

**FORM WIN 72**

[See rule 153]

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

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

*Application No.....of 20.....*

[Company] Liquidator of the company  
[or A.B., a creditor or contributory  
as the case may be]

—Applicant

versus

.....

—Respondents

**Summons under section 339(1) of the Companies Act, 2013**

Let all parties attend the Chambers on the.....day of.....20...., at.....o'clock in the.....noon on the hearing of an application under section 339(1) of the Companies Act, 2013 on the part of the [Company] Liquidator of the company aforesaid [or, A.B., of.....a creditor/contributory of the said company] for the following declarations and orders:—

1. A declaration that the business of the said company was carried on from the.....20....., to the.....20..., (the date of the commencement of the winding up of the company), with intent to defraud creditors and for other fraudulent purposes by reason of the fact that [Here set out the facts showing the fraudulent purposes, *e.g.*, that the company continued to trade and to obtain goods on credit and to incur other liabilities without any means or prospect of being able to pay or provide for payment thereof, and further for the purpose of increasing the amount of assets available for distribution among the debenture holders, including the respondent C.D., etc., or, as the case may be] and that the respondents as the.....of the company were knowingly parties to the carrying on of the business of the said company in the manner aforesaid.

2. A declaration that the respondents..... (Names)..... shall be personally responsible, without any limitation of liability, for all the debts or other liabilities of the company.

3. A declaration that the said respondents are jointly and severally liable to pay to the [Company] Liquidator sums amounting to Rs.....being the amount of debts owing by the company in respect of goods supplied to or services rendered

to or other liabilities incurred by the said company during the period aforesaid or such part of the said sums as to the Tribunal shall seem fit after due inquiry.

4. An order for payment to the [Company] Liquidator by the said respondents of the said sum of Rs.....or such other sum as to the Tribunal shall seem fit.

5. An order that for the purpose of giving effect to the foregoing declarations, the liability of the respondent.....(name) shall constitute a first charge on [Here set out the debt, mortgage or interest of the respondent on which the charge is created under section 339(2)(b)], [and that the liability of the respondent C.D., thereunder shall be and constitute a first charge on the debenture issued by the said company to him, and the money secured thereby].

6. An order that the respondents do pay to the applicant costs of and incidental to this application.

7. Such other order in the premises as the Tribunal shall think fit to make.

*Dated this ..... day of ..... 20.....*

*Registrar.*

This summons was taken out by Shri ..... representative for the applicant.

To

..... (respondents)  
.....

**Note :** If you do not attend, either in person or by your representative, at the time and place above-mentioned, such order will be made and proceedings taken as the Tribunal may think just and expedient.