



MCA relaxation in time to file forms for creation/modification of charges by Companies.

In a view of the pandemic situation due to COVID-19 outbreak and Representation made, Ministry of Corporate Affairs vide General Circular no. 23/ 2020 dated 17th June, 2020 has come out with a new scheme called "**Scheme for relaxation of time for filing forms related to creation or modification of charges under the Companies Act, 2013**" for the purpose of condoning the delay in filing certain forms related to creation/ modification of charges for all companies registered with MCA.

The details of the scheme are as under:

- **Scheme Applicable from:**

The scheme shall come into effect from the date of issue of this Circular e.g. **17th June, 2020.**

- **Scope & Applicability of Scheme:**

The scheme shall be applicable in respect of filing of Form No. CHG-1 and Form No. CHG-

9 by a company or a charge holder, where the date of creation/modification of charge:

- (i) is before 01.03.2020, but the timeline for filing such form had not expired under section 77 of the Companies Act as on 01.03.2020. **OR**
- (ii) falls on any date between 01.03.2020 to 30.09.2020 (both dates inclusive).

- **Relaxation of Time:**

- (i) In case a form is **filed before** 01.03.2020, but the timeline for filing such form had not expired under section 77 of the Companies Act as on 01.03.2020

OR

- (ii) In case **Filing of Forms falls** on any date between 01.03.2020 to 30.09.2020 (both dates inclusive).

- (a) the period beginning from 01.03.2020 or date of creation/modification to 30.09.2020 **shall not be reckoned for the purpose of counting the number of days** under section 77 or section 78.

(b) if the form is not filed within such period, the first day after 29.02.2020 shall be reckoned as 01.10.2020 for the purpose of counting the number of days within which the form is required to be filed

● **Applicable Fees:**

(i) In case a form is filed before 01.03.2020, but the timeline for filing such form had not expired under section 77 of the Companies Act as on 01.03.2020:

Particulars of form	Fees Payable
(i) If the form is filed on or before 30.09.2020	Normal fees under the Fees Rules for the said form shall be charged.
(ii) If form filed thereafter	Charged under the Fees Rules after adding the number of days beginning from 01.10.2020 and, ending on the date of filing plus the time period lapsed from the date of the creation of charge till 29.02.2020

(ii) In case Filing of Forms falls on any date between 01.03.2020 to 30.09.2020 (both dates inclusive):

Particulars of form	Fees Payable
(i) If the form is filed on or before 30.09.2020	Normal fees under the Fees Rules for the said form shall be charged
(ii) If form filed thereafter	First day after the date of creation/modification of charge shall be reckoned as 01.10.2020 and the number of days till the date of filing of the form shall be counted accordingly for the purposes of payment of fees under the Fees Rules.

● **Non- applicability of the Scheme:**

The Scheme shall not apply in following conditions:

- (i) The forms i.e. CHG-1 and CHG-9 had already been filed before the date of issue of this Circular.
- (ii) The timeline for filing the form has already expired under section 77 or section 78 of the Act prior to 01.03.2020
- (iii) The timeline for filing the form expires at a future date, despite exclusion of the time provided in this scheme.
- (iv) Filing of Form CHG-4 for satisfaction of charges.

Sources: General Circular issued by Ministry of Corporate Affairs dated 17.06.2020

[Link to General Circular](#)

MCA extends period of holding Extra Ordinary General Meeting (EGMs) till 30th September, 2020 through video conferencing.

The ministry of corporate affairs (MCA) extended the period during which companies are allowed to hold extraordinary general meetings (EGMs) through video conference or other audio visual means till 30th September, 2020.

Earlier (8th April, 2020) MCA had relaxed the same in light of restrictions on travel due to Covid-19 and the lockdown, till 30th June, 2020.

Sources: General Circular issued by Ministry of Corporate Affairs dated 15.06.2020

[Link to General Circular](#)

Contact details:

Head office

75/7 Rajpur Road, Dehradun
T +91.135.2743283, 2747084, 2742026
F +91.135.2740186
E info@vkalra.com
W www.vkalra.com

Branch office

80/28 Malviya Nagar, New Delhi
E info@vkalra.com
W www.vkalra.com

For any further assistance contact our team at kmt@vkalra.com

© 2020 Verendra Kalra & Co. All rights reserved.

This publication contains information in summary form and is therefore intended for general guidance only. It is not a substitute for detailed research or the exercise of professional judgment. Neither VKC nor any member can accept any responsibility for loss occasioned to any person acting or refraining from actions as a result of any material in this publication. On any specific matter, reference should be made to the appropriate advisor.