

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:** -

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for uploading  
26/06/23  
NCLAT

(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.

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

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/Srmt/Kum  
.....in enclosec: herewith.

Seal & Signature of the cadre controlling Authority

**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)

No. A-12023/1/2023-Ad.IV-MCA  
Government of India  
Ministry of Corporate Affairs

'A' Wing, 5th floor, Shastri Bhawan,  
Dr. R.P. Road, New Delhi-110001  
Dated: 06 June, 2023

To,

1. Secretaries to Government of India, All Ministries/Departments of the Government of India.
2. All Chief Secretaries to the State Government/Union Territories.
3. Registrars General of All High Courts.
4. Chairperson, IBBI.
5. Registrar, National Company Law Appellate Tribunal.
6. Secretary, National Company Law Tribunal.
7. Secretary, CCI.
8. Secretary, NFRA,
9. Secretary, Institute of Chartered Accountants of India (ICAI), I.P. Estate, New Delhi-110002.
10. Secretary, Institute of Cost Accountants of India (ICoAI), Sudder Street, Kolkata.
11. Secretary, Institute of Company Secretaries of India (ICSI), Institutional Area, Lodhi Road, New Delhi-110003

**Sub: Filling up of 05 (Five) posts of Judicial Member and 05 (Five) posts of Technical Members in the National Company Law Tribunal (NCLT) - inviting online applications for.**

Sir,

I am directed to state that online applications (available on portal <https://apptrbmembermca.gov.in>) are invited for the 05 (Five) posts of Judicial Members and 05 (Five) posts of Technical Members, National Company Law Tribunal (NCLT) constituted under Section 408 of the Companies Act, 2013, for the vacancies arising in 2024 starting from 10<sup>th</sup> May, 2024. **The number of vacancies are tentative and may decrease or increase without prior notice.**

2. The selected candidates will be required to serve at any of the already constituted NCLT benches or benches to be constituted in future in different parts of the country in a phased manner with All India transfer liability as per availability of the vacancies/exigencies of work.

3. **Qualifications for Judicial Member:** As per the provisions of Section 409(2) of the Companies Act, 2013, a person shall not be qualified for appointment as Judicial Member unless he/she:-

- (a) is, or has been, a judge of a High Court, or
- (b) is, or has been, a District Judge for at least five years, or
- (c) has, for at least ten years been an advocate of a court.

Explanation - For the purposes of clause (c), in computing the period during which a person has been an advocate of a court, there shall be included any period during which the person has held judicial office or the office of a member of a tribunal or

any post, under the Union or a State, requiring special knowledge of law after he become an advocate.

**Qualifications for Technical Member:** As per the provision of Section 409 (3) of the Companies Act 2013 as amended by Companies (Amendment) Act, 2017, a person shall not be qualified for appointment as a Technical Member unless he/she-

- (a) has, for at least fifteen years been a member of the Indian Corporate Law Service or Indian Legal Service and has been holding the rank of Secretary or Additional Secretary to the Government of India; or
- (b) is, or has been in practice as a chartered accountant for at least fifteen years; or
- (c) is, or has been, in practice as a cost accountant for at least fifteen years; or
- (d) is, or has been, in practice as a company secretary for at least fifteen years; or
- (e) is a person of proven ability, integrity and standing having special knowledge and professional experience, of not less than fifteen years, in industrial finance, industrial management, industrial reconstruction, investment, accountancy; or
- (f) is, or has been, for at least five years, a presiding officer of a Labour Court, Tribunal or National Tribunal constituted under the Industrial Disputes Act, 1947 (14 of 1947).

4. A person shall not be eligible for appointment as Member unless he/she has completed the age of 50 (fifty years) [Section 413(2) of Companies Act, 2013] as on the last date of receipt of online application.

5. **Terms of Appointment:** The Member(s) will draw pay in the pay level of 15 as per 7<sup>th</sup> Central Pay Commission plus allowances as admissible. Pay protection is available for applicants, serving or retired (Government officer or Chairman, Vice-chairman, President, Vice-President, Presiding officer, Member of a Tribunal, Appellate Tribunal or an authority, or a Judge of High Court), who are/were in higher pay scale, including apex scale in Govt. of India. The pay scale and other service conditions would be governed by National Company Law Tribunal (Salaries and Allowances and other terms and conditions of service of the President and other Members) Rules, 2015. A copy of the rules is also available on the website of the Ministry of Corporate Affairs. A person selected, if already in Government Service, may retain his/her lien with his/her parent cadre or Ministry or Department, as the case may be, while holding office as such for a period not exceeding one year.

6. After joining as a Member in the Tribunal, if any Member wishes to apply for other assignments in any organization/post, his/her application will be considered for forwarding to that assignment only after completion of two years of service as Member NCLT.

7. Every Member shall hold office for a period of five years from the date on which he/she enters upon his/her office, but shall be eligible for re-appointment for another term of 5 years. The term of appointment is, however, subject to the maximum age limit of sixty-five years.



8. Selected candidates will be required to produce a medical fitness certificate before joining.

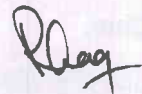
9. Applications of persons working in Court/Government Service/Public Sector Undertaking/other organizations should be forwarded through proper channel within 10 days from the closing date of online application. The forwarding authorities should also certify (in the format given in Annexure of the online application) that the entries in the application have been verified from the records and found correct, and that no disciplinary/vigilance proceedings are either pending or contemplated against the applicant and that no major/minor penalties have been imposed on the officer during the last ten years. The forwarding authorities should enclose the up-to-date Confidential Report Dossiers of the applicant for the last five years.

10. Interested persons are advised to visit the portal <https://aptrbmembermca.gov.in>, in order to submit online application from 10.00 AM 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 19.07.2023 at 05:30 PM.

11. Print out of the applications after final submission on online portal duly completed, and signed alongwith copies of uploaded documents, and through proper channel (accompanied by a certificate by the present employer in Annexure), wherever applicable, should reach Shri Riazul Haque, Under Secretary, Ministry of Corporate Affairs, Room No 526, A 'Wing, 5<sup>th</sup> floor, Shastri Bhawan, New Delhi-110001 latest by 05:30 PM of 31.07.2023.

12. Wide publication may be given to this advertisement by addressee organizations and their field offices, so as to facilitate early and optimum number of applications.

Yours faithfully,



(Riazul Haque)

Under Secretary to the Government of India

Ph: (011) 23381349

Copy to:

1. Under Secretary, Ad.II Section, MCA for circulation among eligible ICLS Officers
2. Technical Director, NIC, MCA with the request to upload the vacancy circular on the portal.
3. Technical Director, NIC, DoPT with the request to upload the vacancy circular on the DoPT's website.
4. E governance Cell, Ministry of Corporate Affairs with the request to upload the vacancy circular on the website of the Ministry.

**(Certificate to be furnished by the Employer/Head of office/Forwarding authority)**

Certified that the particulars furnished by \_\_\_\_\_ and application No \_\_\_\_\_ are correct and he/she possesses educational qualifications and experience mentioned in vacancy circular. It is also certified that:-

- (i) There is no vigilance or disciplinary case pending/contemplated against Sh. /Smt. \_\_\_\_\_.
- (ii) His/her integrity is certified.
- (iii) His/her CR/APAR dossier in original is enclosed/photocopies of the ACRs/APAR for the last five years duly attested by an officer of the rank of Under Secretary to the Govt. of India or above, are enclosed.
- (iv) "No major/minor penalty has been imposed on him/her during the last ten years."
- (v) A list of major/minor penalties imposed on him/her last ten years is enclosed.

Signature-----

Name and Designation-----

Tel. No.-----

Place :

Date:

List of enclosures:

- 1.
- 2.
- 3.
- 4.
- 5.

(Strike out which is not applicable )

Office Seal