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मध्यप्रदेश राजपत्र

प्राधिकार से प्रकाशित

क्रमांक 46]

भोपाल, शुक्रवार, दिनांक 16 नवम्बर 2018—कार्तिक 25, शक 1940

भाग ४

विषय-सूची

- | | | |
|----------------------------|-------------------------------|----------------------------------|
| (क) (1) मध्यप्रदेश विधेयक, | (2) प्रवर समिति के प्रतिवेदन, | (3) संसद में पुरःस्थापित विधेयक. |
| (ख) (1) अध्यादेश, | (2) मध्यप्रदेश अधिनियम, | (3) संसद् के अधिनियम. |
| (ग) (1) प्रारूप नियम, | (2) अन्तिम नियम. | |

भाग ४ (क)—कुछ नहीं

भाग ४ (ख)

अध्यादेश

विधि और विधायी कार्य विभाग

No.306-XXI-A (Dr.)

Bhopal, dated 12th November 2018, 2018

The following Ordinance promulgated by the President of India published in the Gazette of India Extra-ordinary Part II, Section 1, dated the 2nd November, 2018 is hereby republished for general information.

By order and in the name of the Governor of Madhya Pradesh,
RAJESH YADAV, Addl. Secy.

THE COMPANIES (AMENDMENT) ORDINANCE, 2018

No. 9 OF 2018

Promulgated by the President in the Sixty-ninth Year of the Republic of India.

An Ordinance further to amend the Companies Act, 2013.

WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. (1) This Ordinance may be called the Companies (Amendment) Ordinance, 2018. Short title and commencement.

(2) It shall come into force at once.

Amendment
of section 2.

2. In section 2 of the Companies Act, 2013 (hereinafter referred to as the principal Act), in clause (41),—

(a) for the first proviso, the following provisos shall be substituted, namely:—

“Provided that where a company or body corporate, which is a holding company or a subsidiary or associate company of a company incorporated outside India and is required to follow a different financial year for consolidation of its accounts outside India, the Central Government may, on an application made by that company or body corporate in such form and manner as may be prescribed, allow any period as its financial year, whether or not that period is a year:

Provided further that any application pending before the Tribunal as on the date of commencement of the Companies (Amendment) Ordinance, 2018, shall be disposed of by the Tribunal in accordance with the provisions applicable to it before such commencement.”;

(b) in the second proviso, for the words “Provided further that”, the words “Provided also that” shall be substituted.

Insertion of
new section
10A.

3. After section 10 of the principal Act, the following section shall be inserted, namely:—

Commence-
ment of
business, etc.

“10A.(1) A company incorporated after the commencement of the Companies (Amendment) Ordinance, 2018 and having a share capital shall not commence any business or exercise any borrowing powers unless—

(a) a declaration is filed by a director within a period of one hundred and eighty days of the date of incorporation of the company in such form and verified in such manner as may be prescribed, with the Registrar that every subscriber to the memorandum has paid the value of the shares agreed to be taken by him on the date of making of such declaration; and

(b) the company has filed with the Registrar a verification of its registered office as provided in sub-section (2) of section 12.

(2) If any default is made in complying with the requirements of this section, the company shall be liable to a

for each day during which such default continues but not exceeding an amount of one lakh rupees.

(3) Where no declaration has been filed with the Registrar under clause (a) of sub-section (1) within a period of one hundred and eighty days of the date of incorporation of the company and the Registrar has reasonable cause to believe that the company is not carrying on any business or operations, he may, without prejudice to the provisions of sub-section (2), initiate action for the removal of the name of the company from the register of companies under Chapter XVIII.

4. In section 12 of the principal Act, after sub-section (8), the following sub-section shall be inserted, namely:—

Amendment of section 12.

“(9) If the Registrar has reasonable cause to believe that the company is not carrying on any business or operations, he may cause a physical verification of the registered office of the company in such manner as may be prescribed and if any default is found to be made in complying with the requirements of sub-section (1), he may without prejudice to the provisions of sub-section (8), initiate action for the removal of the name of the company from the register of companies under Chapter XVIII.”.

5. In section 14 of the principal Act,—

Amendment of section 14.

(i) in sub-section (1), for the second proviso, the following provisos shall be substituted, namely:—

“Provided further that any alteration having the effect of conversion of a public company into a private company shall not be valid unless it is approved by an order of the Central Government on an application made in such form and manner as may be prescribed:

Provided also that any application pending before the Tribunal, as on the date of commencement of the Companies (Amendment) Ordinance, 2018, shall be disposed of by the Tribunal in accordance with the provisions applicable to it before such commencement.”;

(ii) in sub-section (2), for the word “Tribunal”, the words “Central Government” shall be substituted.

6. In section 53 of the principal Act, for sub-section (3), the following sub-section shall be substituted, namely:—

Amendment of section 53.

“(3) Where any company fails to comply with the provisions of this section, such company and every officer who is in default shall be liable to a penalty which may extend to an amount equal to the amount raised through the issue of shares at a discount or five lakh rupees, whichever is less, and the company shall also be liable to refund all monies received with interest at the rate of twelve per cent. per annum from the date of issue of such shares to the persons to whom such shares have been issued.”.

Amendment
of section 64.

7. In section 64 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) Where any company fails to comply with the provisions of sub-section (1), such company and every officer who is in default shall be liable to a penalty of one thousand rupees for each day during which such default continues, or five lakh rupees whichever is less.”.

Amendment
of section 77.

8. In section 77 of the principal Act, in sub-section (1), for the first and second provisos, the following provisos shall be substituted, namely:—

“Provided that the Registrar may, on an application by the company, allow such registration to be made—

(a) in case of charges created before the commencement of the Companies (Amendment) Ordinance, 2018, within a period of three hundred days of such creation; or

(b) in case of charges created on or after the commencement of the Companies (Amendment) Ordinance, 2018, within a period of sixty days of such creation,

on payment of such additional fees as may be prescribed:

Provided further that if the registration is not made within the period specified—

(a) in clause (a) to the first proviso, the registration of the charge shall be made within six months from the date of commencement of the Companies (Amendment) Ordinance, 2018, on payment of such additional fees as may be prescribed and different fees may be prescribed for different classes of companies;

(b) in clause (b) to the first proviso, the Registrar

made within a further period of sixty days after payment of such *advalorem* fees as may be prescribed.”.

9. Section 86 of the principal Act shall be numbered as sub-section (1) thereof and after sub-section (1) as so numbered, the following sub-section shall be inserted, namely:—

Amendment of section 86.

“(2) If any person wilfully furnishes any false or incorrect information or knowingly suppresses any material information, required to be registered in accordance with the provisions of section 77, he shall be liable for action under section 447.”.

10. For section 87 of the principal Act, the following section shall be substituted, namely:—

Substitution of new section for section 87.

“87. The Central Government on being satisfied that —

Rectification by Central Government in Register of charges.

(a) the omission to give intimation to the Registrar of the payment or satisfaction of a charge, within the time required under this Chapter; or

(b) the omission or misstatement of any particulars with respect to any such charge or modification or with respect to any memorandum of satisfaction or other entry made in pursuance of section 82 or section 83,

was accidental or due to inadvertence or some other sufficient cause or it is not of a nature to prejudice the position of creditors or shareholders of the company, it may, on the application of the company or any person interested and on such terms and conditions as the Central Government deems just and expedient, direct that the time for the giving of intimation of payment or satisfaction shall be extended or, as the case may require, that the omission or misstatement shall be rectified.”.

11. In section 90 of the principal Act,—

Amendment of section 90.

(i) for sub-section (9), the following sub-section shall be substituted, namely:—

“(9) The company or the person aggrieved by the order of the Tribunal may make an application to the Tribunal for relaxation or lifting of the restrictions placed under sub-section (8), within a period of one year from the date of such order:

Provided that if no such application has been filed within a period of one year from the date of the order under sub-section (8), such shares shall be transferred to the authority constituted under sub-section (5) of section 125, in such manner as may be prescribed;

(ii) in sub-section (10),—

(a) after the word “punishable”, the words “with imprisonment for a term which may extend to one year or” shall be inserted;

(b) after the words “ten lakh rupees”, the words “or with both” shall be inserted.

Amendment
of section 92.

12. In section 92 of the principal Act, for sub-section (5), the following sub-section shall be substituted, namely:—

“(5) If any company fails to file its annual return under sub-section (4), before the expiry of the period specified therein, such company and its every officer who is in default shall be liable to a penalty of fifty thousand rupees and in case of continuing failure, with further penalty of one hundred rupees for each day during which such failure continues, subject to a maximum of five lakh rupees.”.

Amendment
of section
102.

13. In section 102 of the principal Act, for sub-section (5), the following sub-section shall be substituted, namely:—

“(5) Without prejudice to the provisions of sub-section (4), if any default is made in complying with the provisions of this section, every promoter, director, manager or other key managerial personnel of the company who is in default shall be liable to a penalty of fifty thousand rupees or five times the amount of benefit accruing to the promoter, director, manager or other key managerial personnel or any of his relatives, whichever is higher.”.

Amendment
of section
105.

14. In section 105 of the principal Act, in sub-section (3), for the words “punishable with fine which may extend to five thousand rupees”, the words “liable to a penalty of five thousand rupees” shall be substituted.

Amendment of
section 117.

15. In section 117 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) If any company fails to file the resolution or the agreement under sub-section (1) before the expiry of the

with further penalty of five hundred rupees for each day after the first during which such failure continues, subject to a maximum of twenty-five lakh rupees and every officer of the company who is in default including liquidator of the company, if any, shall be liable to a penalty of fifty thousand rupees and in case of continuing failure, with further penalty of five hundred rupees for each day after the first during which such failure continues, subject to a maximum of five lakh rupees.”.

16. In section 121 of the principal Act, for sub-section (3), the following sub-section shall be substituted, namely:— Amendment of section 121.

“(3) If the company fails to file the report under sub-section (2) before the expiry of the period specified therein, such company shall be liable to a penalty of one lakh rupees and in case of continuing failure, with further penalty of five hundred rupees for each day after the first during which such failure continues, subject to a maximum of five lakh rupees and every officer of the company who is in default shall be liable to a penalty which shall not be less than twenty-five thousand rupees and in case of continuing failure, with further penalty of five hundred rupees for each day after the first during which such failure continues, subject to a maximum of one lakh rupees.”.

17. In section 137 of the principal Act, in sub-section (3),— Amendment of section 137.

(a) for the words “punishable with fine”, the words “liable to a penalty” shall be substituted;

(b) for the words “punishable with imprisonment for a term which may extend to six months or with fine which shall not be less than one lakh rupees but which may extend to five lakh rupees or with both”, the words “shall be liable to a penalty of one lakh rupees and in case of continuing failure, with further penalty of one hundred rupees for each day after the first during which such failure continues, subject to a maximum of five lakh rupees” shall be substituted.

18. In section 140 of the principal Act, for sub-section (3), the following sub-section shall be substituted, namely:— Amendment of section 140.

“(3) If the auditor does not comply with the provisions of sub-section (2), he or it shall be liable to a penalty of fifty thousand rupees or an amount equal to the remuneration of the auditor, whichever is less, and in case of continuing failure, with further penalty of five hundred rupees for each

subject to a maximum of five lakh rupees.”.

Amendment
of section
157.

19. In section 157 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) If any company fails to furnish the Director Identification Number under sub-section (1), such company shall be liable to a penalty of twenty-five thousand rupees and in case of continuing failure, with further penalty of one hundred rupees for each day after the first during which such failure continues, subject to a maximum of one lakh rupees, and every officer of the company who is in default shall be liable to a penalty of not less than twenty-five thousand rupees and in case of continuing failure, with further penalty of one hundred rupees for each day after the first during which such failure continues, subject to a maximum of one lakh rupees.”.

Substitution
of new section
for section
159.

20. For section 159 of the principal Act, the following section shall be substituted, namely:—

Penalty for
default of
certain
provisions.

“159. If any individual or director of a company makes any default in complying with any of the provisions of section 152, section 155 and section 156, such individual or director of the company shall be liable to a penalty which may extend to fifty thousand rupees and where the default is a continuing one, with a further penalty which may extend to five hundred rupees for each day after the first during which such default continues.”.

Amendment
of section
164.

21. In section 164 of the principal Act, in sub-section (1), after clause (h), the following clause shall be inserted, namely:—

“(i) he has not complied with the provisions of sub-section (1) of section 165.”.

Amendment
of section
165.

22. In section 165 of the principal Act, in sub-section (6), for the portion beginning with “punishable with fine” and ending with “contravention continues”, the words “liable to a penalty of five thousand rupees for each day after the first during which such contravention continues” shall be substituted.

Amendment
of section
191.

23. In section 191 of the principal Act, for sub-section (5), the following sub-section shall be substituted, namely:—

“(5) If a director of the company makes any default in

shall be liable to a penalty of one lakh rupees.”.

24. In section 197 of the principal Act,—

Amendment of
section 197.

(a) sub-section (7) shall be omitted;

(b) for sub-section (15), the following sub-section shall be substituted, namely:—

“(15) If any person makes any default in complying with the provisions of this section, he shall be liable to a penalty of one lakh rupees and where any default has been made by a company, the company shall be liable to a penalty of five lakh rupees.”.

25. In section 203 of the principal Act, for sub-section (5), the following sub-section shall be substituted, namely:—

Amendment of
section 203.

“(5) If any company makes any default in complying with the provisions of this section, such company shall be liable to a penalty of five lakh rupees and every director and key managerial personnel of the company who is in default shall be liable to a penalty of fifty thousand rupees and where the default is a continuing one, with a further penalty of one thousand rupees for each day after the first during which such default continues but not exceeding five lakh rupees.”.

26. In section 238 of the principal Act, in sub-section (3), for the words “punishable with fine which shall not be less than twenty-five thousand rupees but which may extend to five lakh rupees”, the words “liable to a penalty of one lakh rupees” shall be substituted.

Amendment of
section 238.

27. In section 248 of the principal Act, in sub-section (1), —

Amendment of
section 248.

(a) in clause (c), for the word and figures “section 455,”, the words and figures “section 455; or” shall be substituted;

(b) after clause (c) and before the long line, the following clauses shall be inserted, namely:—

“(d) the subscribers to the memorandum have not paid the subscription which they had undertaken to pay at the time of incorporation of a company and a declaration to this effect has not been filed within one hundred and eighty days of its incorporation under sub-section (1) of section 10A; or

(e) the company is not carrying on any business or operations, as revealed after the physical verification carried out under sub-section (9) of section 12.”.

Amendment of
section 441.

28. In section 441 of the principal Act,—

(a) in sub-section (1), in clause (b), for the words “does not exceed five lakh rupees”, the words “does not exceed twenty-five lakh rupees” shall be substituted;

(b) for sub-section (6), the following sub-section shall be substituted, namely:—

“(6) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, any offence which is punishable under this Act with imprisonment only or with imprisonment and also with fine shall not be compoundable.”.

2 of 1974.

Amendment of
section 446B.

29. In section 446B of the principal Act, for the portion beginning with “punishable with fine” and ending with “specified in such sections”, the words “liable to a penalty which shall not be more than one half of the penalty specified in such sections” shall be substituted.

Amendment of
section 447.

30. In section 447 of the principal Act, in the second proviso, for the words “twenty lakh rupees”, the words “fifty lakh rupees” shall be substituted.

Amendment of
section 454.

31. In section 454 of the principal Act, —

(i) for sub-section (3), the following sub-section shall be substituted, namely: —

“(3) The adjudicating officer may, by an order—

(a) impose the penalty on the company, the officer who is in default, or any other person, as the case may be, stating therein any non-compliance or default under the relevant provisions of this Act; and

(b) direct such company, or officer who is in default, or any other person, as the case may be, to rectify the default, wherever he considers fit.”;

(ii) in sub-section (8), —

(a) in clause (i), for the words “does not pay the penalty imposed by the adjudicating officer or the

“fails to comply with the order made under sub-section (3) or sub-section (7), as the case may be,” shall be substituted;

(b) in clause (ii), for the words “does not pay the penalty”, the words, brackets and figures “fails to comply with the order made under sub-section (3) or sub-section (7), as the case may be,” shall be substituted.

32. After section 454 of the principal Act, the following section shall be inserted, namely:—

Insertion of a
new section
454A.

“454A. Where a company or an officer of a company or any other person having already been subjected to penalty for default under any provisions of this Act, again commits such default within a period of three years from the date of order imposing such penalty passed by the adjudicating officer or the Regional Director, as the case may be, it or he shall be liable for the second or subsequent defaults for an amount equal to twice the amount of penalty provided for such default under the relevant provisions of this Act.”.

Penalty for
repeated default.

RAM NATH KOVIND,
President.

DR. G. NARAYANA RAJU,
Secretary to the Govt. of India.

भाग ४ (ग)
प्रारूप नियम
विधि और विधायी कार्य विभाग

क्र. 4878-इक्कीस-ब (दो)-2018.—

भोपाल, दिनांक 1/2 नवम्बर 2018

HIGH COURT OF MADHYA PRADESH, JABALPUR
MEMORANDUM

No. A/3957,—

Jabalpur dated 30th October 2018

The following draft of amendments in the Madhya Pradesh Mediation Rules, 2016, which the High Court of Madhya Pradesh, hereby, proposes to make in exercise of the powers conferred by Article 225 of the Constitution of India read with Section 122 and Section 128 of the Code of Civil Procedure 1908, is hereby published as required by Section 122 of the said code for the information of all persons likely to be affected thereby and notice is hereby given that the said draft of amendments shall be taken into consideration on the expiry of thirty days from the date of publication of this notice in the Madhya Pradesh Gazette.

Any objection or suggestion which may be received from any person with respect to the said draft of amendments by the Registrar General Madhya Pradesh High Court Jabalpur on or before the expiry of the period specified above shall be considered by the Madhya Pradesh High Court.

DRAFT OF AMENDMENT

In the said rules, in rule 6, in sub-rule (1),—

1. for clause (c), the following clause shall be substituted, namely :—
"(c) Retired and Serving Members of District Judiciary".
2. clause (d) shall be deleted.

REGISTRAR GENERAL
HIGH COURT OF MADHYA PRADESH

संतोष प्रसाद शुक्ल, अतिरिक्त सचिव.

पर्यटन विभाग
मंत्रालय, वल्लभ भवन, भोपाल

क्र. एफ-10-5-2018-तैंतीस,—

भोपाल, दिनांक 27 अक्टूबर 2018

मध्यप्रदेश बेड एण्ड ब्रेकफास्ट स्थापना (पंजीयन तथा नियमन) योजना 2010 में संशोधन जारी किये प्रपत्र को संशोधन किये जाने बावत्

उपरोक्त विषय में विभाग द्वारा मध्यप्रदेश बेड एण्ड ब्रेकफास्ट स्थापना (पंजीयन तथा नियमन) योजना 2010 में संशोधन के संबंध में दिनांक 3 अक्टूबर 2018 को आदेश जारी किये गये थे. उक्त आदेश में संलग्न प्रपत्र 1, 2 एवं 3 में त्रुटि होने के कारण राजपत्र में प्रकाशित नहीं हो सका है.

अतः पूर्व में जारी होम मध्यप्रदेश बेड एण्ड ब्रेकफास्ट स्थापना (पंजीयन तथा नियमन) योजना 2010 में संलग्न प्रपत्र 1, 2 एवं 3 को विलोपित करते हुए नवीन प्रपत्र 1, 2 एवं 3 नवीन राजपत्र में प्रसारित करने का कष्ट करें.

अनुराग सक्सेना, उपसचिव.

**मध्यप्रदेश होम स्टे स्थापना (पंजीयन तथा नियमन) योजना 2010
(संशोधित 2018) की कंडिका 13 के अन्तर्गत देय प्रोत्साहन राशि
स्वीकृति हेतु आवेदन पत्र**

प्रति,

प्रबंध संचालक
मध्यप्रदेश टूरिज्म बोर्ड,
भोपाल (म.प्र.)

**विषय :-मध्यप्रदेश होम स्टे स्थापना (पंजीयन तथा नियमन) योजना 2018
अंतर्गत प्रोत्साहन राशि स्वीकृति बावत् ।**

- (1) होम स्टे का नाम :
- (2) पता :
- (3) पंजीयन क्रमांक : वैधता तिथि
- (4) सम्पत्ति धारक का नाम :
- (5) ईमेल आईडी- :
- (6) मोबाइल नम्बर :
- (7) गोल्ड /डायमण्ड श्रेणी में पंजीयन/नवीनीकरण अंतर्गत प्रोत्साहन राशि
स्वीकृति का विवरण -
 - (7.1) प्रथम बार पंजीकरण की श्रेणी : श्रेणी रहित पूर्व पंजीकृत ☐
 - (7.2) वर्तमान पंजीकृत श्रेणी : सिल्वर ☐ गोल्ड ☐ डायमण्ड ☐
 - (7.3) परिवर्तन हेतु श्रेणी : गोल्ड ☐ डायमण्ड ☐
- (8) ट्रेवलमार्ट में सहभागिता उपरान्त प्रोत्साहन राशि प्राप्ति हेतु विवरण :-
 - (8.1) ट्रेवल मार्ट का नाम :
 - (8.2) ट्रेवल मार्ट का प्रकार : राष्ट्रीय ☐ अन्तर्राष्ट्रीय ☐
 - (8.3) स्थान एवं दिनांक : दिनांक

- (8.4) यात्रा का माध्यम : रेल्वे यात्रा ☐ विमान यात्रा ☐
- (8.5) पीएनआर नम्बर/टिकट नं. :
- (8.6) यात्रा दिनांक :
- (8.7) यात्रा पर व्यय राशि :
(रेल्वे टिकिट/बोर्डिंग पास संलग्न करना अनिवार्य है)
- (8.8) ट्रेवल मार्ट पर स्थापित स्टॉल पर व्यय राशि रु.
- (8.9) स्थापित स्टॉल निर्माण का देयक क्रमांक, दिनांक एवं राशि :
(देयक संलग्न करना अनिवार्य है)
- (9) प्रचार-प्रसार सामग्री हेतु राशि प्राप्ति हेतु विवरण -
- (9.1) प्रचार प्रसार सामग्री प्रकार : वेबसाईट ☐ ब्रोशर ☐
(प्रचार प्रसार सामग्री संलग्न करना अनिवार्य है)
- (9.2) प्रचार-प्रसार सामग्री पर व्यय राशि रु. :
- (9.3) देयक क्रमांक एवं दिनांक :
(कॉपी संलग्न करना अनिवार्य है)
- (10) मध्यप्रदेश टूरिज्म बोर्ड द्वारा आयोजित प्रशिक्षण में सहभागिता उपरान्त प्रोत्साहन अनुदान बांटा-
- (10.1) प्रशिक्षण का विषय :
- (10.2) प्रशिक्षित व्यक्तियों के नाम :
- (10.3) स्थान एवं दिनांक :
- (10.4) होम स्टे से प्रशिक्षण स्थल की दूरी :
- (10.5) प्रशिक्षण प्रमाण पत्र की प्रति :

अतः अनुरोध है कि मुझे होम स्टे (स्थापना तथा नियमन) योजना 2010 (संशोधित 2018) की कंडिका 13 के अंतर्गत बैंक का नाम

.....खाता क्रमांक.....आईएफएससी कोड में प्रोत्साहन राशि स्वीकृत कर भुगतान करने का कष्ट करें ।

आवेदक के हस्ताक्षर

स्वप्रमाणित घोषणा पत्र

मैं श्री/श्रीमती/सुश्रीहोम स्टे का नाम स्थान जिला..... पंजीयन क्रमांक दिनांक शपथ पूर्वक घोषणा करता/करती हूँ कि आवेदन पत्र में दी गई समस्त जानकारी पूर्णतः सत्य है । इसमें किसी भी प्रकार की गलत जानकारी के लिये मैं स्वयं उत्तरदायी रहूंगा/रहूंगी । उपरोक्त वर्णित जानकारी असत्य पाये जाने पर मेरा आवेदन पत्र निरस्त किया जा सकेगा तथा इस आधार पर मेरे विरुद्ध कार्यवाही करने का मध्यप्रदेश ट्रिजम् बोर्ड को पूर्ण अधिकार होगा ।

आवेदक के हस्ताक्षर

आवेदक का नाम

मोबाइल नम्बर

ई-मेल आईडी

प्रपत्र -2

मध्यप्रदेश होम स्टे स्थापना (पंजीयन तथा नियमन) योजना 2010
(संशोधित 2018) की कंडिका 13 के अन्तर्गत देय प्रोत्साहन राशि
प्रकरणों के निराकरण की प्रक्रिया नोटशीट

- (1) होम स्टे का नाम :
- (2) होम स्टे का डाक पता तथा :
दूरभाष क्रमांक, ईमेल, वेबसाइटआदि
- (3) होम स्टे के सम्पत्तिधारक का नाम :
एवं मोबाईल तथा दूरभाष क्रमांक ई-
मेल
- (4) स्थापित होम स्टे स्थल का नाम :
- (5) स्थापित होम स्टे का संक्षिप्त :
विवरण
- (6) होम स्टे श्रेणी परिवर्तन का विवरण
 - (6.1) प्रथम बार पंजीकृत श्रेणी का :
नाम
 - (6.2) वर्तमान पंजीकृत श्रेणी का :
नाम
 - (6.3) आवेदित श्रेणी परिवर्तन का :
नाम
- (7) ट्रेवल मार्ट में सहभागिता संबंधी विवरण
 - (7.1) ट्रेवल मार्ट का नाम :
 - (7.2) ट्रेवल मार्ट का प्रकार : राष्ट्रीय ☐ अन्तर्राष्ट्रीय ☐
 - (7.3) ट्रेवल मार्ट का स्थान :
 - (7.4) ट्रेवल मार्ट हेतु यात्रा का :
माध्यम (रेल्वे अथवा हवाई
जहाज द्वारा)

- (7.5) ट्रेवल मार्ट यात्रा हेतु प्रयुक्त :
टिकिट का विवरण(पीएनआर
नं./बोर्डिंग पास आदि)
- (7.6) ट्रेवल मार्ट हेतु यात्रा का :
दिनांक
- (7.7) ट्रेवल मार्ट हेतु यात्रा व्यय :
राशि
- (7.8) ट्रेवल मार्ट पर स्थापित स्टॉल :
का आकार
- (7.9) स्थापित स्टॉल पर व्यय राशि :
- (8) होम स्टे के प्रचार-प्रसार का विवरण
- (8.1) वेबसाइट निर्माण :
- (8.2) ब्रोशर :
- (8.3) प्रचार-प्रसार सामग्री पर व्यय :
राशि
- (8.4) देयक क्रमांक :
- (8.5) देयक दिनांक :

उपरोक्तानुसार होम स्टे योजना अंतर्गत आवेदक श्री..... पंजीयन क्रमांकद्वारा दिनांकको होम स्टे योजना अंतर्गत प्रोत्साहन राशि प्राप्ति हेतु आवेदन किया है। आवेदन पत्र का परीक्षण उपरांत प्रकरण पूर्ण/अपूर्ण पाया गया है। अतः अग्रिम कार्रवाई हेतु अवलोकनार्थ एवं निर्देशार्थ प्रस्तुत।

सहायक संचालक/प्रबंधक/प्रभारी अधिकारी

होम स्टे योजना

संयुक्त संचालक

प्रपत्र - 3

मध्यप्रदेश होम स्टे स्थापना (पंजीयन तथा नियमन) योजना 2010 (संशोधित 2018) की कंडिका 13 के अंतर्गत प्रोत्साहन राशि हेतु प्राप्त आवेदनों के निराकरण की प्रक्रिया अंतर्गत गठित समिति का निरीक्षण व अनुशंसा प्रतिवेदन।

- 1) होम स्टे का नाम :
- 2) पता :
- 3) पंजीयन क्रमांक :-.....वैधता तिथि :-.....
- 4) संपत्तिधारक का नाम:.....
- 5) ई-मेल आईडी :-.....
- 6) मोबाईल नंबर :-.....

समिति द्वारा दिनांक को उक्त होम स्टे/गोल्ड श्रेणी में पंजीयन अथवा उन्नयन / डायमंड श्रेणी में पंजीयन अथवा उन्नयन/ ट्रेवल मार्ट में सहभाग/ प्रचार प्रसार सामग्री निर्माण पर प्रोत्साहन राशि स्वीकृति हेतु आवेदन पत्र का निरीक्षण किया गया। मध्यप्रदेश होम स्टे स्थापना (पंजीयन तथा नियमन) योजना 2018 की कंडिका 13 के अनुसार गोल्ड श्रेणी में पंजीयन अथवा उन्नयन/डायमंड श्रेणी में पंजीयन अथवा उन्नयन/ ट्रेवल मार्ट में सहभाग/ प्रचार प्रसार सामग्री निर्माण के अंतर्गत प्रोत्साहन राशि प्राप्ति हेतु पात्र है। होम स्टे इकाई द्वारा.....अंतर्गत किये गये व्यय रुपये.....में से रुपये.....प्रोत्साहन राशि मान्य की जाने की अनुशंसा की जाती है। होमस्टे इकाई ने यह राशि उसके खाता क्रमांक.....बैंक का नाम शाखा.....IFSC..... में भुगतान हेतु अनुरोध किया गया है।

अथवा

निम्नलिखित कारणों से समिति द्वारा होम स्टे को प्रोत्साहन राशि स्वीकृत/अपग्रेडेशन करने की अनुशंसा नहीं की गयी है।

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

प्रतिवेदन प्रस्तुत करने का दिनांक.....

समिति सदस्यों के हस्ताक्षर

नाम

पदनाम -

सहायक संचालक / प्रबंधक

प्रभारी अधिकारी/होम स्टे योजना

मध्यप्रदेश टूरिज्म बोर्ड

हस्ताक्षर एवं सील

नाम

पदनाम -

संयुक्त / उपसंचालक वित्त

एवं लेखा के प्रतिनिधि

मध्यप्रदेश टूरिज्म बोर्ड

हस्ताक्षर एवं सील

उच्च न्यायालय मध्यप्रदेश, जबलपुर

क्र. A/3957

जबलपुर, दिनांक 30 अक्टूबर 2018

भारत के संविधान के अनुच्छेद 227 सपठित धारा 122 सिविल प्रक्रिया संहिता, 1908 व मध्यप्रदेश सिविल न्यायालय अधिनियम, 1958 की धारा 23 द्वारा प्रदत्त शक्तियों को प्रयोग में लाते हुए मध्यप्रदेश उच्च न्यायालय, राज्य सरकार के परामर्श से, एतद्वारा, मध्यप्रदेश सिविल न्यायालय नियम, 1961 में निम्नलिखित संशोधन करती है, अर्थात्:-

संशोधन

उक्त नियमों में,-

1. उक्त नियमों में, नियम 418 के स्थान पर, निम्नलिखित नियम स्थापित किया जाए, अर्थात्:-

"418. न्यायालय शुल्क के संदाय के संबंध में, किसी विधि अथवा नियम तथा उनके अधीन जारी अधिसूचनाओं के अध्याधीन रहते हुए, उच्च न्यायालय की अधिसूचना द्वारा निर्धारित आदेशिका शुल्क, प्रति प्रतिवादी/प्रत्यर्थी/अनावेदक/अभियुक्त की दर से मुख्य प्रकरण के प्रस्तुतिकरण के समय न्यायालय शुल्क के साथ निक्षिप्त तथा समेकित किया जाएगा। प्रकरण के प्रस्तुतिकरण के पश्चात् किसी भी कारण से कोई आदेशिका शुल्क देय नहीं होगा।

2. नियम 418 के पश्चात् निम्नलिखित नियम अंतःस्थापित किया जाए, अर्थात्:-

"418 (क). (1) प्रत्येक मुख्य मामले में, प्रतिवादी/प्रत्यर्थी/अनावेदक की किसी भी संख्या का विचार किए बिना, साधारण आदेशिका के लिए आदेशिका शुल्क रूपए 100/- की समान दर पर देय होगी, परंतु पंजीकृत डाक अथवा स्पीडपोस्ट अथवा कोरियर द्वारा आदेशिका के मामले में डाक प्रभार पक्षकार द्वारा भुगतान किया जाएगा।"

3. नियम 418 (क) के उप-नियम (1) के पश्चात् निम्नलिखित उप-नियम अंतःस्थापित किया जाए, अर्थात्:-

"(2) रजिस्ट्रीकृत डाक या त्वरित डाक या कूरियर सेवा के लिए डाक प्रभार पक्षकार द्वारा आदेश में नियत समय के भीतर, अन्यथा आदेश की तारीख से सात दिनों के भीतर भुगतान किया जाएगा।"

रजिस्ट्रार जनरल
मध्यप्रदेश उच्च न्यायालय

In exercise of the powers conferred by Article 227 of the Constitution of India, read with Section 122 of the Code of Civil Procedure, 1908 and section 23 of the Madhya Pradesh Civil Courts Act, 1958, the High Court of Madhya Pradesh, after obtaining the assent of the State Government, hereby, proposes to make the following further amendment in the "Madhya Pradesh Civil Courts Rules, 1961", namely:-

AMENDMENT

In the said rules,

1. For rule 418, the following rule shall be substituted, namely:-

"418. Subject to any law or rules and notifications issued thereunder regarding payment of court fees, the process fee at the rate per Defendant/Respondent/Non-applicant/Accused prescribed by notification by the High Court, shall be deposited and amalgamated with the court-fee, at the time of presentation of a main case. No process fee shall be payable after presentation of the case for any reason whatsoever".

2. After rule 418, the following rule shall be inserted, namely:-

"418 (A). (1) The process fee for ordinary process shall be payable at the flat rate of Rs. 100/- per main case, irrespective of any number of Defendant/Respondent/Non-Applicant but in case of process by registered post or speed post or courier the postal charges shall be paid by the party."

3. After sub-rule (1) of rule 418 (A), the following sub-rule shall be inserted, namely:-

"(2) The postal charge for registered post or speed post or courier service shall be paid by the party within the time stipulated in the order, otherwise within seven days from the date of the order."

REGISTRAR GENERAL
HIGH COURT OF MADHYA PRADESH

भारतीय संविधान के अनुच्छेद 227 व दण्ड प्रक्रिया संहिता, 1973 (1974 का 2) की धारा 477 द्वारा प्रदत्त शक्तियों को प्रयोग में लाते हुए मध्यप्रदेश उच्च न्यायालय, राज्य सरकार की सहमति उपरान्त, एतद्वारा, मध्यप्रदेश नियम तथा आदेश (अपराधिक) में निम्नलिखित संशोधन करती है, अर्थात् :-

संशोधन

उक्त नियमों में,

1. नियम 546 के स्थान पर, निम्नलिखित नियम स्थापित किया जाए, अर्थात्:-

"546. न्यायालय शुल्क के संदाय के संबंध में, किसी विधि अथवा नियम तथा उनके अधीन जारी अधिसूचनाओं के अध्यधीन रहते हुए, उच्च न्यायालय की अधिसूचना द्वारा निर्धारित आदेशिका शुल्क, प्रति प्रतिवादी/प्रत्यर्थी/अनावेदक/अभियुक्त की दर से मुख्य प्रकरण के प्रस्तुतिकरण के समय न्यायालय शुल्क के साथ निक्षिप्त तथा समेकित किया जाएगा। प्रकरण के प्रस्तुतिकरण के पश्चात् किसी भी कारण से कोई आदेशिका शुल्क देय नहीं होगा।

2. नियम 546 के पश्चात्, निम्नलिखित नियम अंतःस्थापित किया जाए, अर्थात् :-

"546 (क). (1) प्रत्येक मुख्य मामले में, प्रत्यर्थी/अनावेदक/अभियुक्त/साक्षी की किसी भी संख्या का विचार किए बिना, साधारण आदेशिका के लिए आदेशिका शुल्क रूपए 100/- की समान दर पर देय होगी परंतु पंजीकृत डाक या स्पीडपोस्ट या कोरियर द्वारा आदेशिका के मामले में डाक प्रभार पक्षकार द्वारा भुगतान किया जाएगा।"

3. नियम 546 (क) के उप-नियम (1) के पश्चात्, निम्नलिखित उप-नियम अंतःस्थापित किया जाए, अर्थात्:-

"(2) रजिस्ट्रीकृत डाक या त्वरित डाक या कूरियर सेवा के लिए डाक प्रभार पक्षकार द्वारा आदेश में नियत समय के भीतर, अन्यथा आदेश की तारीख से सात दिनों के भीतर भुगतान किया जाएगा।"

4. नियम 547 के स्थान पर, निम्नलिखित नियम प्रतिस्थापित किया जाए, अर्थात् :-

"547. आदेशिका शुल्क का भुगतान न्याय शुल्क मुद्रांकों के रूप में अथवा इलेक्ट्रॉनिक माध्यम द्वारा किया जाना चाहिए नकद में नहीं। मुद्रांक न्यायालय में पेश किए आवेदन पत्र या ज्ञापन जो समुचित हो पर विपकाए जाएंगे। आवेदन पत्र या ज्ञापन में न्यायालय का विवरण, मामले का क्रमांक, वह अधिनियम तथा धारा जिसके अंतर्गत वह दण्डनीय हो, विपकाए गए न्याय शुल्क मुद्रांकों का मूल्य, जारी किए जाने वाली आदेशिकाओं के व्यौरें तथा जिन व्यक्तियों पर उन आदेशिकाओं का निर्वाह होना है उनके पूर्ण विवरण, नाम तथा पते सम्मिलित होंगे। यदि आवेदन पत्र प्रस्तुत किया जाता है तो उस पर आदेशिका शुल्क हेतु आवश्यक मुद्रांकों के अतिरिक्त ऐसे और मुद्रांक भी होना चाहिए, जो उसकी स्वयं की वैधता हेतु आवश्यक हों। कोई भी आदेशिका जिसके जारी किए जाने के लिए शुल्क का भुगतान आवश्यक हो तब तक नहीं लिखी जाएगी, जब तक शुल्क का भुगतान न कर दिया गया हो।"

रजिस्ट्रार जनरल
मध्यप्रदेश उच्च न्यायालय

In exercise of the powers conferred by Article 227 of the Constitution of India, read with Section 477 of the Code of Criminal Procedure, 1973 (2 of 1974), the High Court of Madhya Pradesh, after obtaining the assent of the State Government, hereby, proposes to make the following further amendment in the Madhya Pradesh Rules and Orders (Criminal), namely:-

AMENDMENT

In the said rules,-

1. For Rule 546, the following rule shall be substituted, namely:-

“546. Subject to any law or rules and notifications issued thereunder regarding payment of court fees, the process fee at the rate per Defendant/Respondent/Non-applicant/Accused prescribed by notification by the High Court, shall be deposited and amalgamated with the court-fee, at the time of presentation of a main case. No process fee shall be payable after presentation of the case for any reason whatsoever.”.

2. After rule 546, the following rule shall be inserted, namely:-

“546 (A). (1) The process fee for ordinary process shall be payable at the flat rate of Rs. 100/- per main case, irrespective of any number of Respondent/Non-Applicant/Accused/Witness but in case of process by registered post or speed post or courier the postal charges shall be paid by the party.”.

3. After sub-rule (1) of rule 546 (A), the following sub-rule shall be inserted, namely:-

“(2) The postal charge for registered post or speed post or courier service shall be paid by the party within the time stipulated in the order, otherwise within seven days from the date of the order.”.

4. For rule 547, the following rule shall be substituted, namely:-

“547. Process-fee must be paid in court-fee stamps or by electronic means but not in cash. The stamps shall be affixed to an application or memorandum, as is appropriate, filed in court. The application or memorandum should include the description of the court, the number of the case, the section and the Act under which the offence is punishable, the value of the court-fee stamps affixed, details of the processes to be issued and full particulars, name and addresses of the persons on whom the processes are to be served. If an application is filed it must in addition to the requisite stamps for the process-fees bear such stamps as are necessary for its own validity. No process for the issue of which payment of a fee is required, shall be drawn up until the fee has been paid.”.

REGISTRAR GENERAL
HIGH COURT OF MADHYA PRADESH

मध्यप्रदेश मध्यस्थता नियम, 2016 में संशोधन का निम्नलिखित प्रारूप जिसे मध्यप्रदेश उच्च न्यायालय, भारत के संविधान के अनुच्छेद 225 सपठित धारा 122 तथा धारा 128 सिविल प्रक्रिया संहिता, 1908 के द्वारा प्रदत्त शक्तियों को प्रयोग में लाते हुए, एतद्वारा बनाना प्रस्तावित करती है, उक्त संहिता की धारा 122 द्वारा अपेक्षित किए गए अनुसार उन समस्त व्यक्तियों की, जिनके कि इससे प्रभावित होने की संभावना है, जानकारी के लिए, एतद्वारा, प्रकाशित किया जाता है और एतद्वारा यह सूचना दी जाती है कि मध्यप्रदेश राजपत्र में इस सूचना के प्रकाशन की तारीख से तीस दिन का अवसान होने पर, उक्त प्रारूप नियम पर विचार किया जाएगा।

किसी भी ऐसी आपत्ति या सुझाव पर, जो नियम के उक्त प्रारूप के संबंध में किसी व्यक्ति से, ऊपर विनिर्दिष्ट कालावधि के अवसान होने के पूर्व रजिस्ट्रार जनरल, मध्यप्रदेश उच्च न्यायालय जबलपुर को, प्राप्त होगा, मध्यप्रदेश उच्च न्यायालय द्वारा विचार किया जाएगा।

संशोधन का प्रारूप

उक्त नियमों में, नियम 6 के उपनियम (1) में,

1. खण्ड (ग) के स्थान पर, निम्नलिखित खण्ड प्रतिस्थापित किया जाए, अर्थात्:—
“(ग) जिला न्यायपालिका के सेवानिवृत्त तथा सेवारत सदस्य”
2. खण्ड (घ) को विलोपित किया जाए।

रजिस्ट्रार जनरल
मध्यप्रदेश उच्च न्यायालय

The following draft of amendments in the Madhya Pradesh Mediation Rules, 2016, which the High Court of Madhya Pradesh, hereby, proposes to make in exercise of the powers conferred by Article 225 of the Constitution of India read with section 122 and section 128 of the Code of Civil Procedure, 1908, is hereby published as required by section 122 of the said code for the information of all persons likely to be affected thereby and notice is hereby given that the said draft of amendments shall be taken into consideration on the expiry of thirty days from the date of publication of this notice in the Madhya Pradesh Gazette.

Any objection or suggestion which may be received from any person with respect to the said draft of amendments by the Registrar General, Madhya Pradesh High Court, Jabalpur on or before the expiry of the period specified above shall be considered by the Madhya Pradesh High Court.

DRAFT OF AMENDMENT

In the said rules, in rule 6, in sub-rule (1),-

1. for clause (c), the following clause shall be substituted, namely:-
“(c) Retired and Serving Members of District Judiciary”.
2. clause (d) shall be deleted.

REGISTRAR GENERAL
HIGH COURT OF MADHYA PRADESH

मध्यप्रदेश उच्च न्यायालय, एतद्वारा, मध्यप्रदेश के जिला न्यायालयों के अभिलेखों के डिजिटलीकरण नियम, 2016 में निम्नलिखित संशोधन करता है, अर्थात्:-

संशोधन

1. भाग-III के नियम 5 के उपनियम (4) में, शब्द "जिला न्यायालय प्रबंधक" के स्थान पर शब्द "रजिस्ट्रार जनरल द्वारा या उसके प्राधिकार के अंतर्गत जिला न्यायाधीश के द्वारा नामनिर्दिष्ट अधिकारी" स्थापित किए जाएं।
2. भाग-III के नियम 5 के उपनियम (6) के स्थान पर, निम्नलिखित उप-नियम स्थापित किया जाए, अर्थात्:-

"(6) सरल पुनर्प्राप्ति के लिए डिजिटलीकृत और इलेक्ट्रॉनिक रूप से सुरक्षित अभिलेखों को निम्नलिखित प्रारूप में संग्रहीत किया जाएगा:

- (क) दोनों पक्षकारों के नाम (प्रथम तीन पक्षकार);
- (ख) प्रकरण का पंजीयन क्रमांक;
- (ग) वर्गीकरण (मामले की प्रकृति);
- (घ) प्रकरण का प्रस्तुति क्रमांक;
- (ङ) प्रकरण के संस्थित होने का दिनांक;
- (च) प्रथम सूचना रिपोर्ट क्रमांक, यदि कोई हो;
- (छ) निर्णय/अंतिम आदेश का दिनांक;
- (ज) पीठासीन न्यायाधीश का नाम;
- (झ) अपील क्रमांक (सिविल/क्रिमिनल) एवं उसके सुसंगत आंकड़े –
 - (एक) प्रथम अपील;
 - (दो) द्वितीय अपील;
 - (तीन) दाण्डिक अपील"

रजिस्ट्रार जनरल
मध्यप्रदेश उच्च न्यायालय

The High Court of Madhya Pradesh, hereby, makes the following amendment in the District Courts of Madhya Pradesh Digitization of Records Rules, 2016, namely;-

AMENDMENT

1. In sub-rule (4) of rule 5 of chapter-III, the words “The District Court Manager” shall be substituted by the following:
“The officer nominated by Registrar General or under his authority by the District Judge”
2. For sub-rule (6) of rule 5 of chapter-III, the following sub-rule shall be substituted, namely

“(6) The digitized and electronically secured records shall be archived in following format to facilitate easy retrieval:

- (a) Name of both the parties (First three parties);
- (b) Registration Number of the case;
- (c) Classification (Nature of the case);
- (d) Filing Number of the case;
- (e) Date of Institution of the case;
- (f) FIR Number, if any;
- (g) Date of Judgment /Final Order;
- (h) Name of the Presiding Judge;
- (i) Appeal Number (Civil/Criminal) and its relevant data-
 - (I) First Appeal;
 - (II) Second Appeal;
 - (III) Criminal Appeal.”.

REGISTRAR GENERAL
HIGH COURT OF MADHYA PRADESH