

**COMPANIES
(MANAGEMENT BY ADMINISTRATOR)
RULES, 1993**

Gazette of Pakistan, Extraordinary, Part II,
8th November, 1993

S.R.O. 1053(!)/93, dated 8-11- 1993.---In exercise of the powers conferred by subsection (12) of section 295, read with section 506 of the Companies Ordinance, 1984 (XLVII of 1984), and the Finance Division Notification No. S.R.O 698(1)/86, dated the 2nd July, 1986, the Corporate Law Authority hereby makes the following rules, the same having been published previously as required under the said section 506:

PART I—PRELIMINARY

1. Short title commencement.---(1) These rules may be called the Companies management by Administrator) Rules, 1993.

(.2) They shall come into force at once.

2. Definitions.---(1) In these rules, unless there is anything repugnant in the subject or context,-

(i) ordinance means the Companies ordinance, 1984 (XLVII of 1984); and

(ii) "section" means a section, of the Ordinance.

(2) All Other words, terms and expressions used but not defined in these rules shall the shall meaning as are assigned to them in the Ordinance .

PART II---REPRESENTATION TO THE AUTHORITY

3. Several creditors may join in one representation.---All creditors may be joined in one representation or the representation may be made by one or more creditors whose debt or aggregate debt is not less than sixty per cent. of the paid-up capital of the company.

4. Documents to be accompanied with representation.---(1) The representation under rule 3 shall be in the form of an application to the Authority and shall be supported by such information as specified in the Annexure to these rules.

(2) A representation shall be accompanied,

(a) by supporting documents referred to or relied upon, alongwith certified copies of annual accounts of the company for the preceding three years; and

(b) by the original receipt of the fee paid under rule 8.

(3) The application shall be in triplicate.

5. Register of Representation.---The Authority shall cause the particulars of every application to be entered in a register to be kept for the purpose. called 'Register of Representations under section 295" entries

wherein shall be serially numbered in every year and the number in the register shall be endorsed on the application which shall be borne by all proceedings thereunder.

6. Notice to parties.---When a representation has been duly made by an application, notice shall be issued to the company and all others concerned to appear and show cause why the application should not be accepted.

7. Disposal of representations.---(1) The Authority shall . except in extraordinary. circumstances and on grounds to be recorded hear the representation on day to day basis and shall dispose of it within sixty days of its receipt.

(2) In dealing with a representation under sub-rule (1) the provisions of section 478. shall as far as possible be applicable.

8. Fee.---A fee of ten thousand rupees shall be payable for making a representation to the Authority under subsection (1) of section 295.

PART-III—MANAGEMENT BY THE ADMINISTRATOR

9. Management of company.---Where an administrator has been appointed he shall manage the company in accordance with the provisions of the Ordinance in the rules made thereunder and accordance with such directions, not inconsistent with the provisions of the Ordinance or rules. made thereunder as the Authority may give from time to time.

10. Best possible profits and benefits to be earned.---The administrator shall manage the affairs of the company and carry on its business in the best possible manner so as to earn the best possible profits and-benefits for the company and its members and creditors

11. Handing over of company's affairs.---In the event of an order under subsection (6) of section 295 whereby the purpose of the order for appointing the administrator has been fulfilled and the company has been permitted to appoint directors. on appointment of such directors the administrator shall hand over the management and affairs of the company including records thereof to the said directors.

12. Appointment of committee.---The Authority may appoint a committee consisting of representatives of the creditors and shareholders to offer its comments and suggestions to the Authority regarding the administrator with particular reference to

- (a) the affairs of the company:
- (b) disposal of capital assets; and
- (c) any other related matter.

INFORMATION TO BE SUPPLIED WITH THE REPRESENTATION

- (1) Name and status of the company
- (2) Names of the directors at the time of representation
- (3) Name of the chief executive of the company
- (4) Registered office of the company
- (5) Nature of business of the company
- (6) Paid-up capital of the company

- 7. Amount of loans with dates thereof-

 - (i) Long-term loan with rate of mark up
 - (ii) Bridging advance with rate of mark up
 - (iii) Working capital loans with rate of mark up
 - (iv) Any other loan

- 8. Repayment schedule of the respective loans.....
- 9. Repayment made, if any, with their respective dales
- 10. Total amount of outstanding loan with period thereof with percentage of the paid-up capital.....
- 11. Nature of grievances
- 12. Statement and document filed in support of item 10, if any with complete address of the creditors