**COMPANIES ACT 2016**

**Section 549(d)(i)**

**APPLICATION TO STRIKE OFF COMPANY**

**(Application by Shareholder of Company only)**

**................................................... (Company name & number)**

I, ………………………………………… (NRIC No: ………………………………) of residential address at ………………………….. hereby state the following:

1. I am a shareholder of ……………………………………………………..… (Company name & number).

**General Requirements**

1. ……………………………………………………………………………… (Company name & number) has been wound up through a \*members’/creditors voluntary winding-up vide a……………………. (state the nature of resolution passed) dated …………………………..;
2. There is no liquidator acting for the company since ……………………………. (insert the date) due to:

Please tick (**√** ) whichever is appropriate

the death or resignation of the liquidator and the absence of any substitution after one (1) year upon the death or resignation of the earlier appointed liquidator;

the whereabouts of the liquidator appointed earlier is unknown for more than one (1) year upon his appointment;

the failure or refusal on part of the liquidator appointed to lodge his notice of appointment with the Registrar and the Official Receiver in accordance with section 513 of the Companies Act 2016 for more than six (6) months of his appointment;

the failure or refusal on part of the liquidator to carry out his duties as a liquidator for more than six (6) months from the date of the liquidators’ appointment; or

the liquidator ceases to act for more than one year at any time during his appointment;

1. The appointed liquidator has failed to lodge the return in accordance with section 514 of the Companies Act 2016 for more than one (1) year;
2. The company is not involved in any impending legal proceedings, whether from within or outside Malaysia;

**Specific requirements for members’ voluntary winding-up.**

1. The company has no sufficient funds to cover for the costs of appointment of a new liquidator and to proceed with the process of voluntary winding up;
2. The company has no outstanding penalty or compound/has outstanding penalty or compound\* pursuant to the Companies Act 2016, Companies Act 1965 or under any corresponding previous written law The company hereby applies/appeals to the Registrar for the penalty or compound to be waived/reduced;
3. The company has no outstanding taxes and other liabilities with Inland Revenue Board of Malaysia and is not indebted to any other Government department or agencies in Malaysia;
4. All shareholders have consented to the filing of this application; and

**Specific requirements for creditors’ voluntary winding-up**

1. All creditors have consented to the filing of this application.

I, the undersigned hereby confirm that all the information stated above is true and correct.

………………………………………

Signature of Applicant

Date:

*\* strike out whichever is not applicable.*

**Declaration**:

I confirm that the facts and information stated in this document are true and to the best of my knowledge.

Signed by Applicant:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name:

Date:

**Attention:**

It is an offence under section 591 of the Companies Act 2016 to make or authorize the making of a statement that a person knows is false or misleading and that person may be liable, upon conviction, to imprisonment for a term not exceeding ten (10) years or to a fine not exceeding RM3 million or to both.

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| --- |
| **LODGER INFORMATION** |
| Name | : |
| NRIC No | : |
| Address | : |
| Phone No | : |
| Email | : |

**CHECKLIST Section 549(d)(i)**

Company Name: ……………………………………………………………….............................................

Company Registration Number: ……………………………………………………………………………....

**√**

Please tick to ensure all documents have been submitted

1. Application Fees RM100.00
2. Cover letter – Stating reasons to support application
3. Declaration by Applicant – Form 549(d)(i)
4. Resolution of majority shareholders (for members’ voluntary winding up); OR

Wholly-owned subsidiary – Letter of consent and declaration from holding company. The letter must be signed by one of the directors of the holding company and be printed on the holding company’s letterhead; OR

Co-owned subsidiary (Individual and company) – Resolution of majority shareholders and a corporate representative certificate must be attached to the application.

Note: In the case of where Shareholder/s is/are untraceable, proof of attempts to contact by way of registered post must be attached to the application. Proof of any other modes of attempt (if any) must also be attached to application.

1. Resolution of all creditors (for creditors’ voluntary winding up)
2. Tax Clearance (if applicable)
3. SSM’s computer ‘Print-Out’

Signature of Applicant: ……………………………………………………

(Name)

Date: …………………………………………………