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## Filing of overdue returns necessary before filing of application for striking off and increase in fee for filing of form STK-2.



MCA vide Notification no. F.NO1/28/2013-CI-V(Part) dated 8th May 2019 has increased fees for filing of application for removal of name of the company in form STK-2 from Rs 5000 to Rs 10000. Further it has amended the companies (removal of Name of the companies from the register of the companies) Rule, 2016 providing that-

- In case of filing of company for striking off in form STK-2, it can be filed only after overdue returns in in form no. AOC-4 XBRL, as the case may be, and form no. MGT-7 (annual return) upto the end of financial year in which the company ceased to carry its business operation has been filed;
- In case the action under sub- section (1) of section 248 has been initiated by the registrar, it shall file form no STK-2 only after all pending overdue return in form no. AOC-4 (Financial Statement) or AOC-4 XBRL, as the case may be and form MGT-7 (Annual return) has been filed.

## MCA has specified the requisite number of members or depositors for applying under section 245.



MCA vide Notification no. F.NO1/30/2013-CL.V dated 8th May 2019 has specified the requisite number of members or depositor for applying under

section 245 as follows:

- In case of a company having share capital;
  - (i) (a) At least 5% of total number of members of the company; or
    - (b) 100 members of the company, whichever is less;
  - (ii) (a) Member or members holding not less than 5% of issued share capital of the company, in case of an unlisted company; or
    - (b) Member and members holding 2% of the issued share capital of the company, in case of a listed company.
- The requisite number of deposit and depositor to file an application under sub section (1) of section 245 shall be –
  - (i) (a) At least 5% of total number of depositors of the company; OR
    - (b) 100 depositor of the company, whichever is less.
  - (ii) Depositor and depositors to whom the company owes 5% of total deposits of the company.

## MCA amended Rule 8 of the companies (Incorporation) rules for determining names of the company.



MCA has elaborated the rule for determining names for a company, by replacing the content of Rule 8- “Names which resembles too nearly with name of existing company” of companies (incorporation) Rules, 2014 completely,

Vide notification no. F. No.1/13/2013 CL-V, Part-I, Vol III dated 10th May 2019. It has added various illustrations under this rule to increase the clarity while determining the name of the company and has divided the rule in 2 parts-

Rule 8A for ‘Undesirable names’ and rule 8B for the ‘Word or expression which can be used only after obtaining previous approval of central government.

[Detailed notification can be found at the following link](#)

## MCA announcement on Default in filing of e-Form ACTIVE: DIN of Directors to be marked as “Director of ACTIVE non-compliant company”.



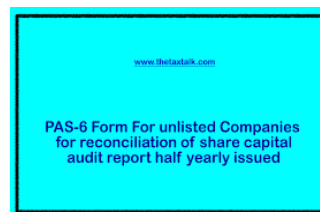
MCA vide notification no. G.S.R. 368(E) dated 16th May, 2019 has introduced a new rule “Rule 12B of Companies (Appointment and Qualification of Directors) company required to file e-Form ACTIVE”,

which provides that where a company is required to file e-Form INC-22A (ACTIVE) under Rule 25A of the Companies (Incorporation) Rules, 2014, fails to file the e-Form ACTIVE within the period

specified therein i.e. 15th June, 2019. The Director Identification Number (DIN) allotted to its existing directors, shall be marked as “Director of ACTIVE non-compliant company”.

Where the DIN of a director has been marked as “Director of ACTIVE non-compliant company”, such director shall take all necessary steps to ensure that all companies where such director has been so appointed, file e-form ACTIVE. After, all the companies file the e-Form ACTIVE, the DIN of such director shall be marked as “Director of ACTIVE Company”.

## MCA notifies Form PAS-6 for Share Capital Audit Report.



Notification dated 22th May, 2019 substituted sub-rules in Rule 9A of Companies (Prospectus and Allotment of securities) Rules, 2014 and prescribed PAS-6 for Share Capital Audit Report w.e.f 30th September,2019.

Under Sub-rule 8, it notifies that every unlisted public company shall submit Form PAS-6 to the Registrar with prescribed fee within 60 days from the conclusion of each half year duly certified by a company secretary or chartered accountant in practice. It has also introduced sub-rule 8A which notifies that the company shall immediately bring to the notice of the depositories any difference observed in its issued capital and the capital held in dematerialized form.

## MCA notifies Procedure for conducting meetings of NFRA (National Financial Reporting Authority).



Notification dated 22 May, 2019 introduces National Financial Reporting Authority (Meeting for Transaction of Business) Rules, 2019 through which it notifies the procedure for conducting the meetings for transaction of business by National Financial Reporting Authority.

## MCA amended the incorporation rule of section 8 companies and clarify that the Incorporation of Section 8 Companies will be done through SPICe form.



Companies (Incorporation) 6th Amendment Rules, 2019 dated 7th June, 2019 has amended the incorporation rules for incorporation of Section 8 Companies. The rules will be effective from 15th August, 2019.

As per the amended rules, application for incorporation of Section 8 Company along with application for license for such Company will now be submitted in Form INC-32 (SPICe). However, application for Section 8 license for an existing Section 8 Company will continue to be in Form INC- 12.

Currently, the power to grant license to Section 8 Company is with Registrar of Companies (ROC). Post this amendment, this power will go into the hands of Central Registration Center (CRC).

## MCA issues circular regarding filing of e-Form DIR-3 KYC.



MCA vide General Circular No. 07/2019 dated 27.06.2019 proposes to implement a web-based verification service with pre-filled data based on the records in registry to enable ease of verification in filing KYC.

The e-Form DIR-3 KYC will be required to be filed in case of updation of mobile no. or e-mail address. Further, in case of updation in any other personal detail, e-Form DIR-6 may be filed for updation of the same before completion of KYC through the web-based service.

The amendment in the relevant rules including the amendment related to extension of time (allowing for adequate time) for completion of KYC through e-form DIR-3 KYC or the web-based service, as the case may be, will be notified shortly.

## MCA announced that Form BEN-2 to be deployed from 2nd July, 2019.



Form BEN-2 (Return to the Registrar in respect of declaration under Section 90) is likely to be made available for filing on the MCA portal w.e.f 2 July 2019. Stakeholders may please take note and plan accordingly keeping in view

Ministry's General Circular No: 07/2018 dated 6 September 2018.



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