



The Tamil Nadu Non-Trading Companies Act, 1972

Act 16 of 1972

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Company, Application of Companies Act, Non Trading Corporation

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TAMIL NADU ACT NO. 16 OF 1972.*

THE TAMIL NADU NON-TRADING COMPANIES ACT, 1972.

[Received the assent of the Governor on the 10th May 1972, first published in the Tamil Nadu Government Gazette Extraordinary on the 16th May 1972 (Vaisakha 26, 1894)].

An Act to provide for the application of the Companies Act, 1956, to companies with objects confined to the State of Tamil Nadu, which are not trading corporations.

BE it enacted by the Legislature of the State of Tamil Nadu in the Twenty-third Year of the Republic of India as follows :—

1. (1) This Act may be called the Tamil Nadu Non-trading Companies Act, 1972. Short title, extent, commencement and application.

(2) It extends to the whole of the State of Tamil Nadu.

(3) It shall come into force on such date as the State Government may, by notification, appoint.

(4) It shall apply to a company as defined in section 2 of this Act.

2. In this Act, unless the context otherwise requires, Definition.
“company” means a company formed and registered under this Act or an existing company formed and registered under any of the previous companies laws specified in clause (ii) of sub-section (1) of section 3 of the Companies Act, 1956 (Central Act 1 of 1956), which is a non-trading corporation within the meaning of entries 43 and 44 of the Union List in the Seventh Schedule to the Constitution, with objects confined to the State of Tamil Nadu.

3. The provisions of the Companies Act, 1956 (Central Act 1 of 1956), as for the time being in force shall, so far as may be, apply to the incorporation, regulation and winding up of companies to which this Act applies: Application of the Companies Act, 1956 (Central Act 1 of 1956), to companies to which this Act applies.

Provided that—

(i) the powers conferred on the Central Government by those provisions shall be exercisable and may be exercised by the State Government ;

* For Statement of Objects and Reasons, see *Tamil Nadu Government Gazette Extraordinary*, dated the 28th March 1972, Part IV—Section 3, Pages 63—64.

(ii) the State Government may, by notification—

(a) delegate all or any of such powers to such authority or officer, and subject to such conditions, restrictions and limitations as may be specified in the notification ; and

(b) relax, omit, add to or vary any provision of the aforesaid Central Act hereby made applicable to companies to which this Act applies ; and

(iii) the powers, duties and functions of the Registrar under the said provisions shall be exercised, discharged and performed by such person as may be appointed by the State Government, by name or by virtue of office, to be the Registrar in relation to companies to which this Act applies.

Power to make rules.

4. The State Government may make rules for carrying out all or any of the purposes of this Act.

Publication of rules, commencement of rules and notifications and placing them on the table of the Legislature.

5. (1) (a) All rules made under this Act shall be published in the *Tamil Nadu Government Gazette* and, unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

(b) All notifications issued under this Act shall, unless they are expressed to come into force on a particular day, come into force on the day on which they are published.

(2) Every rule made or notification issued under this Act shall, as soon as possible, after it is made or issued, be placed on the table of both Houses of the Legislature, and if, before the expiry of the session in which it is so placed or the next session, both Houses agree in making any modification in any such rule or notification or both Houses agree that the rule or notification should not be made or issued, the rule or notification shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification.

6. The Indian Companies Act, 1913 (Central Act VII of Repeal, 1913), in its application to the State of Tamil Nadu excluding the transferred territory and in so far as it relates to matters specified in entry 32 of the State List in the Seventh Schedule to the Constitution, and so much of the law, if any, in force in the transferred territory corresponding to the aforesaid Central Act are hereby repealed.

Explanation.—For the purpose of this section, the expression “transferred territory” shall mean the Kanyakumari district and the Shencottah taluk of the Tirunelveli district.