

CHECKLIST

COMPANY PETITION

(WINDING UP MATTERS)

(Sections 433, 434 & 439 of the Companies Act, 1956)

[Company (Court) Rules, 1959]

SR. NO.		YES / NO / N.A.
1	Whether the Hon'ble Court has Jurisdiction to entertain and try the Petition (including jurisdiction u/r 986A of the High Court (O.S.) Rules, 1980?	
2	Whether the Company Petition is maintainable ?	
3	Whether the provisions of Rules 3 to 6, 21 and 22 of the Company (Court) Rules, 1959 are complied with?	
4	Whether Petition is filed as per Rule 95 and Form Nos.45, 46 or 47 of the Company (Court) Rules, 1959?	
5	Whether the relevant sections of the Act under which the Petitions is filed are mentioned in the cause title?	
6	Whether any Reference is pending before B.I.F.R. or A.A.I.F.R. against the Respondent Company?	
7	If any Reference is pendign before B.I.F.R. / A.A.I.F.R. , whether a letter from the conerned board or authority is obtained and annexed to the Petitioner?	
8	Whether the Statutory Notice is served upon the Respondent Company at its registered Address? (Averments to be made)	
9	Whether acknowledgement of service of Notice at the Registered address of the Respondent Company, is annexed?	
10	Whether Petition has been filed after 21 days from the date of service of Statutory Notice?	
11	Whether the Amount of Claim is more than Rs.500/-?	
12	Whether the amount mentioned in Particulars of Claim tallies with the amount mentioned in the Statutory Notice?	
13	Whether Amount of Claim and date of Statutory Notice is mentioned on the docket ?	
14	Whether the address of the Petitioner for service purpose is mentioned in the Petition?	
15	Letter of Authority to be produced and endorsement from the Officer before whom it is sworn to be obtained.	
16	Whether the averment as to the Jurisdiction of the Court is made?	
17	Whether the averment as to payment of Court Fees is made?	
18	Whether the Petition is filed in time ? (Averment to be made)	
19	Whether the Exhibits are referred in the margin of the Petition?	
20	Whether the Exhibits are flagged?	
21	Whether the Affidavit-in-support of Petition is annexed?	
22	Illegible xerox copies to be replaced by the proper legible and/or typed copies.	
23	Whether two spare copies of the Petition alongwith a duly stamped postal envelope (of R.P.A.D.) is submitted alongwith Petition?	

24	Whether the draft of Notice under Rule 28 of the Company (Court) Rules, 1959, is submitted?	
25	Whether the alterations / interlineations , erasures in the Petition (if any) are authenticated by the initials of the Officer before whom the Petition is declared?	
26	Whether Pagination is done (with ink pen)?	

27	Whether copies are certified as True Copy by the Advocate on record [at the end of the document(s)]?	
28	Whether the blanks in Proforma Sheet are filled in?	
29	Whether the double docket is annexed?	
30	Endorsement to be obtained from the Computer Section of the Company Department as to whether any other Petition is pending / disposed of against the Respondent Company?	
31	Whether the Vakalatnama is filed in accordance with Form No.5 of the High Court (O.S.) Rules, 1980?	
32	Whether the Vakalatnama is addressed to the Registrar (O.S.) / Prothonotary and Senior Master?	
33	Whether the Vakalatnama is signed by the person duly authorised by the Company?	
34	Whether the Vakalatnama is signed by the Advocate on record?	
35	Whether the name and designation of the person who has signed the Vakalatnama , is mentioned?	
36	Whether O.S. Registration No. of the Advocate is mentioned on the Vakalatnama ?	
37	Whether the Court Fee stamp of Rs.15/- is affixed to the Vakalatnama ?	
38	Whether the Stamp of Welfare Fund is affixed to the Vakalatnama ?	
39	Whether the endorsement in respect of membership of Advocates' Welfare Fund is made on the Vakalatnama and signed by the Advocate?	
40	Whether date is mentioned on the Vakalatnama ?	