**COMPANIES ACT 2016**

**Section 549(d)(ii)**

**(Application by Shareholder or Liquidator)**

 **APPLICATION TO STRIKE OFF COMPANY**

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

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

1. I am a shareholder/liquidator 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. The affairs of the company have been fully wound up;

**Specific requirements applicable to application by a shareholder in a members’ or creditors’ voluntary winding-up**

1. The company has conducted its final meeting but the liquidator has failed to lodge with the Registrar a return in accordance with section 459(3) of the Companies Act 2016 for more than six (6) months;
2. The company is not involved in any impending legal proceedings, whether from within or outside Malaysia;

**Specific requirement applicable to application made by a shareholder in a members’ voluntary winding-up**

1. 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;

**Specific requirements applicable to application made by a liquidator in a members’ or creditors’ voluntary winding-up**

1. The company has no fund or the fund is insufficient to pay for the cost of holding the final meeting [the company must lodge with the Registrar a return in accordance with the section 514 of the Companies Act 2016 as a proof to show the company has insufficient fund to conduct the final meeting];
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 and me (in my capacity as the liquidator of the company) are not involved in any impending legal proceedings, whether from within or outside Malaysia;

**Specific requirement applicable to application made by a liquidator in a members’ voluntary winding-up only**

1. 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;
2. All members of the company have consented to the filing of this application; and

**Specific requirement applicable to application made by a liquidator in a creditors’ voluntary winding-up only**

1. All creditors of the company 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)(ii)**

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

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

**√**

Please tick to ensure all documents have been submitted

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

Resolution of all creditors (for creditors’ voluntary winding up)

1. Tax Clearance (if applicable)
2. SSM’s computer ‘Print-Out’

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

(Name)

Date: …………………………………………………