

FORM WIN 39

[See rule 92]

Instructions regarding the preparation of the Statement of Account

The following general instructions shall be observed in preparing the statements of account to be filed in Tribunal :—

1. The statement should be a detailed account of all the Liquidator's realisations and disbursements in respect of the company. Under realisations should be entered all receipts derived from assets existing at the commencement of the winding-up and subsequently realised, including balance in Bank, Book Debts and Calls collected, Property sold etc., and under disbursements should be entered all payments for costs and charges, or to creditors and contributories. Where property has been realised, the gross proceeds of sale must be entered under realisations, and the necessary payments incidental to sales must be entered as disbursements. The statement should not contain payments into or out of the Bank (which should be shown by the Bank pass book), nor the temporary investments by the Liquidator or the proceeds of such investments when realised, which should be shown separately by a separate detailed statement of moneys invested by the Liquidator and the investments realised.

Interest allowed or charged by the Bank, Bank Commission etc., and profit or loss upon the realisation of temporary investments should, however, be inserted in the accounts of realisations or disbursements, as the case may be. Each receipt and payment must be entered in the account in such a manner as sufficiently to explain its nature. The receipts and payments must severally be added up at the foot of each sheet, and the totals carried forward, from one account to another without any intermediate balance, so that the gross totals shall represent the total amounts received and paid by the Liquidator respectively.

2. Where the Liquidator carries on a business, a Trading Account must be furnished as a distinct account, and only the totals of receipts and payments on the Trading Account must be brought into the statement.

3. When dividends or instalments of composition are paid to creditors, or a return of surplus assets is made to contributories, the total amount of each dividend, or instalment of composition, or return to contributories, actually paid, must be entered in the statement of disbursements as one sum; and the Liquidator must furnish separate accounts showing in lists the amount of the claim of each creditor, and the amount of dividend or composition payable to each creditor, and of surplus assets payable to each contributory, distinguishing in each list the dividends and instalments of composition and shares of surplus assets actually paid and those remaining unpaid.

4. When unclaimed dividends, instalments of composition or return of surplus assets are paid into the Company Liquidation Dividend and Undistributed Assets

Account, the total amount so paid should be entered in the statement of disbursements as one sum.

BEFORE THE NATIONAL COMPANY LAW TRIBUNAL
BENCH AT.....

IN THE MATTER OF-----LTD (give the name of the company)
(Company incorporated under Companies Act,....)

Petition No.....of 20.....

.....Petitioner

Exhibit 'A' referred to in the affidavit of

Solemnly affirmed this.....day of 20

Before me

Commissioner

Company Liquidator's Statement of Account

(To be filed under section 294(2) of the Companies Act, 2013)

1. Name of company :
2. Date of winding up order:
3. Date of commencement of winding up:
4. Period of account :

Realisations					Disbursements				
Date	Of whom received	Nature of assets realised	Receipt No.	Amount Rs. nP.	Date	To whom paid	Nature of disbursement	Voucher No.	Amount Rs. nP.
1	2	3	4	5	1	2	3	4	5
Brought forward Carried forward					Brought forward Carried forward				

Notes: 1. The statement should be made out in accordance with Instructions 1 to 4 herein.

2. No balance should be shown on this account, but only the total realisations and disbursements which should be carried forward to the next statement of account.

3. Only the total amount of dividends paid to creditors or capital returned to contributories should be included under disbursements, and the details should be given in the Annexure below.

Analysis of Balance

Total realisations Rs P.

Total disbursements

Balance

The balance is made up as follows :—

Rs.

P.

1. Cash in hands of the Company Liquidator

2. Total payments into Bank including balance
at date of commencement of winding-up as
per Bank Book

Total withdrawals from Bank

Balance at Bank

Rs.

P.

*3. Amounts invested by Company Liquidator

Less

Amounts received by realisation of investment

Deduct profit or *add* loss on realisation of investment
(carried into account)

Balance under investment

Total balance as shown above

***Note:** Full details of investments made and realisations thereof should be
given in a separate statement.

Annexure to the Account

I. Calls made by the Company Liquidator :

Date of call:

Rate of call:

Total amount of call:

Total amount realised on the call:

II. Dividends declared:

1. Date of declaration :

2. Rate of dividend:

3. If not declared, state reasons, and when declaration may probably be made:
(Where dividends have been declared and paid the following account should be
furnished)

Number on list	Name of creditor	Amount of proof	Amount of dividend (or composition)	
			Paid Rs. nP	Unclaimed Rs. nP.
1	2	3	4	5
		Total		

III. List of amounts paid and payable to contributories during the period of account

Number on list	Name of contributory	Number of shares	Amount returnable on shares					
			Rs.	Paid nP.	Rs.	Unclaimed nP.		
1	2	3	4			5		
			Total					

If any actions or other proceedings are delaying the close of the liquidation, state shortly the nature and probable duration thereof. State also any other circumstances tending to delay the winding up of the company, or affecting the realised value of the property or the costs of realisation.

IV. Legal proceedings authorised

Date of order	Name of representative	Nature of work	Limit of costs, if
authorising		authorised to be	any
employment of representative		done	
1	2	3	4

V. Liquidator's Trading Account*

The Company Liquidator in account with the estate								
Dr.	Receipts				Payments		Cr.	
Date	Particulars	Rs.	nP.	Date	Particulars	Rs.		nP.
	Total				Total			

Date

(Sd.)
Company Liquidator

*To be furnished where the Company Liquidator carries on business.