F. No. 23/2/2017- NCLAT NATIONAL COMPANY LAW APPELLATE TRIBUNAL

3rd Floor, B-1 Wing, Pt. Deen Dayal Antyodaya Bhawan C.G.O. Complex, Lodhi Road New Delhi- 110003 Dated: 6.2.2018

ORDER

In exercise of the powers conferred by Rule 104 of the National Company Law Appellate Tribunal Rules, 2016, the following directions have been issued by the Chairperson, National Company Law Appellate Tribunal to remove difficulties faced by the litigants in the absence of specific provision in the Rules for lodging of caveat:-

Lodging of caveat

- (i) Any person(s) may lodge a caveat in triplicate in any appeal or application that may be instituted before this Appellate Tribunal by paying a fee of rupees thousand (₹1000/- only) after forwarding a copy by registered post or serving the same on the expected appellant or applicant.
- (ii) The caveat shall be in the form given below and shall contain such details and particulars or orders or directions, details of the authority against whose orders or directions the appeal or application is being instituted by the expected appellant or applicant with full address for service on the other side, so that the appeal or application could be served before the appeal or interim application is taken up.

- (iii) The Appellate Tribunal may, if found necessary, pass interim orders in case of urgency.
- (iv) The caveat shall remain valid for a period of ninety days from the date of its filing.

Particulars to be set out in the address for service

As contained in Rule 20 of the NCLAT Rules, 2016.

Presentation of caveat

Every caveat shall be presented in triplicate by the appellant or applicant or respondent, as the case may be, in person or by his duly authorised representative or by an advocate duly appointed in this behalf in the form given below with stipulated fee at the filing counter and non-compliance of this may constitute a valid ground to refuse to entertain the same.

Registration of caveat

A caveat on being taken on record shall be numbered and registered in the appropriate register maintained in this behalf and its number shall be entered therein.

Form of Caveat

CAVEAT IN THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL NEW DELHI

Caveat No.

of

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By order of the Hon'ble Chairperson

(C.S. Sudha) Registrar