

F. No 05/13/2006- IGC

Government of India

Ministry of Corporate Affairs

5th floor, 'A' Wing, Shastri Bhawan,
Dr. Rajendra Prasad Road, New Delhi

Dated: 23.05.2011

To

All the Regional Directors,

All the Registrar of Companies/ Official Liquidators

Subject: - Clarification on applicability of provisions of Section 108A to 108I of the Companies Act, 1956 - regarding.

Sections 108A to 108I of the Companies Act, 1956 were inserted in the Companies Act, 1956 through Monopolies and Restrictive Trade Practices (Amendment) Act, 1991. Section 108G (applicability of sections 108A to 108F) and Section 108H (construction of certain expressions used in sections 108A to 108G) of Companies Act, 1956 refer to applicability of provisions of sections 108A to 108F in reference to various requirements under the MRTP Act, 1969. As MRTP Act, 1969 stands repealed, the legal validity of these provisions i.e sections 108A to 108H of Companies Act, 1956 has been examined in this Ministry in consultation with Ministry of Law & Justice and it has been observed that after repeal of the MRTP Act, 1969, the provisions of Section 108A to 108I of the Companies Act, 1956 have become redundant and will have no legal force.

2. This issues with the approval of Competent Authority.



Seema Rath

Assistant Director

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