

The Appellate Authority (Allowances payable to, and other terms and conditions of service of Chairperson and members and the manner of meeting expenditure of the Authority) Rules, 2006

[Rules made by the Central Government under clause (e) of sub-section (2) of Section 29A read with Section 22]

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MINISTRY OF COMPANY AFFAIRS

NOTIFICATION

New Delhi, the 17th November, 2006

G.S.R. 711(E). – *In exercise of the powers conferred by Section 22C of the Chartered Accountants Act, 1949, the Central Government hereby makes the following rules in respect of allowances payable to Chairperson & members and other terms and condition of service thereof and manner of meeting of meeting the expenditure of authority, namely: –*

1. Short title and commencement. – (1) These rules may be called the Appellate Authority (Allowances payable to, and other terms and conditions of service of Chairperson and members and the manner of meeting expenditure of the Authority) Rules, 2006.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions. – In these rules, unless the context otherwise requires, –

- (a) "Act" means the Chartered Accountants Act, 1949
- (b) "Authority" means Appellate Authority constituted under section 22A of the Act.
- (c) "Chairperson" means a person appointed as Chairperson of the Authority under section 22A of the Chartered Accountant Act, 1959.
- (d) "Member" means a person appointed as Member of the Authority under section 22A of the Chartered Accountant Act, 1959, section 22A of the Cost and Works Accountants Act, 1959 and section 22A of the Company Secretaries Act, 1980, and any other person appointed as Member of the Authority under any other Act;
- (e) "Rules" means the Appellate Authority (Allowances, other terms and conditions of service and the manner of meeting expenditure of the Authority) Rules, 2006.

(2) All other words and expressions used and not defined in these rules but defined in the Act shall have the meanings respectively assigned to them in the Act.

3. Allowances. – The Chairperson and the Members of the Authority shall be paid the following amount for each day of sitting, namely:-

Chairperson -	Rupees Two Thousand.
Member -	Rupees One Thousand Five Hundred.

4. Travelling and daily allowances. – The Chairperson and Members of the Authority while on tour outside New Delhi shall be entitled to the traveling allowances and daily allowances at the same rates as are prescribed in the High Court Judge (Travelling Allowances) Rules, 1956.

Explanation. – Chairperson and Members of the Authority shall not be eligible for payment of any travelling allowance or daily allowance for travel to Delhi from their home town or any other place, in connection with work related to the Authority, including attending the sitting of the Authority at Delhi.

5. Facility of conveyance. – The Chairperson of the Authority shall be entitled to a staff car and one hundred and fifty litres of petrol every month or actual consumption of petrol, whichever is less.

6. Accommodation. – The Chairperson and other Members of the Authority shall not be eligible for accommodation or House Rent Allowance on account of their holding positions in the Authority.

7. Expenditure of the Authority. – The expenditure of the Authority will be borne by the Councils of Institute of Chartered Accountants of India, Institute of Cost and Works Accountants of India and the Institute of Company Secretaries of India and such other authorities as may be decided by the Central Government and in such proportion as may be decided by the Central Government from time to time.

8. Creation of a Fund. – (1) A fund called the "Appellate Authority Fund" shall be created with the contributions under rule 7 from the Councils of Institute of Chartered Accountants of India, Institute of Cost and Works Accountants of India and the Institute of Company Secretaries of India and such other authorities as may be decided by the Central Government from time to time.

(2) One official of Institute of Chartered Accountants of India made available to the Authority under sub-section (1) of section 22E of the Act shall be designated as the "Chief Accounts Officer" of the Fund.

(3) The fund shall be administered by a Committee consisting of one official from each of the participating institutes and other authorities made available to the Authority.

(4) Subject to sub-sections (2) and (3) above, the Authority will regulate the procedure for operation of the fund and incurring expenditure of the Authority and subject to such rules and regulations as may be in force:

(5) Annual Accounts of the fund shall be subject to audit by a Chartered Accountant in practice within the meaning of the Act to be appointed annually by the Authority.

(6) As soon as may be practical at the end of each year, but not later than 30th day of September of the *year* next following, the Chief Account Officer of the Fund shall forward the annual accounts to the participating institutes and other authorities alongwith the report of the auditor prepared under sub-rule (5).

9. Residuary provision. – Matters relating to the conditions of services of the Chairperson and other Members of the-Authority with respect to which no express provision has been made in these rules shall be referred in each case to the Central -Government for its decision and the decision of the Central Government thereon shall be binding on the said Chairperson and other Members.

[F.No.5/27/2006/CL-V]
JTTESH KHOSLA, Jt. Secy.