

BOMBAY NON-TRADING CORPORATIONS RULES, 1959

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BOMBAY NON-TRADING CORPORATIONS RULES, 1959

In exercise of the powers conferred by section 93 of the Bombay Non-Trading Corporation Act, 1959 (Bom. XXVI of 1959), the Government of Bombay hereby makes the following rules, namely:-

1. Short title.- :-

These rules may be called the Bombay Non-Trading Corporation Rules, 1959.

2. Definitions.- :-

In these rules, unless the context requires otherwise,-

- (a) "Act" means the Bombay Non-Trading Corporation Act, 1959 ;
- (b) "Section" means a section of the Act.

3. Documents and information to be presented to the Registrar.- :-

(1) Any seven or more persons desirous of forming a Corporation under this Act which to get the Memorandum and Articles to be registered under sub-section (2) of section 15 shall present the following documents to the Registrar along with the application:

(i) a printed copy of the Memorandum and Articles duly signed by each subscriber;

(ii) a copy of a list of the names, descriptions, addresses and occupations of such subscribers (and where a firm is one of such subscribers of each partner in the firm) and of the members of the proposed Board of Directors:

(iii) a statement showing in detail the assets (with the estimated values thereof) and the liabilities of the proposed Corporation, specifying the sources of the income and the objects of the expenditure;

(iv) an estimate of the future annual income and expenditure of the proposed Corporation, specifying the sources of the income and the objects of the expenditure;

(v) a statement giving a brief description of the work, if any, already done by the proposed Corporation and of the work proposed to be done by it after registration in pursuance of sub-section (2) of Section 15 ;

(vi) a statement specifying briefly the grounds on which the application is made.

(2) Where any such persons are already functioning as a Corporation immediately before the commencement of the Act the Corporation shall, in addition to the documents specified in sub-rule (1), also present to the Registrar a copy of each of the following documents submitted by the management thereof to its members, for each of the two complete financial years immediately preceding the date of application where the Corporation has functioned for one such financial year, for that financial year

(a) the accounts,

(b) the balance sheets,

(c) the reports on the working of the Corporation so functioning.

4. Translations of documents.- :-

When any document specified in Rule 3 or any portion thereof is

not in ¹[Gujarati] language a translation thereof of in ² [Gujarati] certified by any subscriber or any Director of the Corporation concerned to be correct shall be furnished to the Registrar together with the document.

1. The word "Gujarati" was substituted for word "English" vide Govt. Notification Finance Department No.NTC/62(I)-341-H, dated 30th August 1962..

2. The word "Gujarati" was substituted for word "English" vide Govt. Notification Finance Department No.NTC/62(I)-341-H, dated 30th August 1962.

5. Registrar to attach copy of certificate of incorporation to Memorandum.- :-

The Registrar shall cause a copy of the certificate of incorporation granted to a Corporation under sub-section (1) of Section 16 to be entered on its Memorandum and where the copy cannot conveniently be so entered, he shall cause a copy to be attached to the Memorandum, a note regarding such attachment being made on the Memorandum and signed by the Registrar.

6. Registrar to examine documents.- :-

(1) The Registrar shall examine, or cause to be examined, every document received in his office which is required or authorised by or under the Act to be registered recorded or filed by or with the Registrar.

(2) If any such documents is found to be defective or incomplete in any respect, the Registrar shall direct the persons or Corporation concerned to rectify the defect or complete the document and no such document shall be registered, recorded or filed until the defect has been so rectified or the document has been completed, as the case may be.

7. Document not to be deemed registered, recorded, etc., unless fee is paid.- :-

(1) No document required or authorised by or under the Act to be registered, recorded or filed by or with the Registrar shall be so registered, recorded or filed until the fee, if any payable in respect there of, is paid.

(2) Until the fee aforesaid is paid, the document shall not be regarded as having been sent to or received by the Registrar for any purpose specified in or under the Act.

8. Registrar to endorse certain particulars on documents :-

(1) The following particulars shall be endorsed on every document registered, recorded or filed by the Registrar:

(i) the number assigned to the Corporation in the Register of Corporation maintained by the Registrar under sub-rule (1) of Rule 9;

(ii) the name of the Corporation:

(iii) the nature of the document:

(iv) its serial number; and

(v) the date on which it is registered, recorded or filed.

(2) Every endorsement made under sub-rule (1) shall be signed by the Registrar and shall bear his official seal.

(3) if the endorsement cannot conveniently be entered on the document itself, it shall be made on a separate sheet which shall be attached to the document a note regarding such attachment being made on the document and signed by the Registrar.

9. Registrar of Corporations, etc..- :-

(1) In the office of the Registrar, there shall be maintained a "Register of Corporation" in the Form appended to these rules in which the names of the corporations shall be entered in the order in which they are registered.

(2) Every Corporation so registered shall be assigned a number in consecutive order.

(3) In the pages allotted to each Corporation in the Register, a note shall be made of every document or fact relating to the Corporation which is registered, recorded or filed by or with the Registrar and the Registrar shall affix his signature to each such note.

(4) The registrar shall also maintain an alphabetical index of the names of the Corporations which are entered in the Register under sub-rule (1).

10. Authentication of copies and certificates.- :-

Every certificate or copy granted under the provisions of the Act shall be signed and date by the Registrar and shall bear official seal.

11. Inspection of documents.- :-

(1) Where any person wishes to inspect a document registered, recorded or filed by or with the Registrar in pursuance of the Act, he shall apply to the Registrar for the purpose and the application shall be accompanied by the fee specified in that behalf in sub-section (1) of Section 66 .

(2) The applicant shall be allowed to inspect the document only in the presence of the Registrar or of any person authorised by him In that behalf and only during specified office hours.

(3) The applicant shall not be permitted to make a verbatim copy of the document inspected. He may, however, take any notes in respect of the contents of the document inspected.

12. Documents to be kept separately for each Corporation.- :-

The documents pertaining to each Corporation shall be kept together distinct and separate from those of other Corporations.

13. Preservation of documents.- :-

The Registrar shall preserve permanently the Registrar of Corporations and the Index to the Register of Corporation.

14. Manner of calling meeting under section 49 and procedure thereat.- :-

(1) The liquidator shall call the meetings referred to in Section 49 by a Notice published one month before the date of the proposed meeting in the Official Gazette and a news paper having wide circulation in the district in which the registered office of the Corporation is situate.

(2) Such notice shall specify the time and the place of the meeting the business to be transacted thereat.

(3) The meeting shall be presided over by the liquidator.

(4) One-third of the total number of members in the case of the general meeting of the Corporation and of the creditors shall constitute a quorum at such meeting.

15. Applications for investigation.- :-

(1) Every application for investigation into the affairs of a Corporation under Section 63 of the Act shall specify:

- (a) the names and addresses of the applicants;
- (b) if the Corporation has a share capital, the voting power held by each applicant;
- (c) the total number of applicants;
- (d) their total voting power; and
- (e) the reasons for requiring investigation.

(2) The reasons in pursuance of clause (e) of sub-rule (1) shall be precise and specific.

(3) Every such application shall be accompanied by such documentary evidence in support of the statements made therein as are reasonably open to the applicants.

(4) Every such application shall be signed by the applicants and dated and shall be verified by their affidavits stating that it is stated in the application is true to the best of their information, knowledge and belief.

(5) The State Government may, before passing orders on the application, require the applicants or any one more of them to produce such further documents or other evidence as it may consider necessary

(a) for the purpose of satisfying as itself to the truth of the allegations made in the application.

(b) for ascertaining any information which, in the opinion of the State Government, is necessary for the purpose of enabling it to pass orders on the application.

16. Manner of authentication, under section 65, of copy of report of person appointed under section 63.- :-

¹ A copy of the report of any person or persons appointed under section 63 shall, for the purposes of sub-section (2) of Section 65 , be a authenticated either

(a) by the seal of the Corporation whose affairs have been investigated, or

(b) by a certificate of a public officer having the custody of the report, under and in accordance with the provisions of Section 76 of the Evidence Act, 1872 .

1. Subs. by Government Notification, Finance Department No. NTC/62/(1) 341-H. dated 30th August, 1962.

17. Fees.- :-

(1) The following fees shall be paid to the Registrar: Rs.

(a) for filling registering or recording any document by the Act required or authorised to be filed, registered or recorded, a fee of 5-00

(b) for making a record of or registering any fact by the Act required or authorised to be recorded or registered by the Registrar, a fee of 5-00