



Registration of Companies (Amendment) Act, Sikkim, 2008

Act 8 of 2008

Keyword(s):

RoC, Registration, Company

Amendments appended: 10 of 2010, 20 of 2010

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SIKKIM

GOVERNMENT



GAZETTE

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Gangtok

Wednesday, 16th April, 2008

No. 136

GOVERNMENT OF SIKKIM
LAW DEPARTMENT
GANGTOK

NOTIFICATION

No. 24/LD/P/2008

Date: 10.04.2008

The following Act of the Sikkim Legislative Assembly having received the assent of the Governor on the 28th day of March, 2008 is hereby published for general information:-

REGISTRATION OF COMPANIES (AMENDMENT) ACT, SIKKIM, 2008

(ACT NO. 8 OF 2008)

AN
ACT

further to amend the Registration of Companies Act, Sikkim, 1961,

Be it enacted by the Legislature of Sikkim in the Fifty-ninth Year of the Republic of India as follows.

- | | | |
|-----------------------------------|----|--|
| Short title, extent, commencement | 1. | (1) This Act may be called Registration of Companies (Amendment) Act, Sikkim, 2008. |
| | | (2) It extends to the whole of Sikkim. |
| | | (3) It shall come into force at once. |
| Amendment of section 2 | 2. | In the Registration of Companies Act, Sikkim, 1961, in clause (f) of sub-section (ii) of section 2, for the words "existing prescribed rate", the following words shall be substituted, namely :-

"rates as may be prescribed by notification". |

By Order.

R.K. PURKAYASTHA (SSJS),
L.R-CUM-SECRETARY,
LAW DEPARTMENT.

FILE NO.16 (82) LD/2008

STATEMENT OF OBJECT AND REASON

Whereas it has been considered expedient to incorporate certain provision and to amend the Registration of Companies Act, Sikkim, 1961, in order to provide flexibility in the present provisions of the Act for administrative expediency and for the purpose of prescribing the rates for enlistment, it is proposed to amend Section 2 of the Act.

The Bill has been framed with the above objective in view.

(R.B. SUBBA)
MINISTER-IN-CHARGE
LAW & PARLIAMENTARY AFFAIRS DEPARTMENT

FINANCIAL MEMORANDUM
Nil.

MEMORANDUM REGARDING DELEGATED LEGISLATION

The provision empowers the Government to prescribe the rate of fees for enlistment by notification.

The delegation of power is therefore normal in character.

(R.B. SUBBA)
MINISTER-IN-CHARGE
LAW & PARLIAMENTARY AFFAIRS DEPARTMENT

SIKKIM

GOVERNMENT



GAZETTE

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GANGTOK

WEDNESDAY 21TH JULY 2010

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GOVERNMENT OF SIKKIM
LAW DEPARTMENT
GANGTOK

No. 10/LD/P/2010

Date: 17.7.2010

NOTIFICATION

The following Act passed by the Sikkim Legislative Assembly and having received the assent of the Governor on the 29th day of June, 2010 is hereby published for general information:-

**THE REGISTRATION OF COMPANIES (AMENDMENT) ACT, 2010
ACT NO. 10 OF 2010**

**AN
ACT**

Further to amend the Registration of Companies Act Sikkim, 1961.

Be it enacted by the Legislature of Sikkim in the Sixty-first year of the Republic of India as follows:-

**Short title
and
Commence
-ment.**

1. (1) This Act may be called the Registration of Companies (Amendment) Act Sikkim, 2010.

(2) It shall be deemed to have come into force w.e.f 17.2.1989.

(3) It shall extend throughout the whole of Sikkim.

**Insertion
of section
18.**

2. In the Registration of Companies Act Sikkim, 1961 after section 17 the following new section shall be inserted, namely ;-

“18 (i) Any company intending to wind up shall make an application to the Registrar of Companies for winding up and the Registrar shall after obtaining police verification report, documents pertaining to clearance of financial institutions viz Bank etc and making publication in any news paper regarding such wind up inviting claim objection, etc, if any, within a

period of not less than fifteen days from the date of publication in the news paper, allow the application for wind up if no objection, claim etc, are received within such period.

(ii) On completion of the above stated procedure, the Registrar of the companies shall be competent to issue order or certificate as may be the case of winding up and the approval of the State Government shall always be deemed to exist and shall always be deemed to have been obtained.

(iii) All action taken by the Registrar shall be deemed to have been made under this Act.

By Order.

**R.K. PURKAYASTHA (SSJS)
LR-cum-Secretary
Law & Parliamentary Affairs Department**

SIKKIM



GOVERNMENT

GAZETTE

EXTRA ORDINARY
PUBLISHED BY AUTHORITY

GANGTOK

WEDNESDAY 16TH MARCH 2011

No. 115

GOVERNMENT OF SIKKIM
LAW DEPARTMENT
GANGTOK

No. 20/LD/P/10

Dated: 14/02/2011

NOTIFICATION

The following Act passed by the Sikkim Legislative Assembly and having received the assent of the Governor on the 5th day of January, 2011 is hereby published for general information:-

**REGISTRATION OF COMPANIES (AMENDMENT) ACT, SIKKIM, 2010
(ACT NO. 20 OF 2010)**

**AN
ACT**

further to amend the Registration of Companies Act, Sikkim, 1961.

Be it enacted by the Legislature of Sikkim in the Sixty-first Year of the Republic of India as follows:-

- | | |
|-------------------------------------|--|
| Short title and commencement | 1. (1) This Act may be called the Registration of Companies (Amendment) Act, Sikkim, 2010. |
| | (2) The provision of this Act shall be deemed to have come into force w.e.f 17.2.1989, except the provision of section 2, which shall be deemed to have come into force with effect from the 1 st day of January, 2005. |
| Amendment of Section 2 | 2. In the Registration of Companies Act, Sikkim, 1961(hereinafter referred to as the said Act),after sub-section (ii) of section 2, the following sub-section shall be inserted, namely:- |

“(iii) for the purpose of registration of such companies under the Act, there shall be paid the fees at such rate as may be notified by the State Government from time to time.

In the said Act, after sub-section (iii) of section 18, the following sub-sections shall be inserted namely:-

Amendment of 3.
Section 18

“(iv) Notwithstanding anything contained hereinabove, the registering authority, may if it so considers appropriate, direct the applicant to obtain necessary order of winding up through the Court of the District Judge within whose territorial jurisdiction the company is located.

(v) In the event of company wound up every present and past member of the company shall be liable to contribute to the assets of the company to an amount to supplement or to repayment of its debts and liabilities and other charges etc. subject to the condition that a person who has ceased to be a member of the company one year prior to the winding up of may be excluded from such debts and liabilities.”

(R.K. Purkayastha) SSJS
L.R.-cum-Secretary,
Law Department.