

# MINISTRY OF CORPORATE AFFAIRS

## NOTIFICATION

New Delhi, the 20th October, 2023

**G.S.R. 790(E).**—In exercise of the powers conferred by section 3, section 4, sub-sections (5) and (6) of section 5, section 6, sub-sections (1) and (2) of section 7, sub-sections (1) and (2) of section 8, sub-sections (2), (3), (4), (5) and (9) of section 12, sub-sections (3), (4) and (5) of section 13, sub-section (2) of section 14, sub-section (1) of section 17, section 20 read with sub-sections (1) and (2) of section 469 of the Companies Act, 2013 (18 of 2013), the Central Government hereby makes the following rules further to amend the Companies (Incorporation) Rules, 2014, namely:-

1. These rules may be called the Companies (Incorporation) Third Amendment Rules, 2023.

(2) They shall come into force with effect from 21st October, 2023.

2. In the Companies (Incorporation) Rules, 2014, in rule 30, in sub-rule (9), -

(i) the words “and may include such order as to costs as it thinks proper” shall be omitted;

(ii) after the proviso, the following proviso shall be inserted, namely:-

“Provided further that where the management of the company has been taken over by new management under a resolution plan approved under section 31 of the Insolvency Bankruptcy Code, 2016 (31 of 2016) and no appeal against the resolution plan is pending in any Court or Tribunal and no inquiry, inspection, investigation is pending or initiated after the approval of the said resolution plan, the shifting of the registered office may be allowed.”

[F. No. 1/13/2013-CL-V, Vol. IV]

MANOJ PANDEY, Jt. Secy.

**Note:-** The principal rules were published in the Gazette of India, Extraordinary, Part-II, section 3, sub-section (i) vide number G.S.R.250(E), dated the 31st March 2014 and last amended vide number G. S. R. 584(E), dated the 2<sup>nd</sup> August, 2023