

Change in Sharing Pattern of a Partnership Firm-Involving Change in DPG

Instruction for filling-up documents related to Change in Sharing Pattern of a Partnership Firm-Involving Change in DPG

Sr. No	Document Ref. No	Particulars	Submitted (Yes /No)
(1)	CSPIC-1	Request letter on the letterhead of the Member for obtaining prior approval of the Exchange for change in sharing pattern.	
i		Is letter submitted on the letterhead of the member	
ii		Is the letter dated	
iii		Is the letter signed under the rubber stamp of the firm	
(2)	CSPIC-2	Debit Instruction of Rs. 5,000/- alongwith Service Tax @ 10.30% as Processing Charges as per Circular No. MCX/MEM/151/2007 dated April 20, 2007	
(3)	CSPIC-3	Present sharing pattern of the Partnership Firm	
i		Sharing pattern is submitted in the prescribed format of the Exchange	
ii		Sharing Pattern submitted is on the letter head of the firm	
iii		Sharing Pattern submitted is certified by the Managing Partner under the rubber stamp of the firm.	
iv		Sharing Pattern submitted is certified by Chartered Accountant along with rubber stamp of C.A. Firm.	
v		The sharing pattern is compared with the previous sharing patterns and there is no change	
(4)	CSPIC-4	Present DPG details of the Partnership Firm on the letterhead of the Firm duly certified by C.A.	
i		Individual have been identified as Dominant Promoter Group (Maximum 4) (51%). (Refer circular no. 150 dated April 06, 2006)	
ii		Dominant Promoter Group (Annexure DPG1) is in the prescribed format of the Exchange.	

Sr. No	Document Ref. No	Particulars	Submitted (Yes /No)
iii		The details of the Partners of Dominant Promoter Group mentioned in the DPG (Annexure DPG 1) matches with the Sharing Ratio mentioned in the Sharing Pattern.	
iv		The details of the Dominant Promoter Group are certified by the Managing Partner under the rubber stamp of the firm and by the Chartered Accountant under the rubber stamp of the firm.	
v		In case of relative support (Indirect) (Annexure DPG 2) for forming DPG the Undertakings from the relative support are submitted in the prescribed format of the Exchange.	
vi		The Undertaking from supporters (Annexure DPG 2) are signed by the supporter and witness by one person	
vii		The Undertaking from supporters (Annexure DPG 2) submitted are certified by Chartered Accountant under the rubber stamp of C.A. Firm.	
viii		The DPG (Annexure DPG 1) is compared with the previous DPG (Annexure DPG 1) and there is no change.	
(5)	CSPIC-5	Proposed sharing pattern of Partnership Firm on the letterhead of the Firm	
i		Proposed sharing pattern is duly signed and stamped by the Managing Partner of the firm	
(6)	CSPIC-6	Proposed DPG (Annexure DPG 1) details of the Partnership Firm on the letterhead of the Firm	
i		Proposed DPG (Annexure DPG 1) is duly signed and stamped by the Managing Partner of the Firm	
(7)	CSPIC-7	Details of foreign holding	
(8)	CSPIC-8	Certified true copy of the Rectification / Supplementary Deed to be submitted duly signed and stamped by the Managing Partner – On receiving No Objection from the Exchange.	
(9)		Is the outgoing Partner a Managing Partner	
i		If yes, then submit the documents for change in Managing Partner.	

Sr. No	Document Ref. No	Particulars	Submitted (Yes /No)
(10)	CSPIC-9	Undertaking from all the Partners Authorizing Managing Partner (To be submitted in case of admission of new partner and retirement / removal of the existing partner)	
i.		Submitted after considering change like admission / retirement / removal of partners	
ii.		The Undertaking from all the Partners (after change) authorizing Managing Partner is in the prescribed format of the Exchange.	
iii.		The Undertaking from all the Partner authorizing Managing Partner is on the letterhead of the firm.	
iv.		The Undertaking from all the Partners authorizing Managing Partner contains the name of all the Partners (after change) and signature of all the Partners (after change).	
(11)	CSPIC-10	Debarred Undertaking on the letterhead of the firm	
i.		Is Debarred Undertaking in Format	
ii.		Name of the member and name of the Managing Partners mentioned in the first paragraph of the Undertaking.	
iii.		Signed under the rubber stamp of the Firm by the Managing Partner	
iv.		Name of the Managing Partner is per the application form.	
v.		Date and Place should be mentioned in the Debarred Undertaking.	
vi.		The DPG Constituents mentioned in the Undertaking	
(12)	CSPIC-11	Undertakings and copies of Will, Affidavits in case of Transmission	
(13)		Signature of the Member	

APPLICATION FOR CHANGE IN SHARING PATTERN**(On the letterhead of the firm)****Date:**

To,
 Membership Department
 Multi Commodity Exchange of India Ltd.
 Exchange Square, CTS no 255,
 Gundavali village, Suren Road
 Chakala, Andheri (East),
 Mumbai -400 093.

Dear Sir / Madam,

We, _____, the member of the Exchange hereby seek your approval for changes in the Sharing Pattern/ DPG of the (name of the member) _____ as per the details given below:

Sr.	Particulars of change	Applicable (Yes / No / NA)	Proposed / Post-facto*
1	Change in sharing pattern		
2.	Change in Constituents of DPG		

Details of post-facto changes:

Sr.	Particulars of Change	Date of Change	Remarks, if any

For any further communication in this regard, please contact the undersigned or Mr./ Ms. / Mrs. _____ (name of the contact person) on _____ (contact numbers) or e-mail at _____.

For (Name of Member)

Signature of Managing Partner
Name of the Partner
Rubber stamp

DEBIT INSTRUCTION FOR CHARGES OF CHANGE IN SHARING PATTERN/DPG

(On the letterhead of the firm)

Date:

Membership Department
Multi Commodity Exchange of India Ltd.
Exchange Square, CTS no 255,
Gundavali village, Suren Road
Chakala, Andheri (East),
Mumbai -400 093.

Dear Sir / Madam,

Subject: Debit Instruction

This has reference to your circular no. 151 dated April 20, 2007.

We have applied for change in sharing pattern /Dominant Promoter Group of the firm for which we authorize you to debit our settlement account no. _____ in _____ (Name of Bank) by Rs. _____ along with Service Tax @ 10.30% as processing charges for change in sharing pattern/ Dominant Promoter Group of the firm.

For (Name of Member)

Signature of Managing Partner
Name of the Signatory
Rubber stamp

**Sharing Pattern (For Partnership Firm)
(On letterhead of the firm)**

Sr. No.	Name	Capital in the Firm	Share in Profit	Share in Losses
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
TOTAL				100%

Date:

1. _____
Signature(s)
of managing partner
with name and
rubber stamp

2. _____
Signature(s)
of managing partner
with name and
rubber stamp

Place:

AUDITOR'S CERTIFICATE

This is to certify that the capital and sharing pattern of _____ as given above, based on my/ our scrutiny of the books of accounts, records and documents is true and correct to the best of my/our knowledge and as per information provided to my/our satisfaction.

Date:

For (Name of Accounting Firm)

Place:

Name of the Partner/Proprietor
Chartered Accountant
Membership Number
Rubber stamp of firm

Annexure - DPG-1:

Details of Dominant Promoter Group as on _____ (Date)

Sr. No	Name	No of Shares*		Total Amount Paid*		% of total*		Total
		Self	Relative	Self	Relative	Self	Relative	
1								
2								
3								
4								
Total								

Date:

1. _____ 2. _____
 Signature(s) Signature(s)
 of managing partner of managing partner
 with name and with name and
 rubber stamp rubber stamp

Place:

AUDITOR'S CERTIFICATE

This is to certify that the sharing pattern in _____ as given above, based on my/ our scrutiny of the books of accounts, records and documents is true and correct to the best of my/our knowledge and as per information provided to my/our satisfaction.

Date: For (Name of Accounting Firm)

Place:

Name of the Partner/Proprietor
 Chartered Accountant
 Membership Number
 Rubber stamp of firm

*For arriving at the sharing of persons constituting the Dominant Promoter Group the shareholding of close relatives, namely parents, spouse, children and their descendants, brothers, sisters and associates only may also be counted provided these relatives give an irrevocable, unconditional support in writing on the prescribed format of Exchange.

Annexure - DPG-2:

Undertaking from Relative of Persons constituting DPG (Dominant Promoter /Partner Group)
{Each relative is to submit separate copy of this disclosure in the form of Annexure}

I, Mr/Ms/Mrs. _____, son / daughter / wife of _____ resident of _____ declare that

I am partner in the Partnership Firm _____ For sharing profit and loss to the extent of _____% as on _____ (Date)

I state that I shall irrevocably and unconditionally support in respect of my sharing pattern.

Mr/ Mrs _____, a partner in the above mentioned partnership firm. I further state that I have no objection to my above mentioned sharing pattern being clubbed with the sharing pattern of Mr / Mrs _____ who is my _____ (give relationship with the latter) for the purpose of determining the dominant partner group of the said Partnership Firm

This support is irrevocable and I also undertake to give prior information to the Multi Commodity Exchange of India Limited before selling or otherwise transferring my part or whole of my above mentioned sharing pattern.

Date:

Signature: _____

Place:

(Name of the Relative of Persons constituting DPG)

WITNESS BY:

Name:

Address:

Signature:

Place:

Date:

AUDITOR'S CERTIFICATE

This is to certify that the sharing pattern of _____ as indicated above, based on my / our scrutiny of the books of accounts, records and documents is true and correct to the best of my/ our knowledge and as per information provided to my / our satisfaction.

Date:

For (Name of Accounting Firm)

Place:

Name of the Partner/Proprietor
Chartered Accountant
Membership Number
Rubber stamp of firm

*For arriving at the sharing of persons constituting the Dominant Promoter Group the shareholding of close relatives, namely parents, spouse, children and their descendants, brothers, sisters and associates only may also be counted provided these relatives give an irrevocable, unconditional support in writing on the prescribed format of Exchange.

Details of foreign holding**(On letter head of the member)****Date:**

To,
 Membership Department
 Multi Commodity Exchange of India Ltd.
 Exchange Square, CTS no 255,
 Gundavali village, Suren Road
 Chakala, Andheri (East),
 Mumbai -400 093.

Dear Sir,

Subject: Details of foreign holding

Foreign holding details as required by the Exchange are furnished as follows:-

Name of the Applicant					
Sr. No	Name of Foreign holder	Nature/Type of Foreign holder **	No. of Shares held	Amount paid up in Rs.	% of holding
1					
2					
3					
4					
<p>* In case your company is a subsidiary company, then the foreign holdings of your (ultimate) parent/holding company is also to be furnished</p> <p>** Please specify whether the holder is 1) Foreign Company 2) Foreign Individual 3) Non-Resident Indian (NRI) 4) Overseas Corporate Body (OCB) 5) Foreign Institutional Investor (FII) 6) Person of Indian Origin (PIO) 7) Non Resident – Limited Liability Partnership</p>					

We undertake to intimate and update the Exchange as and when there is any change in the aforesaid information.

Thanking you,

For (Trade Name)

Approved Signatory
 (Name of Managing Partner)
 Rubber Stamp

Approved Signatory
 (Name of Managing Partner)
 Rubber Stamp

(ON FIRM'S LETTER HEAD)

**UNDERTAKING FROM ALL PARTNERS AUTHORIZING THE MANAGING PARTNER
(FOR PARTNERSHIP FIRM)**

To
Membership Department
Multi Commodity Exchange of India Ltd.
Exchange Square, CTS no 255,
Gundavali village, Suren Road
Chakala, Andheri (East),
Mumbai -400 093.

Dear Sir,

We hereby authorize Mr./Ms. _____ and Mr./Ms _____ to be the Managing Partner/s of the Firm for all matters related to Multi Commodity Exchange of India Ltd. (MCX).

Further, Mr./Ms. _____ AND /OR Mr./Ms. _____ of the firm are also authorized to sign jointly, singly or severally all documents / agreements on behalf of the firm for operations of Multi Commodity Exchange of India Ltd. (MCX).

Name of All Partners	Signature

Date:

Place:

Rubber stamp of the Firm

**Format of Undertaking
(On the letterhead of the Member)**

Date: _____

To,
Membership Department
Multi-Commodity Exchange of India Ltd.
Exchange Square, CTS no 255,
Gundavali village, Suren Road
Chakala, Andheri (East),
Mumbai 400 093.

Dear Sir,

"I/We hereby confirm/undertake that _____ (Trade Name of the Member) and
_____ (Name of Proprietor/ Designated Directors/ Managing Partners/ Karta)
_____ (Name of Proprietor/ Designated Directors/ Managing Partners/ Karta) and
constituents of dominant promoter group

a. are not debarred/suspended/expelled/ declared defaulters by SEBI/FMC/RBI/ any recognized Stock Exchange / any recognized Commodity Exchange.

b. are not connected with any of the defaulting/debarred/expelled/suspended member of any Stock Exchange/ Commodity Exchange

c. there are no complaints/ disciplinary action against us at SEBI/FMC/RBI/ any recognized Stock Exchange / any recognized Commodity Exchange

d. no investigation / enquiry by SEBI/FMC/RBI/ any recognized Stock Exchange / any recognized commodity Exchange is pending against us or undertaken against us

e. the proprietor / Karta / Partners/ Directors of the member entity are not suspended/ expelled / declared defaulter/insolvent/bankrupt by any recognized Stock Exchange/ recognized Commodity Exchange

f. the proprietor/karta/Partners/Directors of the member entity are not involved in any type of money laundering activities.

g. the proprietor/Karta/Partner/Director of the member entity have not committed any act and / or have not any time convicted for any act involving threat to the public/national interest.

In case of any action/complaints/investigation/enquiry by any Statutory Agency/ Regulatory Agency/ Stock Exchange/ Commodity Exchange in future, I/ We undertake to intimate the Exchange immediately.

I/We declare that the information given above is true and any misstatement or misrepresentation or suppression of facts in connection with the above undertaking may entail rejection of our application or expulsion of our membership.

Yours faithfully,

For (Name of the Member)

1. Authorised Signatory
(Name of Designated Director/ Managing Partner/ Proprietor/ Karta)

2. Authorised Signatory
(Name of Designated Director/ Managing Partner/ Proprietor/ Karta)

Rubber stamp

Place:-