

# eFORM STK-2

## PURPOSE OF THE EFORM

**eForm STK - 2 is required to be filed** pursuant to **Section 248 (2)** of the Companies Act, 2013 and **Rule 4, 5, 6 & 8** of the Companies (Removal of Names of Companies from the Register of Companies) Rules, 2016 which are hereunder for your reference :

**Section 248 (2): Without prejudice** to the provisions of **sub-section (1)**, a company may, **after extinguishing** all its **liabilities**, by a **special resolution** or **consent of seventy-five per cent members** in terms of paid-up share capital, **file an application** in the prescribed manner to the **Registrar for removing the name of the company** from the register of companies on all or any of the grounds specified in sub-section (1) and the Registrar shall, on receipt of such application, cause a public notice to be issued in the prescribed manner:

Provided that in the case of a company regulated under a special Act, approval of the regulatory body constituted or established under that Act shall also be obtained and enclosed with the application.

### **NOTE :**

**It is an improved version of eForm FTE (Fast Track Exist) as per old Companies Act, 1956. Which are now discontinued and New FORM STK – 2, is operational from 05<sup>th</sup> April, 2017.**

## **RULE 4 : APPLICATION FOR REMOVAL OF NAME OF COMPANY**

(1) An **application for removal of name** of the company under sub-section (2) of section 248 shall be made in **Form STK-2 along with the fee of five thousand rupees.**

(2) **Every application** under sub-rule (1) shall **accompany a no objection certificate** from appropriate Regulatory Authority concerned in respect of following companies, namely...

i. companies which have conducted or conducting **non-banking financial and investment activities** as referred to in the Reserve Bank of India Act, 1934 (2 of 1934) or rules and regulations thereunder

ii. **housing finance companies** as referred to in the Housing Finance Companies (National Housing Bank) Directions, 2010 issued under the National Housing Bank Act, 1987(53 of 1987)

iii. **insurance companies** as referred to in the Insurance Act, 1938 (4 of 1938) or rules and regulations thereunder

iv. companies in the **business of capital market intermediaries** as referred to in the Securities and Exchange Board of India Act, 1992 (15 of 1992) or rules and regulations thereunder

v. companies **engaged in collective investment schemes** as referred to in the Securities and Exchange Board of India Act, 1992 (15 of 1992) or rules and regulations thereunder

vi. **asset management companies** as referred to in the Securities and Exchange Board of India Act, 1992 (15 of 1992) or rules and regulations thereunder

vii. **any other company** which is **regulated under any other law** for the time being in force.

(3) The **application in Form STK 2** shall be **accompanied** by...

i. **indemnity bond** duly **notarized** by **every director** in **Form STK 3**

ii. a **statement of accounts containing assets and liabilities** of the company made up to a day, **not more than thirty days before the date of application** and certified by a Chartered Accountant

- iii. An **affidavit in Form STK 4** by **every director** of the company;
- iv. a **copy of the special resolution** duly certified by each of the directors of the company or consent of seventy five per cent of the members of the company in terms of paid up share capital as on the date of application;
- v. a **statement regarding pending litigations**, if any, involving the company.

### **NOTE**

- This **Form** can be **filed only by an Active company** or by a **dormant company**. **Form STK-2 cannot be filed by a Section 8 company.**
- Filing of **any other eForm** shall **not be allowed** by a company for which work item of **eForm STK-2** is **pending**.
- Upon **approval** of this Form, **status of the company** shall be **changed** to **'Struck off'** from the register of companies.
- **Please note any company desirous of getting its name struck off from Registrar of Companies under section 248 shall file Form STK-2 only.**

**The Ministry of Corporate Affairs ("MCA") has notified the following provisions related to Chapter XVIII of the Companies Act, 2013 (i.e. Removal of Names of Companies from the Register of Companies)**

**Companies (Removal of Names of Companies from the Register of Companies) Rules, 2016**

These **Rules** are related to **Chapter XVIII of Companies Act, 2013** (i.e. Removal of Names of Companies from the Register of Companies.)

**These Rules provide for the following :-**

<b>Sr. No.</b>	<b>Rule No.</b>	<b>Rule Heading</b>	<b>Particulars</b>
1	<b>Rule 1</b>	<b>Short, title and commencement</b>	Short, title and commencement.
2	<b>Rule 2</b>	<b>Definitions</b>	(1) In these rules, unless the context otherwise requires, (a) <b>"Act"</b> means the Companies Act, 2013 (18 of 2013); (b) <b>"Form"</b> or <b>"e-Form"</b> means a <b>non-electronic form</b> or an <b>electronic form annexed</b> to these rules.  (2) <b>Words and expressions used</b> in these rules but not defined and defined in the Act or in the Companies (Specification of Definitions Details) Rules, 2014, shall have the same meanings respectively <b>assigned</b> to them in the <b>Act</b> or in the <b>said rules</b> .
3	<b>Rule 3</b>	<b>Removal of name of company from Register by Registrar of Companies on suo-moto basis.</b>	Pursuant to <b>Section 248 (1)</b> of the Companies Act, 2013  Provided that <b>following categories of companies</b> shall <b>not be removed</b> from the register of companies under this rule and rule 4, namely :-  (i) <b>listed companies</b>  (ii) companies that have been <b>delisted due to non-compliance</b> of listing regulations or listing agreement or any other statutory laws  (iii) <b>vanishing companies</b>

(iv) companies where **inspection or investigation** is ordered and being **carried out or actions** on such order are **yet to be taken** up or were completed but prosecutions arising out of such inspection or investigation are pending in the Court

(v) companies where **notices under Section 234** of the Companies Act, 1956 (1 of 1956) or **section 206** or **Section 207** of the Act have been issued by the Registrar or Inspector and reply thereto is pending or report under **Section 208** has **not yet been submitted** or follow up of instructions on report under **Section 208** is **pending** or where **any prosecution** arising out of such **inquiry or scrutiny**, if any, is **pending with the Court**

(vi) companies against which any **prosecution for an offence** is **pending in any court**

(vii) companies whose **application for compounding** is **pending** before the competent authority for compounding the offences committed by the company or any of its officers in default

(viii) companies, which have **accepted public deposits** which are **either outstanding** or the company is in **default in repayment** of the same

(ix) companies having **charges** which are **pending for satisfaction** and

(x) companies **registered under section 25** of the Companies Act, 1956 or **Section 8** of the Act.

#### **Explanation**

For the purposes of clause (iii), the expression "**vanishing company**" means a **company, registered** under the Act or previous company law or any other law for the time being in force and **listed with Stock Exchange** which has **failed to file its returns** with the Registrar of Companies and Stock Exchange **for a consecutive period of two years**, and is **not maintaining its registered office at the address notified** with the Registrar of Companies or Stock Exchange and **none of its directors are traceable.**

			<p>(2) For the purpose of sub-rule (1), the <b>Registrar</b> shall give a <b>notice in writing in Form STK 1</b> which shall be <b>sent to all the directors</b> of the company at the addresses available on record, <b>by registered post with acknowledgement</b> due or by speed post.</p> <p>(3) The notice shall <b>contain the reasons</b> on which the <b>name of the company</b> is to be <b>removed from the register</b> of companies and shall seek representations, if any, against the proposed action from the company and its Directors along with the copies of relevant documents, if any, within a period of thirty days from the date of the notice.</p>
4	<b>Rule 4</b>	<b>Application for Removal of name of company</b>	<p>Sub Section (2) of section 248 shall be made in <b>Form STK-2</b> along with the <b>fee of five thousand rupees.</b></p> <p>(2) Every application under sub-rule (1) shall <b>accompany a no objection certificate</b> from appropriate Regulatory Authority concerned in respect of following companies, namely :-</p> <p>(i) companies which have <b>conducted or conducting non-banking financial and investment activities</b> as referred to in the Reserve Bank of India Act, 1934 (2 of 1934) or rules and regulations thereunder</p> <p>(ii) <b>housing finance</b> companies as referred to in the Housing Finance Companies (National Housing Bank) Directions, 2010 issued under the National Housing Bank Act, 1987 (53 of 1987)</p> <p>(iii) <b>insurance companies</b> as referred to in the Insurance Act, 1938 (4 of 1938) or rules and regulations thereunder;</p> <p>(iv) companies in the business of capital market intermediaries as referred to in the Securities and Exchange Board of India Act, 1992 (15 of 1992) or rules and regulations thereunder</p> <p>(v) <b>companies engaged in collective investment schemes</b> as referred to in the Securities and Exchange Board of India Act, 1992 (15 of 1992) or rules and regulations thereunder</p> <p>(vi) <b>asset management companies</b> as referred to in the Securities and Exchange Board of India Act, 1992 (15 of 1992) or rules and regulations thereunder</p> <p>(vii) <b>any other company</b> which is regulated under any other law for the time being in force.</p>

			<p>(3) The <b>application in Form STK 2</b> shall be <b>accompanied</b> by :</p> <p>(i) <b>indemnity bond duly notarised</b> by every director in <b>Form STK 3</b></p> <p>(ii) a <b>statement of accounts containing assets and liabilities of the company</b> made <b>up to a day, not more than thirty days before the date of application</b> and <b>certified by a Chartered Accountant</b></p> <p>(iii) An <b>affidavit in Form STK 4</b> by every director of the company</p> <p>(iv) a <b>copy of the special resolution duly certified</b> by each of the directors of the company or consent of seventy five per cent of the members of the company in terms of paid up share capital as on the date of application</p> <p>(v) a <b>statement regarding pending litigations</b>, if any, involving the company.</p>
5	<b>Rule 5</b>	<b>Manner of filing of application</b>	<p>(1) The application in <b>Form STK 2</b> shall be <b>signed by a director</b> duly authorised by the Board in their behalf.</p> <p>(2) Where the <b>director</b> concerned does <b>not have a registered digital signature certificate</b>, a <b>physical copy</b> of the form duly <b>filled</b> in shall be <b>signed manually</b> by the director duly authorised in that behalf and shall be attached with the Form STK 2 while uploading the form.</p>
6	<b>Rule 6</b>	<b>Form to be certified</b>	The <b>Form STK 2</b> shall be <b>certified by a Chartered Accountant in whole time practice</b> or <b>Company Secretary in whole time Practice</b> or <b>Cost Accountant in whole time practice</b> , as the case may be.
7	<b>Rule 7</b>	<b>Manner of publication of notice</b>	<p>(1) The notice under sub-section (1) or sub-section (2) of <b>section 248</b> shall be in <b>Form STK 5 or STK 6</b>, as the case may be, and be -</p> <p>(i) <b>placed on the official website of the Ministry of Corporate Affairs</b> on a separate link established on such website in this regard</p> <p>(ii) <b>published in the Official Gazette</b></p>

			<p>(iii) <b>published in English language in a leading English newspaper and at least once in vernacular language</b> in a leading vernacular language newspaper, both having <b>wide circulation in the State</b> in which the <b>registered office of the company is situated</b>.</p> <p>Provided that in case of any <b>application</b> made under <b>sub-section (2) of section 248</b> of the Act, the company shall <b>also place the application on its website</b>, if any, <b>till the disposal</b> of the application.</p> <p>(2) The <b>Registrar of Companies</b> shall, simultaneously <b>intimate the concerned regulatory authorities</b> regulating the company, viz, the Income-tax authorities, central excise authorities and service-tax authorities having jurisdiction over the company, about the proposed action of removal or striking off the names of such companies and seek objections, if any, to be furnished within a period of thirty days from the date of issue of the letter of intimation and if no objections are received within thirty days from the respective authority, it shall be presumed that they have no objections to the proposed action of striking off or removal of name.</p>
8	<b>Rule 8</b>	<b>Manner of notarisation, apostilisation or consularisation of indemnity bond and declaration in case of Foreign nationals or non-resident Indians</b>	For the purposes of these rules, if the <b>person</b> is a <b>foreign national or non-resident Indian</b> , the <b>indemnity bond</b> , and <b>declaration</b> shall be <b>notarised or apostilised or consularised</b> .
9	<b>Rule 9</b>	<b>Notice of striking off and dissolution of company</b>	<p><b>Notice of striking off and dissolution</b> of company shall be <b>given by the ROC in Form STK- 7</b></p> <p>The <b>Registrar</b> shall <b>cause a notice</b> under subsection (5) of section 248 of <b>striking off the name of the company</b> from the register of companies and its <b>dissolution</b> to be published in the Official Gazette in <b>Form STK 7</b> and the same shall also be placed on the official website of the Ministry of Corporate Affairs.</p>
10	<b>Rule 10</b>	<b>Notice by Registrar for removal of name of a company from the register of companies</b>	<p>Any <b>application or pending proceeding</b> for striking off or Form :-</p> <p><b>FTE (Fast Track Exit), filed with the Registrar of Companies prior</b> to the commencement of these rules but <b>not disposed</b> of by such authority for want of any information or document shall, on its submission, to the satisfaction of the authority, be <b>disposed of in accordance with the rules</b> made under the <b>Companies Act, 1956</b>.</p>



**REMOVAL OF NAMES OF COMPANIES FROM THE REGISTER OF COMPANIES CLARIFICATION REGARDING AVAILABILITY OF FORM STK-2 ON MCA-21 PORTAL**

Ministry has **commenced provisions** of **Sections 248 to 252** of Companies Act, 2013 w.r.t. **removal of names of companies from the Register of Companies** and **notified relevant rules as mentioned above** simultaneously.

**As of now, FORM STK – 2 has been notified by the MCA, so all the above provisions come into force from the date of notification of availability of FORM STK – 2 in MCA Portal Company Forms Download Page (i.e. 05<sup>th</sup> April, 2017).**

**COMMENCEMENT OF SECTION 248-252 OF COMPANIES ACT, 2013**

**POWER OF REGISTRAR TO REMOVE NAME OF COMPANY FROM REGISTER OF COMPANIES**

The **Ministry of Corporate Affairs** vide its **Notification** no. S.O. (E) dated 26<sup>th</sup> December, 2016 has **notified the following provisions** of Companies Act, 2013 related to **Chapter XVIII** of the Companies Act, 2013.

<b>Sr. No.</b>	<b>Section Number</b>	<b>Section Heading</b>	<b>Particulars</b>
1	248	<b>Power of Registrar to Remove Name of Company from Register of Companies</b>	(1) Where the <b>Registrar</b> has <b>reasonable cause</b> to believe that —  (a) a <b>company</b> has <b>failed to commence its business within one year</b> of its incorporation.  (b) [Omitted]  (c) a company is <b>not carrying on any business or operation for a period of two immediately preceding financial years</b> and has <b>not made any application</b> within such period for obtaining the <b>status of a dormant company</b> under <b>Section 455,</b>

he shall **send a notice** to the company and all the directors of the company, of his **intention to remove the name** of the company from the **register of companies** and requesting them to **send** their **representations** along with copies of the relevant documents, if any, **within a period of thirty days** from the date of the notice.

(2) Without prejudice to the provisions of sub-section (1), a company may, **after extinguishing** all its **liabilities**, by a **special resolution or consent of seventy-five per cent members** in terms of **paid-up share capital, file an application** in the prescribed manner to the Registrar **for removing the name** of the company from the register of companies on all or any of the grounds specified in sub-section (1) and the Registrar shall, on receipt of such application, cause a public notice to be issued in the prescribed manner:

Provided that in the case of a **company regulated under a special Act, approval** of the regulatory body constituted or established under that Act shall also be **obtained and enclosed** with the application.

(3) **Nothing** in sub-section (2) shall **apply** to a **company registered under section 8**.

(4) A **notice issued** under sub-section (1) or sub-section (2) shall be **published** in the prescribed manner and also in the **Official Gazette** for the information of the general public.

(5) At the **expiry of the time mentioned** in the notice, the Registrar may, unless cause to the contrary is shown by the company, **strike off its name** from the register of companies, and shall **publish notice** thereof in the **Official Gazette**, and on the **publication** in the Official Gazette of this notice, the company shall **stand dissolved**.

(6) The Registrar, **before passing an order** under sub-section (5), shall **satisfy** himself that **sufficient provision** has been made for the **realisation of all amount** due to the company and for the **payment or discharge** of its **liabilities and obligations** by the company within a **reasonable time** and, if necessary, **obtain necessary undertakings** from the managing director, director or other persons in charge of the management of the company:

Provided that notwithstanding the undertakings referred to in this sub-section, the **assets of the company** shall be made **available for the payment or discharge** of all its **liabilities and obligations** even after the date of the order removing the name of the company from the register of companies.

(7) The **liability**, if any, of every director, manager or other officer who was **exercising any power of management**, and of **every member** of the company dissolved under sub-section (5), shall **continue** and may be **enforced** as if the company had **not been dissolved**.

(8) **Nothing** in this section shall **affect the power of the Tribunal to wind up** a company the name of which has been struck off from the register of companies.

#### **Amendments**

1. Inserted by Companies (Amendment) Act, 2015 and is effective from 29th May, 2015
2. Omitted by Companies (Amendment) Act, 2015 and is effective from 29th May, 2015

In sub-section (1), clause (b)

**Original Omitted Content**

“the subscribers to the memorandum have not paid the subscription which they had undertaken to pay within a period of one hundred and eighty days from the date of incorporation of a company and a declaration under sub-section (1) of section 11 to this effect has not been filed within one hundred and eighty days of its incorporation; or.”

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**Restrictions on making Application u/s 248 in certain situations**

(1) An **application** under sub-section (2) of section 248 on behalf of a company shall **not be made** if, **at any time in the previous three months**, the company -

(a) has **changed its name or shifted its registered office** from one State to another

(b) has made a **disposal for value of property or rights** held by it, immediately before cesser of trade or otherwise carrying on of business, for the purpose of disposal for gain in the normal course of trading or otherwise carrying on of business

(c) has **engaged** in any **other activity** except the one which is necessary or expedient for the purpose of making an application under that section, or deciding whether to do so or concluding the affairs of the company, or complying with any statutory requirement

(d) has **made an application** to the **Tribunal for the sanctioning of a compromise or arrangement** and the matter has **not been finally concluded**, or

["(e) is **being wound up** under **Chapter XX** of this Act or under the Insolvency and Bankruptcy Code, 2016.”]

(2) If a company **files an application** under sub-section (2) of section 248 in **violation** of sub-section (1), it shall be **punishable with fine** which may **extend to one lakh rupees**.

			<p>(3) An <b>application filed</b> under sub-section (2) of section 248 shall be <b>withdrawn by the company or rejected by the Registrar</b> as soon as conditions under sub-section (1) are brought to his notice.</p> <p style="text-align: center;"><b><u>Amendment</u></b></p> <p>1. Substituted by MCA Notification number F.O. 3543(E) Dated 15th November, 2016.</p> <p>In Section 249 sub-section (1) for clause (e),</p> <p>(e) is being wound up under Chapter XX, whether voluntarily or by the Tribunal.</p> <p>the following clause shall be substituted, namely :—</p> <p>“(e) is being wound up under Chapter XX of this Act or under the Insolvency and Bankruptcy Code, 2016.”</p>
3	250	<b>Effect of Company notified as dissolved</b>	<p>Where a <b>company stands dissolved</b> under section 248, it shall on and from the <b>date mentioned in the notice</b> under sub-section (5) of that <b>section cease to operate</b> as a company and the <b>Certificate of Incorporation issued</b> to it shall be <b>deemed</b> to have been <b>cancelled</b> from such date except for the <b>purpose of realising the amount due to the company</b> and for the <b>payment or discharge of the liabilities or obligations</b> of the company.</p>
4	251	<b>Fraudulent application for removal of name</b>	<p>(1) Where it is <b>found</b> that an <b>application</b> by a company under sub-section (2) of section 248 has been made with the <b>object of evading the liabilities</b> of the company or with the <b>intention to deceive the creditors</b> or to <b>defraud any other persons</b>, the persons in charge of the management of the company shall, notwithstanding that the company has been <b>notified as dissolved</b> -</p> <p>(a) be <b>jointly and severally liable</b> to any person or persons who had incurred <b>loss or damage</b> as a result of the company being notified as dissolved; and</p>

			<p>(b) be <b>punishable for fraud</b> in the manner as provided in Section 447.</p> <p>(2) <b>Without prejudice</b> to the provisions contained in sub-section (1), the Registrar may also <b>recommend prosecution</b> of the persons <b>responsible for the filing of an application</b> under sub-section (2) of section 248.</p>
5	252	<b>Appeal to Tribunal</b>	<p>(1) Any <b>person aggrieved</b> by an order of the Registrar, notifying a company as dissolved under section 248, may <b>file an appeal to the Tribunal within a period of three years</b> from the date of the order of the Registrar and if the <b>Tribunal</b> is of the <b>opinion</b> that the <b>removal of the name</b> of the company from the register of companies is <b>not justified</b> in view of the absence of any of the grounds on which the <b>order</b> was passed by the Registrar, it may order <b>restoration of the name</b> of the company in the register of companies -:</p> <p>Provided that before passing any order under this section, the <b>Tribunal</b> shall <b>give a reasonable opportunity</b> of making <b>representations</b> and of <b>being heard to the Registrar</b>, the company and all the persons concerned -:</p> <p>Provided further that if the <b>Registrar</b> is <b>satisfied</b>, that the <b>name of the company</b> has been <b>struck off</b> from the register of companies <b>either inadvertently or</b> on the basis of <b>incorrect information furnished</b> by the company or its directors, which <b>requires restoration</b> in the register of companies, he may <b>within a period of three years</b> from the date of passing of the order dissolving the company under section 248, file an application before the Tribunal seeking restoration of name of such company.</p> <p>(2) A <b>copy of the order passed by the Tribunal</b> shall be <b>filed by the company with the Registrar within thirty days</b> from the date of the order and on receipt of the order, the Registrar shall cause the <b>name of the company</b> to be <b>restored</b> in the register of companies and shall <b>issue a fresh certificate of incorporation</b>.</p>

			<p>(3) If a <b>company</b>, or <b>any member</b> or <b>creditor</b> or <b>workman</b> thereof <b>feels aggrieved</b> by the company having its <b>name struck off</b> from the register of companies, the <b>Tribunal</b> on an application made by the company, member, creditor or workman <b>before the expiry of twenty years</b> from the publication in the Official Gazette of the notice under sub-section (5) of section 248 may, if <b>satisfied</b> that the company was, at the time of its name being struck off, carrying on business or in operation or otherwise it is just that the name of the company be <b>restored to the register</b> of companies, order the name of the company to be restored to the register of companies, and the <b>Tribunal</b> may, by the <b>order</b>, give such other <b>directions</b> and make such provisions as <b>deemed</b> just for <b>placing the company</b> and all other persons in the same position as nearly as may be as if the name of the company had <b>not been struck off</b> from the <b>register of companies</b>.</p>
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## STK FORMS AND ITS DETAILS

Sr. No.	Forms	Description	Section
1	Form No. STK 1	Notice by Registrar for removal of name of a company from the register of companies	Pursuant to <b>sub-section (1) of section 248</b> of the Companies Act, 2013 and <b>Rule 3</b> of the Companies (Removal of Names of Companies from the Register of Companies) Rules, 2016  <b>NOTE</b>  Prepared by Office of the Registrar.
2	FORM NO. STK-2	Application by company to ROC for removing its name from register of companies	Pursuant to <b>Section 248(2) of Companies Act, 2013</b> and <b>Rule 4 (1)</b> of the Companies (Removal of Names of Companies from the Register of Companies) Rules, 2016  <b>NOTE</b>  Prepared by Office of the Registrar.
3	Form No. STK – 3	Indemnity Bond (To be drawn on Stamp Paper of appropriate value)	Pursuant to <b>Clause (i) of sub-rule (3) of rule 4</b> of the Companies (Removal of Names of Companies from the Register of Companies) Rules, 2016  <b>NOTE</b>  Prepared by Company and submit along with Application.
4	FORM No. STK -4	<b>AFFIDAVIT</b> (to be given by Individually by every Director)	Pursuant to <b>Sub section (2) of section 248</b> read with <b>clause (iii) of sub-rule (3) of Rule 4</b>  <b>NOTE</b>  Prepared by Company and submit along with Application.
5	FORM No. STK – 5	<b>PUBLIC NOTICE</b>	Pursuant to <b>Sub-section (1) and sub-section (4) of section 248</b> of the Companies Act, 2013 and <b>Rule 7</b> of the Companies (Removal of Names of Companies from the Register of Companies) Rules, 2016  <b>NOTE</b>  Prepared by Office of the Registrar.



6	FORM No. STK – 6	PUBLIC NOTICE	<p>Pursuant to <b>Sub-section (2) and sub-section (4) of section 248</b> of the Companies Act, 2013 and <b>Rule 7</b> of the Companies (Removal of Names of Companies from the Register of Companies) Rules, 2016</p> <p><b>NOTE</b></p> <p>Prepared by Office of the Registrar.</p>
7	FORM No. STK – 7	NOTICE OF STRIKING OFF AND DISSOLUTION	<p>Pursuant to <b>Sub-section (5) of section 248</b> of the Companies Act, 2013 and <b>Rule 9</b> of the Companies (Removal of Names of Companies from the Register of Companies) Rules, 2016</p> <p><b>NOTE</b></p> <p>Prepared by Office of the Registrar.</p> <p><b>Copy of relevant order for delisting</b>, if any, from the concerned Stock Exchange</p> <p><b>Other attachments</b> as per applicable Rule</p> <p><b>Optional attachment(s)</b>, if any</p>

**FEES PAYABLE FOR APPLICATION  
BY COMPANY TO ROC  
FOR REMOVING ITS NAME FROM  
REGISTER OF COMPANIES**

Sr. No.	Purpose of the form	Normal Fee	Additional Fee (Delay Fee)	Logic for Additional Fees		Remarks
1	Application by company to ROC for removing its name from Register of Companies	Rs. 5000/-	#N/A	#N/A	#N/A	

**NOTE :**

Fees payable is subject to changes in pursuance of the Act or any rule or regulation made or notification issued thereunder.

**PROCESSING TYPE**

→ eForm STK-2 will be processed by the office of Registrar of Companies.

**EMAIL**

→ When an eForm is approved/rejected by the authority concerned, an acknowledgement of approval/rejection letter along with related documents (if any) is sent to the user in the form of an email to the email id of the company.

**DRAFT FORMAT WHICH NEEDS TO BE PREPARED  
FOR REMOVING NAME OF COMPANY FROM THE  
REGISTER OF COMPANIES**

**FORM NO. STK-3**

**INDEMNITY BOND**

**[Pursuant to clause (i) of sub-rule (3) of rule of the companies  
(Removal of Names of Companies from the Register of Companies) Rules, 2016]**

To,  
The Register of Companies,  
Name of State : \_\_\_\_\_

We, the Director(s) of ..... (mention name of the company), Incorporated on .....  
under the Companies Act, 1956/2013 having its registered office at ..... do hereby  
declare that :

1. (i) We, XXXXXXX D/o. XXXXXX and XXXXXX S/o. XXXXXXX are Directors(s) of this company.

(ii) That we have made an affidavit conforming that the company does not have any assets  
liabilities as on date.

(iii) Further, the Company has been inoperative from the date of its incorporation/ Any  
Company commenced business/operations/commercial activity after incorporation But has been  
inoperative for the past.....year(s) (strike out whichever is Not applicable). Thus the  
Company is defunct and I request the Registrar of Companies, Hyderabad to strike of the name  
of the Company from the register of Companies under Section 248 of the Companies Act, 2013.

2. We do hereby undertake to indemnify :-

(i) The claimants for all lawful claims against the company arising in future after the Striking  
off the name of the Company.

(ii) Any person for any losses that may arise pursuant to striking off the name of the Company.

(iii) The claimants for all lawful claims and liabilities, which have not come to Our Notice up to  
this stage, and if any claim arises or observed even after the Name of the company has been  
struck off in terms of section 248 f the Companies Act, 2013.

1. **Signature :** \_\_\_\_\_

Name : xxxxxxxx

Father's Name : xxxxxxxxxxxx

Address : xxxxxxxxxxxxxx

City : xxxxxxxxxxxxxx

2. **Signature :** \_\_\_\_\_

Name: xxxxxxxx

Father's Name: xxxxxxxxxxxx

Address: xxxxxxxxxxxxxx

City : xxxxxxxxxxxxxx

**Place:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**WITNESSES:**

1. **Signature :** \_\_\_\_\_

Name : xxxxxxxx

Father's Name : xxxxxxxxxxxx

Address : xxxxxxxxxxxxxx

City : xxxxxxxxxxxxxx

Occupation : xxxxxxxxxxxxxx

2. **Signature :** \_\_\_\_\_

Name : xxxxxxxx

Father's Name : xxxxxxxxxxxx

Address : xxxxxxxxxxxxxx

City : xxxxxxxxxxxxxx

Occupation : xxxxxxxxxxxxxx

## **FORM NO. STK-4**

### **AFFIDAVIT**

**[ Pursuant to sub section (2) of section 248 read with clause (iii) of sub –rule (3) of Rule 4 ]**

1. I ..... Director of ..... (hereinafter called "the Company"), Incorporated as on..... under the Companies Act, 2013 or the Companies Act, 1956 having its registered office situated at ..... and having CIN ..... do Solemnly affirm and state as under :

I. I..... S/o/ D/o Shri/Smt ..... holder of DIN/Income Tax PAN/ Passport number ..... (copy of Income Tax PAN / Passport duly Attested by a Gazetted Officer or a whole time practicing professional viz Chartered Account / Company Secretary / Cost Accountant) am Director of the Company stated above since ..... (Mention date of Appointment).

II. My present residential address is ..... (copy of documentary Evidence Duly attested by a Gazetted Officer or a whole time practicing professional viz Chartered Account / Company Secretary / Cost Accountant) is Enclosed. (Alternatively, an affidavit sworn before Magistrate may be enclosed)

III. My permanent address is ..... (copy of documentary evidence Duly attested by a Gazetted Officer or a whole time practicing professional viz Chartered Account /Company Secretary /Cost Accountant) is enclosed. (Alternatively, an affidavit sworn before Magistrate may be enclosed)

IV. The Company does not maintain any bank account as on date.

V. The Company ..... (Mention name of the Company) does not have any Assets and liabilities as on date.

VI. The Company has been inoperative from the date of its incorporation / the Company commenced business/ operations/ commercial activity after Incorporation. But has been inoperative for the past ..... year(s) due to Following reasons ..... (Give the reasons here).

VII. As on date, the Company does not have any dues towards Income Tax / Sales Tax/ Central Excise / Banks and Financial Institutions and other Central or State Government Departments / Authorities or any Local Authorities.

2. I further affirm that –

I. No inquiry, technical scrutiny, inspection or investigation is ordered or Pending Against the company

II. No prosecution or any compounding application for any offence under the Act Or under any of the other Acts is pending against the company or against the Undersigned

III. The company is neither listed nor delisted for non-compliance of listing Agreement

IV. The Company is not accompany incorporated for charitable purposes under Section 8 of the companies act, 2013 or section 25 of the companies act, 1956.

V. The company does not have any management disputes or there is no litigation pending with regard to management or shareholding of the company

VI. No order is in operation staying filing of the documents by a Court or Tribunal

VII. The company is not prevented from making the applications for strike off as Mentioned in section 249 of the Act.

I solemnly state that the contents of this affidavit are true to the best of my knowledge and belief and that it conceals nothing and that no part of it is false.

**Signature .....**  
**(Deponent)**

**VERIFICATION**

I verify that the contents if this affidavit are true to that best of my knowledge and Belief.

Place : \_\_\_\_\_

Date : \_\_\_\_\_

**Signature .....**  
**(Deponent)**

**NOTE :**

**Attention is also drawn to provisions of section 449 which provide for Punishment for false evidence.**

# STATEMENT OF ACCOUNT

## STATEMENT OF ACCOUNTS

**NAME OF THE COMPANY : ..... PRIVATE LIMITED / LIMITED**

**CIN: \_\_\_\_\_**

STATEMENT OF ACCOUNTS AS ON DATED ....., 20\_\_

Particulars : (Brief break up in respect of each item needs to be given)

			<b>AMOUNT (Rs.)</b>	<b>AMOUNT (Rs.)</b>
I	-	<b><u>SOURCES OF FUNDS</u></b>		
	1)	Capital		-
	2)	Reserves & Surplus (including balance in profit and loss account)		-
	3)	Loan Funds		-
		Secured Loans from Financial Institutions	-	
		Secured Loans from Banks	-	
		Secured Loans from Govt.Institutions	-	
		Other Secured Loans	-	
		Debentures	-	
		Unsecured Loans	-	
		Deposits & Interest thereon	-	
		Total Loan Funds		-
		<b>Total of 1 to 3</b>		-
II	-	<b><u>APPLICATION OF FUNDS</u></b>		
	1)	Fixed Assets		-
	2)	Investments		-
	3 (i)	Current Assets, Loans & Advances Less :		-
	(ii)	Current Liabilities & Provisions		
		Creditors	-	
		Unpaid Dividends	-	
		Payables	-	
		Other	-	
		<b>Total Current Liabilities &amp; Provisions</b>		-

		<b>Net Current Assets : (i) - (ii)</b>		-
4)		Misc.Exp.to the extent not w/off or adjusted		-
5)		Profit & Loss Account (Debit Balance)		-
		<b>Total of 1 to 5</b>		<u>-----</u>

**For .....Private Limited**

\_\_\_\_\_  
**Director**

\_\_\_\_\_  
**Director**

**Date :** \_\_\_\_\_

**Place :** \_\_\_\_\_

**For**

\_\_\_\_\_ **& Co.,**

**Chartered Accountants**

**(Proprietor)**

**Membership No. : .....**

**NOTE**

- Duly Certified by Statutory Auditor or Chartered Accountant in whole time Practice.
- Mentioned Membership Number / Certificate of Practice Number along with Seal.



## **FORMAT OF BOARD RESOLUTION**

..... **PRIVATE LIMITED/ LIMITED**

REG OFFICE ADDRESS : \_\_\_\_\_

CIN: XXXXXXXXXXXX

=====

**CERTIFIED TRUE COPY OF THE RESOLUTION PASSED AT THE MEETING OF THE BOARD OF DIRECTORS OF THE COMPANY HELD ON ....., DATED, ....., 20\_\_, AT 11.30. A.M. AT THE REGISTERED OFFICE OF THE COMPANY SITUATED AT, (ADDRESS OF THE COMPANY)**

=====

**RESOLVED THAT**, the consent of the Board of Directors of the company be and is hereby accorded to make an application to Registrar of Companies, \_\_\_\_\_ under provision of section 248 (2) of the Companies Act, 2013 for striking off the name of the Company from the Register of Company.

**RESOLVED FURTHER THAT, Shri \_\_\_\_\_ and Shri \_\_\_\_\_**, Director of the company be and are hereby, authorised to make an application and to give necessary affidavit and indemnity bond under section 248 of the companies Act, 2013, as per the draft of the same as placed before the meeting duly initialed by the Chairman for the purpose of identification in order get the name of company struck off from the Register of Companies maintained by the Registrar.

**RESOLVED FURTHER THAT**, Shri \_\_\_\_\_ of the Company be and are hereby authorized to sign and give any information, clarifications, explanations and to do all such acts and deeds as may be required under the Act, to implement the above said resolution.

**RESOLVED FINALLY THAT**, the Board of Directors of the Company be and is hereby also authorized Mr. \_\_\_\_\_ and Mr. \_\_\_\_\_ Directors of the Company to file & sign E-form through Digitally or physically as and when required, for application for striking off the name of the company from the records of Registrar of Companies, (Insert the State) ....., and to execute and sign all the necessary documents required for this filing and completion of process.

**//CERTIFIED TRUE COPY//**

**For, ..... PRIVATE LIMITED/ LIMITED**

**Signature:** \_\_\_\_\_  
**Director**

**Signature:** \_\_\_\_\_  
**Director**

**DIN :** \_\_\_\_\_

**DIN :** \_\_\_\_\_

## **FORMAT OF SPECIAL RESOLUTION**

..... **PRIVATE LIMITED/ LIMITED**

REG OFFICE ADDRESS : \_\_\_\_\_

CIN: XXXXXXXXXXXX

=====

**CERTIFIED TRUE COPY OF THE SPECIAL RESOLUTION PASSED AT THE MEETING OF THE BOARD OF DIRECTORS OF THE COMPANY HELD ON ....., DATED, ....., 20\_\_, AT 11.30. A.M. AT THE REGISTERED OFFICE OF THE COMPANY SITUATED AT, (ADDRESS OF THE COMPANY)**

=====

**RESOLVED THAT**, the Company has no operation since \_\_\_\_\_ and has no intention of carrying on any business in future, the Directors be and are hereby authorised to make all necessary arrangements to submit an application to the Registrar of Companies under Section 248 of the Companies Act 2013 and rules made thereunder and subject to articles of association, to striking off the name of the Company in the records of Registrar of Companies.

**RESOLVED FURTHER THAT**, the Company be and is hereby also authorized Mr. \_\_\_\_\_, or / and Mr. \_\_\_\_\_, Directors of the Company to do all things, deeds, actions, file & sign E-form through Digitally or physically as and when required etc. which may be accidental or incidental for the purpose of seeking the striking off the name of the Company in the records of Registrar of Companies, (Insert the State) ..... and completion of said process.

**//CERTIFIED TRUE COPY//**

**For, ..... PRIVATE LIMITED/ LIMITED**

**Signature:** \_\_\_\_\_  
**Director**

**Signature:** \_\_\_\_\_  
**Director**

**DIN :** \_\_\_\_\_

**DIN :** \_\_\_\_\_

[ **Disclaimer** : The entire contents of this document have been prepared on the basis of relevant provisions and as per the information issued by the relevant authority. This is just helping hand for profession and author does not responsible for any act arising out of the above information.]

**Thanks & Regards,**  
**CS Meetesh Shiroya**