

FORM WIN 73

[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...
[in Company Petition No. of 20 ...]

[Company] Liquidator of the company
[or A.B., a creditor or contributory
of the said Company]

—Applicant

versus

.....

—Respondents

Summons under section 340(1) of the Companies Act, 2013

Let all parties attend the sitting Judge in Chambers on day the
..... day of 20..., at o'clock in the noon, on the
hearing of an application under section 340(1) of the Companies Act, 2013 on
the part of the [Company] Liquidator of the company aforesaid [or A.B., a
creditor/contributory of the above company] for—

1. A declaration that the respondents, the (promoters,
directors, etc., as the case may be) of the above company had misapplied,
retained or become liable or accountable for the money or property of the
company, or were guilty of misfeasance and breach of trust in relation to the said
company in [here set out briefly the ground on which the declaration is sought,
e.g., paying to the shareholders dividend out of capital in respect of the financial
year, or lending without consideration and, without taking any security
Rs. of the said company to on 20..., whereby the
same became wholly lost to the said company on the adjudication of
the said as insolvent on 20..., or as the case may be].

2. An order that all necessary inquiries be made and accounts taken for
ascertaining what sums the respondents are liable to contribute to the assets of
the said company by way of compensation for such misfeasance and breach of
trust as aforesaid.

3. An order that the respondents do jointly and severally contribute to the assets
of the said company and do pay to the [Company] Liquidator of the said company

all such sums as they may be found liable to contribute to such assets together with interest on such sums at the rate of per cent per annum as from the several dates when the said sums were respectively wrongfully paid away until the date of repayment.

4. An order that the said respondents do pay the costs of and incidental to this application.

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

Dated this day of 20...,

Representative for applicant

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.