

18-12-19

F. No. 23/2/2017- NCLAT / 614
NATIONAL COMPANY LAW APPELLATE TRIBUNAL

3rd Floor, B-1 Wing,
Pt. Deen Dayal Antyodaya Bhawan
C.G.O. Complex, Lodhi Road
New Delhi- 110003
Dated: 6.2.2018

ORDER

In exercise of the powers conferred by Rule 104 of the National Company Law Appellate Tribunal Rules, 2016, the following directions have been issued by the Chairperson, National Company Law Appellate Tribunal to remove difficulties faced by the litigants in the absence of specific provision in the Rules for lodging of caveat:-

Lodging of caveat

- (i) Any person(s) may lodge a caveat in triplicate in any appeal or application that may be instituted before this Appellate Tribunal by paying a fee of rupees thousand (₹1000/- only) after forwarding a copy by registered post or serving the same on the expected appellant or applicant.
- (ii) The caveat shall be in the form given below and shall contain such details and particulars or orders or directions, details of the authority against whose orders or directions the appeal or application is being instituted by the expected appellant or applicant with full address for service on the other side, so that the appeal or application could be served before the appeal or interim application is taken up.

- (iii) The Appellate Tribunal may, if found necessary, pass interim orders in case of urgency.
- (iv) The caveat shall remain valid for a period of ninety days from the date of its filing.

Particulars to be set out in the address for service

As contained in Rule 20 of the NCLAT Rules, 2016.

Presentation of caveat

Every caveat shall be presented in triplicate by the appellant or applicant or respondent, as the case may be, in person or by his duly authorised representative or by an advocate duly appointed in this behalf in the form given below with stipulated fee at the filing counter and non-compliance of this may constitute a valid ground to refuse to entertain the same.

Registration of caveat

A caveat on being taken on record shall be numbered and registered in the appropriate register maintained in this behalf and its number shall be entered therein.

Form of Caveat

CAVEAT
IN THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Caveat No. _____ of _____

In the matter of appeal against order dated _____ passed by
_____ (Copy enclosed)/ expected to be instituted, by
_____ (By any person)

Against

_____ (Applicant-Caveator)

To

The Registrar
National Company Law Appellate Tribunal
3rd Floor, Pt. Deen Dayal Antyodaya Bhawan,
C.G.O. Complex, Lodhi Road, New Delhi – 110003.

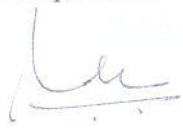
Let no substantive order (here state in detail the precise nature of the order
apprehended) _____

be made in the above matter without notice to the undersigned.

Name & address of the
Caveator & his counsel, if any

Filed on _____

By order of the Hon'ble Chairperson


(C.S. Sudha)
Registrar

Copy to:-

1. PPS/PS to Hon'ble Chairperson.
2. PS to Hon'ble Member(Judicial) (AISC).

3. PS to Hon'ble Member(Judicial) (BLB).
4. PS to Hon'ble Member(Technical).
5. PA to the Registrar.
6. The Deputy Registrar.
7. Court Officers.
8. All the officers and employees in the Registry dealing with matters on judicial side.
9. The Institute of Company Secretaries of India, ICSI, House 22, Institutional Area, Lodhi Road, New Delhi- 110003.
10. The Bar Association.
11. Institute of Chartered Accountants of India.
12. Notice Board.
13. NCLAT website.
14. Guard File.