



# TAMIL NADU GOVERNMENT GAZETTE

PUBLISHED BY AUTHORITY

No. 48]

CHENNAI, WEDNESDAY, DECEMBER 8, 2010  
Karthigai 22, Thiruvalluvar Aandu-2041

## Part III—Section 2

Statutory Notifications and Orders issued by  
Heads of Departments.

NOTIFICATIONS BY HEADS OF DEPARTMENTS, ETC.

### CONTENTS

	<i>Pages.</i>
JUDICIAL NOTIFICATIONS	
Rules for Filing of the / Reference under the Companies Secretaries Act, 1980 .. .. .	120-122
Amendment to Rules of the High Court, Madras, Appellate Side, 1965 .. .. .	122

**NOTIFICATIONS BY HEADS OF DEPARTMENTS, ETC.****JUDICIAL NOTIFICATIONS**

## RULES FOR FILING OF THE / REFERENCE UNDER THE COMPANIES SECRETARIES ACT, 1980

*(Roc. No. 3035/1999/F1)*

No. SRO C-10/2010.

The following Rules shall regulate the procedure to be adopted in regard to cases received by the High Court under Sections 21 and 22A of the Companies Secretaries Act, 1980.

1. All cases received by the High Court under Section 21 of the Act shall be numbered as "Cases Referred" and shall be dealt with on the Appellate Side.

2. The Council of Institute of Companies Secretaries of India (hereinafter referred to as the "Council") shall forward to the High Court one set of material papers relating to the enquiry which will be regarded as the original set. It shall include the following records:—

- (a) The finding of the Council;
- (b) The Report of the Disciplinary Committee;
- (c) Complaint or Information;
- (d) Written Statement of the Defence;
- (e) Deposition of witnesses, affidavits, exhibits and other oral and documentary evidence;
- (f) Notes of the hearing before the Disciplinary Committee and the Council;
- (g) The recommendations of the Council therein;
- (h) Such other papers which were before the Disciplinary Committee and the Council as the Council may consider relevant or the High Court may require for the disposal of the case. The Council shall also furnish the High Court with two additional authenticated copies of the papers aforesaid.

3. A translation in English of the documents which are not in that language and are included in the material papers shall be furnished by the Council under its own authority.

4. In case the Central Government or any person interested requires copies of the material papers, the Council shall furnish such copies, on application made to it, subject to such terms and conditions as may be prescribed by the Council.

5. The Council shall forward, along with the material papers, a Memorandum containing the full and correct postal addresses of all persons or authorities on whom notices are required to be served under Section 21(6) of the Act.

6. On the case being numbered, The Registrar shall fix a date for the hearing of the case and shall cause notice to be issued under Section 21(6) of the Act in the Form-I prescribed in the Annexure hereto. The date of the hearing shall be so fixed that there will be an interval of not less than 15 days between the date of service of notice and the date of hearing.

7. Every case under Section 21 and every Appeal or Revision Petition under Section 22-A shall be heard by a Bench of not less than two Judges to be constituted by the Chief Justice.

8. The Appellant or the Petitioner under Section 22-A, shall, along with Petition of Appeal or Revision, file a Memorandum containing necessary particulars of the persons and authorities to whom notices of the appeal or the Revision Petition should be issued, together with the prescribed process fee.

The provisions of Rule 6 supra shall apply, *mutatis mutandis* provided that the Notice shall be in Form No. II in the Annexure hereto and that the date of hearing fixed shall be not less than four weeks after the date of service of the notice.

9. On receipt of the Notice of Appeal or Revision Petition, the Council shall forward to the High Court the material records of the case. The appellant or the petitioner shall, within two weeks from the date of filing of the Appeal or the Revision Petition, file into Court sets of the records which he proposes to rely on at the hearing. Each set shall be uniformly and neatly typed, cyclostyled or printed, correctly paged, indexed and stitched in book form. Within the same period, the appellant or the petitioner shall also serve a set of the papers to each of the respondents to whom notice has been issued.

The respondent shall, within two weeks thereafter, file into Court four sets of the papers relied on by him and serve a copy thereof on the appellant or petitioner.

The paper books filed by the parties shall be compared with the original records by the office of the Registrar and the prescribed charges thereto shall be paid by the parties concerned.

10. The Registrar shall send a certified copy of the order passed by the High Court in any case referred, Appeal or Revision Petition to the Secretary of the Council and the Secretary to the Government of India in the Ministry of Finance and in the Ministry of Commerce.

BEFORE THE HIGH COURT, MADRAS, APPELLATE SIDE

ANNEXURE

FORM No.1

(Rule 6)

**In the High Court of Judicature at Madras**

(Appellate Side)

Case Referred No.....of 20 .

[In the matter of the Companies Secretaries Act, 1980 (Central Act 56 of 1980) and in the matter of Member of the Institute of Companies Secretaries of India].

The Council of the Institute of Companies Secretaries of India—

Referring Authority .....Respondents

To

- (1) .....Member of the Institute, the Respondent above named;
- (2) Secretary to the Council of the Institute of Companies Secretaries of India;
- (3) Secretary to Government of India (Ministry of Finance), New Delhi -
- (4) Secretary to Government of India (Ministry of Commerce), New Delhi

WHEREAS the Council of the Institute of Companies Secretaries of India has forwarded to this Court its finding, dated the .....20 and the report of the Disciplinary Authority dated the .....20 in the above case:

Now take notice that the High Court will proceed to hear the said case and pass orders thereon on the date .....20 when you may appear either in person or by an Advocate and make your submission to the Court.

HIGH COURT OF JUDICATURE MADRAS,

Dated: .....20 .

**Sub Assistant Registrar, Appellate Side.**

## FORM No. II

Note of Appeal / Revision Petition

In the High Court, etc. (As in Form No. I)

**Appeal No.** /20 (CA)

**Revision Petition No.** /20 (CA)

**In the matter of the Companies Secretaries Act, 1980 (Central Act 56 of 1980)**

*Appellant / Petitioner*  
**Respondent(s).**

To

1. The Secretary to the Council of the Institute of Companies Secretaries of India;
- 2.
- 3.

Whereas.....the appellant / the petitioner above named has filed in this High Court the above appeal from the / petition to revise the order of the Council of Institute of Companies Secretaries of India dated..... and passed in .....under Sec.22-A (1) 22-A (2) of the Companies Secretaries Act, 1980, take notice that the said Appeal / Revision Petition will be heard by the Court on .....day of .....20 and tha if you intend to defend the same, you may appear on the said day in person or by Advocate and make your submissions to the Court.

High Court, Madras,  
18th November 2010.

S. VIMALA,  
*Registrar General.*

AMENDMENT TO RULES OF THE HIGH COURT, MADRAS APPELLATE SIDE, 1965

(Roc. No. 1660-A/2010/F1)

No. SRO C-11/2010.

By virtue of the powers under clause 37 of the Letters Patent, and all other powers conferred hereunto enabling the High Court, Madras hereby make the following amendments to Order VII Rule 4 of Rules of the High Court; Madras, Appellate Side, 1965.

AMENDMENT

In Rule 4, after Note:- (2), the following Note shall be added:

3. where parties file petitions for bringing on record the legal representatives along with
  - (a) petitions to set aside the abatement; or
  - (b) petitions to set aside the abatement, along with petitions for condonation of delay in setting aside the abatement,
 a single batta shall be charged.

High Court, Madras,  
22nd November 2010.

S. VIMALA,  
*Registrar General.*