

MINISTRY OF COMPANY AFFAIRS

NOTIFICATION

New Delhi, the 3rd March, 2006

G.S.R. 132(E).—In exercise of the powers conferred by sub-clause (i) of clause (b) of sub-section (3) of section 600 read with section 642 and section 610A of the Companies Act, 1956 (1 of 1956), the Central Government hereby makes the following rules further to amend the Application of Section 159 to Foreign Companies Rules, 1975 namely:-

1. (1) These rules may be called the Application of Section 159 to Foreign Companies (Amendment) Rules, 2006.

(2) They shall come into force on the date of their publication, in the Official Gazette.

2. (i) In the Application of Section 159 to Foreign Companies Rules, 1975, -
(a) in rule 3, in section 159 as modified by the said rule, in sub section (1), after clause (iii), the following clauses shall be inserted, namely: -

“(iv) The Forms prescribed in these rules may be filed through electronic media or through any other computer readable media as referred under section 610A of the Companies Act, 1956 (1 of 1956).

(v) The electronic-form shall be authenticated by the authorized signatories using digital signatures, as defined under the Information Technology Act, 2000 (21 of 2000).

(vi) The Forms prescribed in these rules, when filed in physical form, may be authenticated by authorized signatory by affixing his signature manually.”

for the Form in Part II, the following Form shall be substituted, namely:-

“

FORM

Form of annual return of a foreign company
having a share capital

[Pursuant to section 600(3)(b)(i) of the Companies Act, 1956
and rule 3 of Application of section 159 to Foreign Companies
Rules, 1975]

Note - All fields marked in * are to be mandatorily filled.

1. *Date upto which the annual return has been made (DD/MM/YYYY)

2. *Foreign company registration number

3(a). Name of the company

(b). Address of the established place of business in India

*Line I

Line II

(c). *City

(d). *State

(e). *Country

(f). *Pin code

(g). Telephone number with STD code

(h). Fax

(i). e-mail ID

4. *Date of balance sheet (last day of financial year of the company) (DD/MM/YYYY)

5(a). *Whether any part of the register of members or debentures kept in India

Yes No

(b). If yes, address of the place in which the part of the register is kept

Line I

Line II

(c). City

(d). State

(e). Pin code

I. Summary of share capital and debentures

6. *Authorised share capital

Authorised share capital (number of shares) (in Rs.)
divided into:

Class of shares	Number of shares	Nominal value (in Rs.)

7. *Subscribed share capital and debentures

(a). Number of shares of each class taken

Number of shares	Class of shares

(b). Number of shares of each class issued subject to payment wholly in cash

Number of shares	Class of shares

(c). Number of shares of each class issued as fully paid-up for a consideration other than cash

Number of shares	Class of shares

(d). Number of shares of each class issued as partly paid-up for a consideration other than cash and extent to which each such share is so paid-up

Class of shares	Number of shares	*Paid-up value per share

(e). Number of shares (if any) of each class issued at discount

Number of shares	Class of shares

(f). Amount of discount on the issue which has not been written off (in Rs.)

8. *Called up share capital and debentures

(a). Amount called up on number of shares of each class

Class of shares	Number of shares	Called up value per share

62665/26-3

(b). Total amount of calls received, including payment on application and allotment and any sums received on shares forfeited (in Rs.)

(c). *Total amount (if any) agreed to be considered as paid on number of shares of each class issued as fully paid-up for a consideration other than cash (in Rs.) on

Number of shares	Class of shares

(d). *Total amount (if any) agreed to be considered as paid on number of shares of each class issued as partly paid-up for a consideration other than cash (in Rs.) on

*Number of shares	Class of shares

(e). Total amount of calls unpaid (in Rs.)

9. Total amount of the sums (if any) paid by way of commission in respect of any shares or debentures (in Rs.)

10. Total amount of the sums (if any) allowed by way of discount in respect of any debentures since the date up to which the last return was made (in Rs.)

11. Total number of shares of each class forfeited

Number of shares	Class of shares

12. Total amount paid (if any) on shares forfeited (in Rs.)

13. Total amount of shares for which share warrants to bearer are outstanding (in Rs.)

14. Total amount of share warrants to bearer issued and surrendered respectively since the date up to which the last return was made

(a). Issued (in Rs.)

(b). Surrendered (in Rs.)

15. Number of shares comprised in each share warrant to bearer, specifying in the case of warrants of different kinds, particulars of each kind

Number of shares in each share warrant	Kinds of warrant

Particulars of warrant

II. Particulars of indebtedness

Total amount of indebtedness of the company in respect of all charges (including mortgages) which are required to be registered with the registrar (in Rs.)

Attachments

1. * Details of past and present members
2. *Details of directors, managers and secretaries, past and present
3. *Verification by managing director or director and director or manager or secretary, of the foreign company
4. Details of past and present debenture-holders
5. Optional attachment(s) - if any

List of attachments

Declaration

To the best of my knowledge and belief, the information given in this form and its attachments is correct and complete. The verification by managing director or director and director or manager or secretary of the company is being filed as an attachment to this form.

I have been authorised by the board of directors to sign and submit this form.

To be digitally signed by

Authorised representative of the foreign company

For office use only:

This e-Form is hereby registered

Digital signature of the authorising officer

[F. No. 1/6/2005/CL-V]

JITESH KHOSLA, Jt. Secy.

Note:— The Principal rules were published in the Gazette of India vide GSR No 52(E) dated 19-02-1975.