A-12023/2/2023-Ad.IV-MCA
Government of India
Ministry of Corporate Affairs

'A' Wing, 5th floor, Shastri Bhawan,
New Delhi-10001
Dated, the 06 June, 2023

Vacancy Circular

Sub: Selection for the posts of Judicial and Technical Members in the National Company Law Appellate Tribunal (NCLAT) - Inviting applications therefor: -

1. **Tribunal:** - The National Company Law Appellate Tribunal (NCLAT) is an Appellate authority established under Section 410 of the Companies Act, 2013, to hear various appeals against the orders/decisions of National Company Law Tribunal (NCLT), under the Companies Act, 2013 and Section 61 of the Insolvency and Bankruptcy Code (IBC), 2016, the Insolvency and Bankruptcy Board of India (IBBI) under Section 202 and 211 of IBC, 2016, the Competition Commission of India (CCI) under the Competition Act, 2002 and the National Financial Reporting Authority (NFRA) under the Companies Act, 2013. Principal Bench of NCLAT is situated at New Delhi and another Bench is situated at Chennai. Other bench, if any, will be established in future at other places in the country, as decided. A Member, upon selection, may be posted at any of these places.

2. **Vacancy:** - Applications are being invited for the following vacancies (the number of vacancies is subject to change without prior notice): -

Post	Number of vacancies	Place	Date of Vacancy
Judicial Member	03	New Delhi or Chennai or other benches, if any, to be established in future at other places in the country.	09.10.2022 23.10.2023 21.01.2024
Technical Member	02		22.01.2024 14.02.2024

3. **Qualification and other terms and conditions: -** The qualifications, eligibility, salary and other terms and conditions of the appointment of a candidate will be governed by the provisions of the Tribunals Reforms Act, 2021 and the Tribunal (Conditions of Service) Rules, 2021. Main terms and conditions are following: -

(i) Qualifications {Sub-rules 11 of Rules 3 of the Tribunal (Conditions of Service) Rules, 2021}: -

(a) Judicial Member: -

(i) is, or has been, a Judge of a High Court; or
(ii) is a Judicial Member of the National Company Law Tribunal for five years; or
(iii) has been an advocate for ten years with substantial experience in litigation in matters relating to company affairs before National Company Law Tribunal, National Company Law Appellate Tribunal, High Court or Supreme Court.

(b) Technical Member: - A person of proven ability, integrity and standing having special knowledge and professional experience, of not less than twenty-five years, in law, industrial finance, industrial management or administration, industrial reconstruction, investment, accountancy or any other matter which is useful to the National Company Law Appellate Tribunal.

(ii) Salary and allowances {Rules 10 and 11 of the Tribunal (Conditions of Service) Rules, 2021}: - The Member shall be paid a salary of Rs. two lakh twenty-five thousand per month plus other allowances as admissible.

(iii) Term of office {Section 5 of the Tribunals Reforms Act, 2021}: - Every Member of a Tribunal shall hold office for a term of four years or till he/she attains the age of sixty-seven years, whichever is earlier.

(iv) Minimum age {Section 3 (1) of the Tribunals Reforms Act, 2021}: - A person shall not be eligible for appointment as Member in, NCLAT unless he/she has completed the **age of 50 (fifty years)** as on the last date for submission of applications.

[Note: Candidates may refer the Tribunals Reforms Act, 2021 and the Tribunal (Conditions of Service) Rules, 2021 for other terms and conditions].

4. Procedure for selection: - The Search-Cum-Section Committee constituted under the Tribunal Reforms Act 2021 for recommending names for appointment to the said post shall scrutinise the applications with respect to suitability of application for the posts by giving due weightage to qualification and experience of candidates and shortlist candidates for conducting personal interaction. The final selection will be done on the basis of overall evaluation of candidates done by the Committee based on the qualification, experience and personal interaction.

5. Application Procedure: - Eligible and willing persons are advised to visit the portal **https://apptrbmembermca.gov.in** in order to submit online application **from 10:00AM of 08.06.2023.** The detailed instruction for filling up the application form online are available on the portal (under "Instruction for applying online" heading). All requisite and relevant documents need to be uploaded online while filling up of application. **Last date for submitting online application is 05.07.2023 at 05:30 PM.** Print out of the applications after final submission on online portal duly completed, and signed alongwith copies of uploaded documents, is required **to be sent to the following address latest by 05:30 PM of 17.07.2023:**

Shri Riazul Haque, Under Secretary,
Ministry of Corporate Affairs, Room No 526, 'A' Wing, 5th Floor, Shastri Bhawan, New Delhi-110001

6. For the person working in any Government/semi-government/courts/Public Sector Undertaking/statutory and autonomous bodies the application should be accompanied with (i) Certificate to be furnished by the employer/ head of office/ forwarding authority as in **Annexure-I** of the application (ii) clear photocopies of the up-to-date CR/APAR dossier of the officer containing CR/APARs of at least last five years duly attested by a Group A officer (iii) cadre clearance (iv) integrity certificate/clearance from vigilance and disciplinary angle as in **Annexure-II** of the application (v) statement giving details of major or minor penalties, if any, imposed on the officer during the last ten years. The application along with above documents should reach to the address as mentioned in para 5 latest by 05:30 PM of 17.07.2023.

7. No TA/DA will be admissible to the candidates to be called for interview/interaction. The candidates are required to make own arrangements.

8. Any Application received after due date without necessary Annexure as mentioned above will not be entertained.

(Riazul Haque)
Under Secretary to the Govt of India
Tel: 23381349

To:

1. Registrar Generals of All High Courts
2. Secretaries to Government of India, All Ministries/Departments of the Government of India
3. All Chief Secretaries to the State Governments/Union Territories
4. All RDs/ROCs/OLs in the Ministry of Corporate Affairs
5. Registrar, National Company Law Appellate Tribunal (also requested to upload the vacancy circular on the NCLAT's website)
6. Secretary, National Company Law Tribunal
7. Secretary, Competition Commission of India
8. Chairperson, Insolvency and Bankruptcy Board of India
9. Secretary, National Financial Reporting Authority
10. Technical Director, NIC, MCA with the request to upload the vacancy circular on the online portal.
11. Technical Director, NIC, DoPT with the request to upload the vacancy circular on the DoPT's website.
12. E-governance Cell, Ministry of Corporate Affairs with the request to upload the vacancy circular on the website of the Ministry.

Annexure-I

CERTIFICATE TO BE FRUNISHED BY THE EMPLOYER/HEAD OF OFFICE/FORWARDING AUTHOTITY

1. Certified that the particular furnished by Shri/Smt/Kum…… ……..are correct and he/she possesses educational qualifications and experience mentioned in application form.

2. It is also certified that there is no vigilance/disciplinary cases either pending or being contemplated against him/her and vigilance clearance issued by CVO in the enclosed Annexure (II).

3. His/her integrity is certified.

4. No major or minor penalty was imposed on Shri/Smt/Kum ……during the last 10 years period.

5. The up-to date attested Photostat copies of ACR/APAR of last years (each Photostat copy of ACR/APAR should be attested) in respect of Shri/Smt/Kum ……in enclosed herewith.

Seal & Signature of the cadre controlling Authority

Annexure-II

PARTICULARS OF THE OFFICERS FOR WHOM VIGILANCE CLEARNCE IS BEING SOUGHT

(To be furnished and signed by the CVO or HOD)

1. Name of the Officer (in full) :

2. Father's name :

3. Date of Birth :

4. Date of Retirement :

5. Date of entry into service :

6. Service to which the officer belongs :

   Including batch/Years/cadre etc., wherever applicable

7. Positions held (During ten preceding years):

S.No.	Organization (name in full)	Designation & Place of Posting	Administrative/ Nodal Ministry/ Department concerned (in case of officers of PSUs etc.)	From	To

8. Whether the officer has been placed on the agreed list or list of Officer of Doubtful Integrity (if yes, details to be given) :

9. Whether any allegation of misconduct Involving vigilance angle was examined against the officer during the last 10 Years and if so with what result (*) :

10. Whether any punishment was awards to the officer during the last 10 years and if so, the date of imposition and details of penalty (*) :

11. Is any disciplinary/criminal proceedings or charge sheet pending against the officer as on date (if so, details to be furnished, including reference number, if any of the Commission) :

12. Is any action contemplated against the Officer as on date (if so, details to be furnished (*) :

(*) if Vigilance clearance had been obtained from the Commission in the past, the information may be provided for the period thereafter.

Date:

(NAME AND SIGNATURE)