

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
Checklist for Appeals under Companies Act, 2013 & Insolvency and
Bankruptcy Code, 2016

Appeals to be in Form NCLAT-1 (in triplicate) along with an affidavit in
Form NCLAT-4 of the National Company Law Appellate Tribunal Rules,
2016 (Rules)

1.	<p><u>Language & Format</u></p> <ul style="list-style-type: none">- <u>Appeal stitched together in paper book form</u>- Language of appeal – English- If in some other language - should be accompanied by a copy of translated version in English- Fairly and legible type-written or printed- Double spacing- On one side of legal size paper with inner margin of about 4 cm<ul style="list-style-type: none">- Width on top & right margin 2.5 cm.- Left margin 5 cm.- Duly paginated
2.	<p><u>Cause Title</u></p> <ul style="list-style-type: none">- Cause Title to state “In the National Company Law Appellate Tribunal”- Company Appeal (AT) No.____/2017 or Company Appeal (AT) (Insolvency) No.____/2017.- State the provision(s) of law/ rule(s) under which appeal preferred.- State Case No., date, Bench which passed the impugned order.

3.	<p><u>Memo of Parties and address for service of summons</u></p> <ul style="list-style-type: none">- State full name, parentage and following details as prescribed under Rule 20: -<ul style="list-style-type: none">(a) The name of the road, street, lane and Municipal Division or ward, Municipal Door and other number of the house;(b) The name of the town or village;(c) The post office, postal district and PIN Code; and(d) Any other particular necessary to identify the addressee such as fax number, mobile number and e-mail address.- In case party sues or is being sued in a representative character, state the fact at the beginning of the appeal and need not be repeated in the remaining part of the appeal.- If a company or companies are party to the appeal, the name and details of the person authorised to represent the company.- The parties shall be numbered consecutively and a separate line should be allotted to the name and description of each party. This number shall not be changed and in the event of death of a party during the pendency of the appeal, his legal heirs or representative(s) should be given sub-numbers. e.g. if Respondent No.3 dies & there are 4 legal heirs, they will be substituted as Respondent No.3(a), 3(b), 3(c) & 3(d).- When fresh parties are brought in, they may be numbered consecutively.
4.	<p><u>Synopsis-cum-chronological list of events: -</u></p> <ul style="list-style-type: none">- Appeal memo to contain synopsis and list of dates.

5.	<p><u>Pleadings: -</u></p> <ul style="list-style-type: none">- To be divided into paragraphs and numbered consecutively.- Each paragraph to contain as nearly as may be, a separate fact or allegation or point.- Where saka or other dates are used, state also the corresponding dates of Gregorian calendar.- Every interlineation, eraser or correction or deletion should be initialled by the party or his authorized representative.
6.	<p><u>Fees for Appeals: -</u></p> <ul style="list-style-type: none">- <u>For every order challenged</u> - ₹ 5,000/- to be paid by way of Demand Draft or Pay Order in favour of “Pay and Accounts Officer, Ministry of Corporate Affairs” payable at New Delhi.
7.	<p><u>Fees for Interlocutory Application: - -</u> ₹ 1,000/- <u>per application.</u></p>
8.	<p><u>Documents: -</u></p> <ul style="list-style-type: none">- When Appeal instituted by or on behalf of an association, the person signing or verifying the same to produce a true copy of the Resolution of the association empowering him to do so (Rule 30).- Every Appeal to be accompanied by a certified copy of the impugned order(s) (not photocopy copy or typed copy). The order to be incorporated in the paper book immediately after the Appeal memo.- All documents filed in the Appellate Tribunal to be accompanied by index in triplicate containing their details.- Sufficient number of copies of Appeal or petition or application should be filed for service on the opposite parties (if not filed, it

	is required to be filed within a period as directed by the Hon'ble Appellate Tribunal).
9.	In pending matters, all applications to be filed after serving copies in advance on the opposite side/ his advocate/ authorised representative.
10.	<u>Process Fees: -</u> <ul style="list-style-type: none">- The required processing fee with required number of envelopes of sufficient size containing the address of the parties to be filed within a period as directed by the Hon'ble Appellate Tribunal.
11.	<u>Endorsement and Verification: -</u> <ul style="list-style-type: none">- At the foot of every Appeal or pleading, there shall be the name and signature of the authorised representative (Rule 24).- Every Appeal or pleadings to be signed and verified by the party concerned.- Declaration and verification in Appeal to be as contained in Form NCLAT-1.
12.	<u>Proof of Engagement: -</u> <ul style="list-style-type: none">- Vakalatnama to be filed by Lawyer (Rule 64) with Court fee of ₹.3/- and Advocate Welfare stamp of ₹.10/- each.- Chartered Accountants or Company Secretaries or Cost Accountants to submit memorandum of appearance {Rule 64(2)}.
13.	Copy of petition(s), counter affidavit(s) etc. filed before the NCLT to be produced, if intended to be relied on.

14.	<p><u>Format of Interlocutory Application: -</u></p> <ul style="list-style-type: none">- To be in Form NCLAT-2 along with affidavit (Rule 31).- In cause title state I.A. No.____/2017 in Company Appeal (AT) ____/2017 or Company Appeal (AT) (Insolvency)____/2017.- State the provision of law under which I.A. is filed.
15.	<p><u>Affidavit: -</u></p> <ul style="list-style-type: none">- Title of affidavit to be – “Before the National Law Appellate Tribunal” followed by cause title of the application or the proceedings in which the affidavit is to be used (Rule 67).- Affidavit to be in Form NCLAT-4 and to conform to Order XIX Rule 3 CPC (Rules 68).- Affidavits of illiterate and visually challenged person to comply with Rule 70.- Identification of deponent and Annexures to affidavit to be in accordance with Rules 71 and 72.
16.	<p><u>Miscellaneous Application</u></p> <p>(e.g. Extension of time for compliance under sub-rule (3) to rule 26)</p> <ul style="list-style-type: none">- Format same as in Interlocutory Application - No fee required.