No.....0f20..... Name of LLP ... . (In Liquidation) LLPIN ... . Date Number 8 Instructions Particulars 2 Pa Cash 9 Ledger Folio 3 ments Bank 10 Receipt Number 4 Total 11 Recei to Bank Cash 6 5 Balance Bank Cash 13 12 Total 7 Tulal There should a separate Cash Book for each LLP. 3(i)] Form No. 87C [Sée sub-rule (1) or ruie 2511 Genetti Ledger Petition

NO.....of20.,..... (in Liquidaxinn Name ofthe LLP . LLPIN . ... (Head of account) Date Instructions: Particulars 2 3 4 49 Balance 5 A General Ledger should be maintained for each LEP with such heads of account as the Liquidator may think necessary and appropriate, like property account, investment account, books debts. debtors etc. Form No. 87D {See sub-rule (l) of rule 251 J Cashier's Cash Book Date Instructions Particulars 2 Opening Balance Closing Balance Arnount received 3 Amount paid 4 Balancc 5 2 2532 Gill 2—57 The opening and closing balances should be struck for each day. Under •Particulars• it should be shown by whom or to whom and on what account the payment is made. 450 Date THE GAZETTE OF INDIA EXTRAORDINARY Form No. 87E (See sub-rule (I) of rule 251 | Bank Ledger Liquidatoös account wilh Bank Particulars 2 De osits Cheque/DD/ Withdrawals cash 3 Rs. 4 Fonn No. 87F Cheque Number 5 6 (See sub-rule (l) of rule 2511 Register of assets LLP Petition No.... . Name of LLP . of 20... . .....(in Liquidation) LLPIN Serial Number Description of Assets 2 Date taking possession 3 Serial number QI Sales Re ister 4 Date sale 5 Details Anunml realisanon 6 7 Balance Rs. 7 Remarks 8 In.sfruction.s: All the property of the LLP except the Liquidatoös investments and outstandings to be realized should be entered in this Register. 11 Serial Number Name of the LLP Form No. 87G [See gub-rule (1) of rule 2511- Investment Register Date of Nature and Amount Investment particufars invested of security in which investment is made Form No. 87B [See sub-rule (l) of rule 251 | Rate of interest etc. Date of realization of investment Remarks Register of book-debts and outstanding.' (Not barred by limitation) LLP Petition No... Name of LLP LLPfN .... Serial Number of 20..... , ...(in Liquidation) Name and address of debtor 2 Particulars of debt (Trade/ Bills/ Loans/ Advance etc.) 3 Amount due 4 452 THE GAZEITE OF INDIA : EXTRAORDINARY Action taken .lnstruciions: Amount realized 6 Date of realization 7 Reference to Suits Re ister 8 ll--y•c. Remarks 9 Time barred debts may be .considered for the purpose DI' realization in accordance with the Law. LLP Petition No..... , Na.ne of LLP Form No. 871 [See sub-rule (1) of rule 2511 Tenants Lcdger (in Liquidation) 4. 7 8 Description of property : Narne and address of tenant : Date ot* tenancy , Period QI' tenancy: Rent (monthly or annual) • Special :ertns. if any . Arrears or date of taking charge of property , received. if anv . Eon(h - Januarv b ehruan Dernand Amounr Rs. Date 3 Realization Alnount P 4 I Balance Amount Rs. Renurks 6 3(i)] Form No. 87.' 'Sec sub-rule (1) of rule 251 | Suits Register LLP Petition No. 0"20..... ot' LLP... (in Liquidation) Serial Nulliber decree tinat order 5 Instructions. 453 Naune address 2 and of Nature granted 6 Amount or Claim 3 Amount decreed 7 4 Remarks 8 A single register Inay be •naintained for all the LLPs in Liquidation. but lhe register should t-æ •nain{ained l.t ,P-wise. sufficient nutnber of pages being allotted Applications :nadc by or auain.st the .P which ary• in the nature of suits should also entered in this Register. Form No. 87K 'See *ttb.rule of rule 2511 Decree Register i Nam-e ot' LLP Naune and nddress of j udgment. debtor A•nount decreed 4 Date of decree 5 Action ta ken 6 Amount Date OT Remarks 9 THE GAZETTE OF : EXTRAORDINARY Inguctions [PART This Register is common to all- üle liquidations, the purpose of the Register being ro enable the Liquidator to keep watch on the progress of the realization Df decrees in lävour of the LLP in his charge. Form No. 871, [See sub-rule (I) of rule 2511 Sales Register ND. Name of LLP 2 Description Date Df of Property Sale 3 4 Method of sale 5 Name and address of purchaser 6 Date of confirmation and sale 7 07 Balance realized Amount E.M.I)..I Advance i received with date i Rs. Remarks 9 7 Instructions. 8 'Ihis Register is common to ail the liquidations administered hy the Liquidator. and entries in this Register should be Inade as and when sales o? property are held. The anv amount either bv •way of E.M.D or advance or consideration shall be received onlv bv way of demand draft or cash. 30)] I.I-P Serial Number Form No. 87M ISee sub-rule (1) of rule 2511 Register of Claims and Distributable sums Name Q/ LLP... .... (in liquidation) LLPIN Claims Name and address of Creditor Amount claimed Amount admitted 4 Remarks IO Whether secured (including workmen) or pretu•ential or Iloating charge or unsecured creditors Distributable sum declared and Rate 6 Arnount Date of 7 ment 8 3 aid Mode of ment 9 Instructions: 2. Only claims admitted either "'holly or in part shouJa oe entered in t Register. The table on top should be reserved for elaims and the page on the bottoni tor Distributable sums. 436 LL.P Petition No....of. 20.. Serial Name Number panner 2 Rate of retum Date Payment Instructions: THE GAZETTE OF INDIA : EXTRAORDINARY Form No. 87N (See sub-rule (I) of rule 2511 Partners' Ledger/ Return of assets to partner Name of LLP LLPIN Amount of Amount of contribution outstanding of of 3 contribution 4 Retums of Amount paid Mode 7 payment amount 8 . (in liquidation) of Remarks of 9 Only partners settled on the list should entered in this Register and they should be entered in the same order as in the lisl. Form No. 87() 'See sub-rule (l) of rule 2Si) Distribut8ble sums paid register Name of

lhe LLP Date of of distribu:able sum 2 Amounl of dis:ributable sum 3 Remarks 4 Instructions: This Register is cornmon to all the iiquidations. 457 Form No. 87P (See sub-rule (1) rule 251] Commission Register REGISTER OF FEES CREDITED TO GOVERNMENT For the year ending 3 IS March , Payable before 30 October Name of the LLP 2 Commission Amount of due for the Commission period ended 3 1 March of 3 4 Date of deposit into Central Government Account 5 Remarks 6 Instructions: An entry should be made in this Register of every LLP that is wound-up, in which the Liquidator becomes or acts as Liquidator. Form No. 8,7Q [See sub-rule (I) rule 251] Suspense Register LLP Petition No... LLPIN Date Instructions: ..of...20..... Name of LLP. (in liquidation) Particulars 2 Debit 3 Credit 4 Balance 5 2. This Register should be kept LLP- wise Advances made by the Liquidator to any person or made to the; Liquidator by any person should be entered in this Register. 458 . .of ...20.... ... Narne of LLP.. , ... (in liquidation) THE GAZETTE OF : EXTRAORDINARY Form No. 87k [See sub-rule (1) rule 2511 Documents Register [PART 11—SEC. 3(i)] LLP Petition No.. . Serial Number Description Date of receipt of documan 2 3 From whom received 4 disposed of 5 6 Instruction: All documents of title like title-deeds etc. should be entered in this Register. Form'No. 81S [See sub-rule (1) rule 2511 Books Register LLP Petition No.... Name of LLP. .of ...20.... (in liquidation) LLPkN . Date From whom received 2 Description of books inch.ding 3 How disposed of 4 Remarks 5 Instruction: In this Register there should be entered all books and files of the LLP which come into the hands of the Liqtidator. In case a detail inventory of books and records is prepared, no such entries are required in the register. However, an endorsement to the effect should be made in th9 register. 11—808 3(i)] 459 Form No. 87T ISee sub-rule (1) rule 2511 Register of Unpaid Liquidation sum & Undistributed Assets Deposited into the LLP Liquidation Account LLP Petition No.....of ...20.... . NmeofLLP..., . (in liquidation) Number Receipt No. . Name of person entitled to the distributab le sum or return 2 Whether Creditor or Partner 3 Serial Number in the fist of Creditors or Partners 4 Date of declaration of distributable sum or return 5 Total Amount payable 6 FORM NO. 88 [See sub-rule (6) of 2511 Office of the Liquidator, NCLT..... In the matter of.... LLP Petition No . - of 20. RECEIVED from . of rupees 2532 2—69 Form of Receipt Bench ...LLP, (in liquidation) . ...on accout Date of payment into the LLP liquidation account Dared.. ..the sum Liquidator 2 3. 4. 5, Date TI--IE GAZETTE OF INDIA ; FORM NO. 89 ISee rules Z46 and 2641 (Heading as in form no 16] Final Account Name of LLP: Date of winding-up : Date of commencement of winding-up : Period of the account: Report Final Account (i) Statement of Realisations and Disbursements Realisations From Nature whom of Assets received or form of receipt etc. Amount Rs. Date To whom paid Disbursements Nature of Ammant disbursement Rs. Total Total 4n•iysis of Balance Total realizations Total distmrsements Tne balance is made up follows* I. Cash in hand of the Liquidator 2. Total payments into Bank (i*Eluding bala•ce at of commencemalt of Less 3(iB Total withdrawals from Bank Balance at Bank (Trading aeeourn mr the period, if any, to be attached) Subjæt to the directions of the Tribunal, it is proposed to pay the balance shown as above into the LLPs' Liquidation Account. 461 (ii) Assets Realized' Asseg 00 Che date of-winding up order BaJanæ at Bar* in hend tnvøs&nen' Debt(WTrade receiva&s Luns Advahces, Inventorøs FreefioJd Pmpehy Leasehdd Pmperty Rant & Machinety Fumitlre, fittings etc. Intangible Assets Chher Æsee (to specim Qltsänding contributbn of ttp paAneß Estimated Amount to be realized Amount realized Remarks (iii) Assets which are unrealizable and should be written off: (Give particulars and state reasons why th" could not be realised) Azets at the commencement of winding-up at Bank Cash in hand • {rnæstment$ DsbbMr_ade. coans & Inventm:es Freehold PropeHY Læsehdd Bopeny FurniWre, fittings etc. Inbn Assets. value Reasons why they cpuld not be realised and.skouldbe wnuen off Other Assets (to spec" Outstanding contribution of the partners (iv) Liabilities 2 3

4. Amount due Rs. Secured creditors including workmen dues Preferential creditors Creditors having floating charge Unsecured creditors Return to partners Total amoun: {Mid by distributable sum or otheneise Rs. (v) Expenses of winding-up (Yi) Amount of unclaimed distributable sums or assets ete. LLP Liquidation amount (a) Amount of unclaimed money/profit of partners at begining transferred to LLP Liquidation Account (b)Amount of unclaimed distributable stun and undistributed assets into the LLP Liquidation amount TOTAL of(a) and (vii) Particulars or unclaimed .distributable sums acid \ndistributed assets into the LLP Liquidation account: r-jate of deposit Whether distributable sum or return Amount Rema*s (vii) Particulars of' unclaimed or assets into the said account. Whether diZtributabIe sum or Amount retum ßii.) Any inch*ding miseasance ptoce4iW C: Dated.... .... FORM W. 90 Fee 2781 PÜtærsNp Act, 2008 o' ot LLP LL9: "*Me M business: Edress of Regist«ed passing of resoUi0R pM—:

consent of credim: Ume and addess of LLP Dete of RemarU l.datoe OF : EXTRACRMNARY FORM NO. % tse N«ne of LLP Eatwe t's proceeding Date of commencement of of.eyment into the LLPs Liquidation Account I. me distributüe sums paid into the I-LR Number on tisl Neuæ whom ihe ürtburable sum i' due t ast known a dress of creditæ 3 and "Ttbutabte rum road amot4Tt of dixtributabl e rum payable Lasa dale vhex pa»able Total A m ount into Liquidat Account 4 Raw 5 11. Pafüeum ot undistributed assets paid into the LLPs LiquWatton Account. Number on Name o/ prü:ers 2 Lust known amess of panner 3 Date and rate of return Rate 3 Tora' amoun' of when return paya ble 6 Total Amauttt paid LLPs Liquidat A ccount 8 Remarks 9 Remarks 9 —ant 'striur& suræ paø.irio the LLPs Liquidathn Account Rs. zrmnt o' undistribued assets paid iFÖ LLPs Liqui&tbn Account - Rs. Totar amount paid under boh heads Liquidator or LLP Liquidator ms AND CRAR}ES Es hr filing etc.. Regigar Cow or certified copy Fes Gr filing applican«m (i) Under section 60 to 62 of the (ii) For winding up ofat LLP (Hi) For éclaration of liability fraudulent conduct of (iv) For wcessirw against delinquent partners etc. (v) For the dissolution of an LLP void. (vi) Other than ANNEXU PAVn= - Limikd Liability Putnenhip Rules 20 - Rs. 100/- - Rs. 5/- per page or Rs. SOOW- Rs. 2500/- - Rs. 25W- - Rs. 2500/. Rs. 2500/- Rs. 2SW. fee shall be payable on applicatim paitioa made by (heemrnent 66ves— or India Pos. "d Pybl&d by of F. No. 1/7/2012.CL.V1 RENUKA KUMAR. Jt. secy. New 10064 . 10054.