



Inside this edition

- The Companies (Corporate Social Responsibility Policy) Amendment Rules, 2015
- The Companies (Appointment and Qualification of Directors) Amendment Rules, 2015
- The Companies (Accounts) Amendment Rules, 2015
- The Companies (Cost Records and Audit) Amendment Rules, 2014

& more...

MCA brings amendment to The Companies (Corporate Social Responsibility Policy) Amendment Rules, 2015



The Ministry of Corporate Affairs has issued a notification dated January 19, 2015 to amend the Companies (Corporate Social Responsibility Policy) Rules, 2014, the following points shall be substituted:

In rule 4, in sub rule (2),

- i) for the words “established by the company or its holding or subsidiary or associate company under section 8 of the Act or otherwise”, the words “ established under section 8 of the Act by the Company, either singly or alongwith its holding or subsidiary or associate company, or alongwith any other company or holding or subsidiary or associate company of such other company, or otherwise” shall be substituted ;
- ii) in the proviso, in clause (i), for the words “ not established by the company or its holding or subsidiary or associate company, it...” , the words “not established by the company, either singly or alongwith its holding or subsidiary or associate company, or alongwith any other company or holding or subsidiary or associate company of such other company’ shall be substituted.

The notification shall come into force on the date of their publication in the official gazette.

Amendment in Companies (Appointment and Qualification of Directors) Amendment Rules, 2015 to authorize filing of form DIR-11 on behalf of foreign director



MCA vide Notification [F.NO.01/9/2013-CL.V (PART-11)], dated January 19, 2015 makes the following rules to amend the Companies (Appointment and Qualification of Directors) Rules 2014.

Earlier under the rule, where the director resigns from his office, he shall within a period of thirty days from the date of resignation, forward to the Registrar a copy his resignation along with reasons for the resignation in Form DIR-11 along with the prescribed fee. Earlier,

In the companies (Appointment and Qualification of Directors) Rules, 2014 the following proviso shall be inserted:

PROVIDED that in case a resignation of a foreign director where the company has already filed Form DIR-12 with ROC under rule 15, Form- DIR-11 can be filed on behalf of such foreign director and under a written authority by a practicing chartered accountant, cost accountant

company secretary or any other resident director of the company intimating the reasons for the resignation.

MCA issued The Companies (Accounts) Amendment Rules,



MCA vide Notification, dated January 16, 2015 makes the following rules to amend the Companies (Accounts) Rules 2014.

In the Companies (Accounts) Rules, 2014,—

- after rule 2, following rule shall be inserted, namely:-

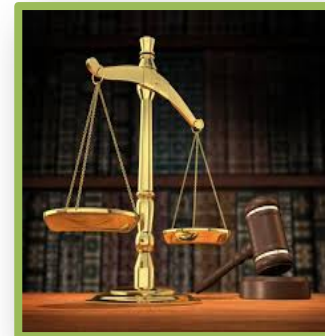
“2A. Notice of address at which books of account are to be maintained.
- For the purposes of the first proviso to sub-section (l) of section 128, the notice regarding address in which books of account may be kept shall be in Form AOC-5”.

- in rule 6, after the third proviso, the following proviso shall be inserted, namely:-

"Provided also that nothing in this rule shall apply in respect of consolidation of financial statement by a company having subsidiary or subsidiaries incorporated outside India only for the financial year commencing on or after April 1, 2014

- in the Annexure, after Form AOC-4, the following Form shall be inserted. namely:-
FORM NO. AOC-5

MCA brings amendment to Companies (Cost Records and Audit) Amendment Rules, 2014



MCA vide notification dated December 31, 2014 has made amendments in the Companies Act (Cost Records and Audit) Rules, 2014 in order to insert and substitute some of the provisions through Companies (Cost Records and audit) Amendments Rules, 2014.

Following are the amendments:

- In rule 2, after clause (a), the following clause shall be inserted, namely:
“(aa) “Central Excise Tariff Act Heading” means the heading as referred to in the Additional Notes in the First Schedule to the Central Excise Tariff Act, 1985 [5 of 1986]

- For rule 3, the following rule shall be substituted, namely:-

“3. Application of Cost Records-

The class of companies, including foreign companies engaged in the production of the goods or providing services, specified in the Tables (for Regulated and Non Regulated Sectors respectively), having an overall turnover from all its products and services of ₹35 crores or more during the immediately preceding financial year, are required to maintain cost records for such products or services.

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

“4. Applicability of Cost Audit

Companies in the regulated sectors having annual turnover from all the products and services is ₹50 crores or more and the aggregate turnover from the individual product or service is ₹25 crores or more.

Companies in the Non-Regulated Sectors having annual turnover from all its products and services is ₹100 crores or more and the aggregate turnover from the individual product or service is ₹35 crores or more.

Exclusions: This Companies (Cost records & Audit) Rules 2014 not applicable for the following categories of companies even if they covered under applicable class of companies:

- i. Whose revenue from exports, in foreign exchange, exceeds 75% of its total revenue or
- ii. Which is operating from a special economic Zone

- In rule 5, in sub-rule (1), the following proviso shall be inserted, namely:-

“Provided that in case of company covered in serial number 12 and serial numbers 24 to 32 of item (B) of rule 3, the requirement under this rule shall apply in respect of each of its financial year commencing on or after April 1, 2015.”

Earlier the requirements to maintain the cost records for all classes of companies was from April 1, 2014 and no exemption was provided

- In Rule 6, after sub rule (3), the following sub rule shall be inserted, namely:-

“(3A) Any casual vacancy in the office of the Cost Auditor whether due to death or resignation or removal shall be filled by the Board of directors within 30 days of the occurrence of such vacancy and the company shall inform the Central Government in Form CRA-2.

- Rule 7 of the Companies (Cost Records and Audit) Rules, 2014 shall be omitted.
- Particulars in Form CRA-1 and CRA-3 stand substituted.

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