

The-Chronicle



The Institute of Company Secretaries of India

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Amendments for Jan-Feb, 2019

Urgent Compliance Requirements

Form DIR-3 KYC

All the Directors having a valid DIN must file this form every year on or before 30th April.

For those Directors who have applied for DIN in the current Financial Year have to do the filing in the next immediate 30th April.

Form INC-22A ACTIVE

Every Company incorporated on or before the 31.12.2017 shall file Form INC-22A ACTIVE on or before 25.04.2019

Companies which have been struck off, under process of Striking-off, under liquidation, amalgamated or dissolved are exempted from such filing.

Any Company which have not filed its due financial statements or annual returns, or whose Directors are disqualified or have Inactive DIN status will not be able to file this form.

Filing done on or after 26th April 2019, fee of Rs. 10,000/- will need to be paid.

Form DPT-3

For every Company who has taken loan (whether secured or unsecured), which is not considered as deposits, and which is shown outstanding from 01.04.2014 upto 22.01.2019 (date of this notification).

This is a onetime filing of Form DPT-3, due date being 20.04.2019.

Form MSME-1

For all the Companies (including Public or Private) who gets goods/services from any MSME, and the payment thereof exceeds the period of 45 days, such Company shall submit a half yearly return in Form MSME-1, every year (due dates for the same being 31st Oct/30th April).

For Current year, due date for MSME-1 will be thirty days from the day the form will be introduced by the Ministry of Corporate Affairs.

Companies (Prospectus and Allotment of Securities) Amendment Rules, 2019

Rule 9A, Issue of securities in dematerialized form by unlisted public companies have been inserted in the Companies (Prospectus and Allotment of Securities) Rules, 2014 stating that this rule shall not apply to an unlisted public company which is a Nidhi; a Government company or a wholly owned subsidiary

Companies (Significant Beneficial Ownership) Amendment Rules, 2019

The said Rule provide for a declaration from the Significant Beneficial Owner to the Company in form BEN-1 within 90 days from notification in official gazette viz. on or before May 8, 2019. Thereafter, the Company within 30 days of such receipt of declaration, have to file e-form BEN-2 with the RoC.

On regular basis, every individual who subsequently becomes a SBO, have to file declaration within 30 days and the Company have to further file BEN-2 within 30 days thereafter.

Companies (Amendment) Ordinance, 2019

- Any application for change in FY and conversion of Public Co. into Private Co. will now be dealt by Central Government instead of NCLT.
- Insertion of new Sec 10A provides that any Company incorporated on or after 02.11.2018 cannot commence business without filing INC-20 A within 180 days of incorporation, for declaration by Director stating that every subscriber to the memorandum has paid the value of the shares as agreed.
- Any charges created or modified on or after 02.11.2018 will need to be filed within 30 days, another 30 days with payment of additional fees, thereafter another 60 days period for filing with payment of ad valorem fees. Thereafter the charge would be lapsed and no condonation could be filed in this regards.