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PART II, SECTION 3, SUB-SECTION (i)

Ministry of Corporate Affairs

Notification

New Delhi, the, 2013

G.S.R. ...(E).- In exercise of the powers conferred by section 469 read with section 414 of the Companies Act, 2013 (18 of 2013), the Central Government hereby makes the following rules, namely:-

1. Short title and commencement.- (1) These rules may be called the National Company Law Tribunal (Salary, Allowances and other Terms and Conditions of Service of President and other Members) Rules, 2013.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.- (1) In these rules, unless the context otherwise requires, -

(a) "Act" means the Companies Act, 2013 (18 of 2013);

(b) "President" means the President of the Tribunal appointed under section 408 of the Act;

(c) "Tribunal" means the National Company Law Tribunal constituted under section 408 of the Act;

(2) Words and expressions used in these rules and not defined, but defined in the Act shall have the meanings respectively assigned to them in the Act.

3. Pay.- (1) The President shall be entitled to a monthly pay of Rs. 80,000/- (fixed) and other allowances as are admissible to a Government Servant in the Apex grade of Rs. 80,000 (fixed).

(2) A Judicial Member shall be paid salary in the pay scale of Rs. 67000-79000/- (annual increment at 3%) and other allowances as are admissible to a Government Servant in Higher Administrative Grade of Rs. 67000-79000/-.

(3) A Technical Member shall be paid salary in the pay scale of Rs. 67000-79000/- (annual increment at 3%) and other allowances as are admissible to a Government Servant in Higher Administrative Grade of Rs. 67000-79000/-.

Provided that neither the salary and allowances nor the other terms and conditions of service of the President and the Members shall be varied to their disadvantage after their appointment:

Provided further that in case a person appointed as the President or a Judicial Member or a Technical Member, as the case may be, is in receipt of any pension, the pay of such person shall be reduced by the gross amount of pension drawn by him.

4. Pension, Gratuity or Provident Fund. – (1) In case of a serving judge of a High Court or a person in the service of the Government is appointed to the post of President or Judicial Member or Technical Member, as the case may be, the service rendered in the Tribunal shall count for pension, to be drawn in accordance with the rules of the service to which he belongs, and he shall also be governed by the provisions of the General Provident Fund (Central Services) Rules, 1960.

(2) In all other cases, the Members shall be governed by the provisions of the Contributory Provident Fund (India) Rules, 1962.

(3) Additional pension and gratuity shall not be admissible for service rendered in the Tribunal.

5. Leave. – (1) The President and every other Member shall be entitled to thirty days of Earned Leave for every year of service.

(2) The payment of leave salary during leave shall be governed by rule 40 of the Central Civil Services (Leave) Rules, 1972.

(3) The President and every other Member shall be entitled to encashment of fifty per cent of Earned Leave standing to their credit at any time.

6. Leave Sanctioning Authority. - In the case of the President, the competent authority to sanction the leave shall be the President of India and in the case of the Members, the President shall be the leave sanctioning authority.

7. Travelling Allowances.- (1) The President of the Tribunal while on tour within India or on transfer (including the journey undertaken to join the Tribunal or on the completion of their tenure with the Tribunal to proceed to their home town) shall be entitled to the travelling allowance, daily allowance, transportation of personal effects and other similar matters at the same rates as are applicable to the officers of the Central Government in Apex Grade (Rupees eighty thousand [fixed]), subject to the first proviso to sub-rule (3) of rule 3.

(2) The Members of the Tribunal while on tour within India or on transfer (including the journey undertaken to join the Tribunal or on the completion of their tenure with the Tribunal to proceed to their home town) shall be entitled to the travelling allowance, daily allowance, transportation of personal effects and other similar matters at the same rates as are applicable to the officers of the Central Government in Higher Administrative Grade (Rs. 67000-79000), subject to the first proviso of sub-rule (3) of rule 3.

8. Official visits abroad. – (1) Official visits abroad by the President shall be undertaken only in accordance with orders issued by the Central Government and he shall be entitled to draw such allowances in respect of

such visits as are applicable to officers of the Central Government in Apex Grade (Rupees eighty thousand-fixed), subject to the first proviso to sub-rule (3) of rule 3.

(2) Official visits abroad by the Members shall be undertaken only in accordance with orders issued by the Central Government and they shall be entitled to draw such allowances in respect of such visits as are applicable to officers of the Central Government in Higher Administrative Grade Rs. 67000-79000, subject to the first proviso to sub-rule (3) of rule 3.

9. Leave Travel Concession. - (1) The President of the Tribunal shall be entitled to Leave Travel Concession (LTC) at the same rates as applicable to officers of the Central Government in Apex Grade (Rupees eighty thousand [fixed]), subject to the first proviso to sub-rule (3) of rule 3.

(2) The Members of the Tribunal shall be entitled to Leave Travel Concession (LTC) at the same rates as applicable to officers of the Central Government in Higher Administrative Grade (Rs. 67000-79000), subject to the first proviso to sub-rule (3) of Rule 3.

10. Facility for Medical Treatment.- The President and other Members shall be entitled to medical treatment and hospital facilities as provided in the Central Government Health Scheme and a places, where the said Scheme is not in operation, the President and other Members shall be entitled to the facilities as provided in the Central Service (Medical Attendance) Rules, 1944.

11. Accommodation.- The President and Members shall have the option of claiming house rent allowance in accordance with the rate prescribed by the Central Government:

Provided that they shall not be eligible for house rent allowance in case they are declared eligible for General Pool Residential Accommodation and occupy such a Government accommodation allotted to them.

12. **Facility of conveyance.**- The President and Members shall be entitled to the facility of staff car for journeys for official and private purposes in accordance with the facilities provided to Government servants in the corresponding pay grade.

13. **Telephone facility, official meetings and entertainment expenses.**- The President and Members shall be eligible for telephone facilities, official meetings and entertainment expenses as admissible to a Group 'A' officer of the Central Government drawing an equivalent pay.

14. **Conditions of service of sitting Judge of a High Court appointed as President or Judicial Member.**- Where a sitting judge of a High Court is appointed as the President or a Judicial Member of the Tribunal, as the case may be, the service conditions, unless specifically provided in these rules, as contained in the High Court Judges (Conditions of Service) Act, 1954 and the rules made thereunder shall apply to him.

15. Applicability of rules:- (1) Chairman and Members of the Company Law Board, who fulfill the qualifications and requirements provided under the Act for being appointed respectively as the President and Members of the Tribunal shall be so appointed after following the selection procedure for these posts in the manner laid down in section 412 of the Act.

(2) The pay scale referred to in clause (a) of sub-section (3) of section 409 as 'equivalent' to the pay scale of Joint Secretary to the Government of India shall mean pay scale of Rs. 37,400-67,000 (Pay Band - 4) Grade Pay Rs. 10,000/-

16. Other Conditions of Service. - The conditions of service of President or Members in respect of matters for which no provision is made in these rules shall be the same as may, for the time being, be applicable to other employees of the Government of India of a corresponding status.

17. Oath of office and secrecy. - (1) Every person appointed as the President or, as the case may be, Member shall, before entering upon his

office, make and subscribe an oath of office and secrecy respectively, in Form I and Form II annexed to these rules.

18. Declaration of financial or other interest.- Every person, on his appointment as the President or Member, as the case may be, shall give a declaration in Form III annexed to these rules, to the satisfaction of the Central Government, that he does not have any such financial or other interest as is likely to affect prejudicially his functions as President or Member, as the case may be.

19. Powers to relax.- The Central Government shall have power to relax any provision of these rules with respect to any class or category of persons.

Form - I

(See rule 17)

Form of oath of office for President or Members of the National Company Law Tribunal

"I,, having been appointed as President or member of the National Company Law Tribunal

do solemnly affirm

swear in the name of God

that I will faithfully and conscientiously discharge my duties as President or member to the best of my ability, knowledge and judgment, without fear or favour, affection or ill-will."

Signature:

(Name of the President/ Judicial/

Technical Member)

Designation:

National Company Law Tribunal

Dated:

Place:

Form - II

(See rule 17)

Form of oath of secrecy for President or Members of the National Company Law Tribunal

"I,, having been appointed as President or member of the National Company law Appellate Tribunal

do solemnly affirm

swear in the name of God

that I will not directly or indirectly communicate or reveal to any person or persons any matter which shall be brought under my consideration or shall become known to me as President or member of the said Tribunal except as may be required for the due discharge of my duties as President or Member."

Signature:

(Name of the President/ Judicial/
Technical Member)

Designation:

National Company Law Tribunal

Dated:

Place:

Form - III

(See rule 18)

Declaration against acquisition of any adverse financial or other interest

I,, having been appointed as the President or Member (cross out portion not applicable) of the National Company Law Tribunal, do solemnly affirm and declare that I do not have, nor shall have in future any financial or other interest which is likely to affect prejudicially my functioning as the President or Member (cross out portion not applicable), of the National Company Law Tribunal.

Signature:

(Name of the President/ Judicial/
Technical Member)

Designation:

National Company Law Tribunal

Dated:

Place:

File No. 1/30/2013-CL.V – Part –I

(Renuka Kumar)
Joint Secretary
