

Companies (Second Amendment) Act, 2002

Section 51 - Substitution of New Section of Section 433

For section 433 of the principal Act, the following section shall be substituted, namely:--

"433. Circumstances in which company may be wound up by Tribunal.-- A company may be wound up by the Tribunal, --

- (a) if the company has, by special resolution, resolved that the company be wound up by the Tribunal;
- (b) if default is made in delivering the statutory report to the Registrar or in holding the statutory meeting;
- (c) if the company does not commence its business within a year from its incorporation, or suspends its business for a whole year;
- (d) if the number of members is reduced, in the case of a public company, below seven, and in the case of a private company, below two;
- (e) if the company is unable to pay its debts;
- (f) if the Tribunal is of the opinion that it is just and equitable that the company should be wound up;
- (g) if the company has made a default in filing with the Registrar its balance sheet and profit and loss account or annual return for any five consecutive financial years;
- (h) if the company has acted against the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality;
- (i) if the Tribunal is of the opinion that the company should be wound up under the circumstances specified in section 424G:

Provided that the Tribunal shall make an order for winding up of a company under clause (h) on application made by the Central Government or a State Government."
