

# ONE TIME OPPORTUNITY – CFSS AND LLP SETTLEMENT SCHEME

By CS Makarand Joshi  
Dated 14/08/2020

# Framework of Cos & LLPs...

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- Companies & Limited Liability Partnerships (LLPs) **enjoy Limited liability.....**
- Hence **timely, true and fair disclosure** is basic expectation of Regulator
- Key **Duties of Directors** – Safeguard Interest of **all stakeholders** - company, employees, shareholders, community, environment...[Sec 166(2)]
- If Companies / LLPs & their Directors / DPs are **not performing their duties** – then **MCA has to intervene** and take corrective action...

# MCA in action mode since 2017...

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- After demonitization, a **Task Force**, co-chaired by MCA Secretary & Revenue Secretary, was set up in **Feb 2017**
- Mandate to identify & take action on **shell companies** indulging in illegal activities
- After identifying shell Cos, MCA sends **strike off notice wherever it is possible** u/s 248(1) of CA 2013
- Done in **three stages** till now
- Striked off companies (out of identified shell Cos)-
  - ▣ In FY 2017-18 – 2.26 lakhs cos striked off
  - ▣ In FY 2018-19 – 1 lakh cos striked off
  - ▣ In FY 2019-20 – 55k cos striked off
  - ▣ **Still 1.5 lakhs shell Cos** – which cannot be striked off u/s 248(1)
- After this action, around 11.87 lakh **active Cos** on MCA, as on 31 January 2020 [*Source Indian Express – 14 March 2020*]

# MCA in action mode since 2017...

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- **Disqualification & De-activation of DIN** of directors of struck off / continuing Cos
- Actions taken u/s **164** of CA 2013 - for non – filing of financial statements **or** annual returns for continuous 3 yrs
- Disqualification period - **5 years**
- **Continuing Default !!!**
- **Vacation** u/s 167 in all Cos other than defaulting Co [Technical difficulty of **not recognizing DIN**]

# Scenario after Strike off Action...

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- **Before** strike off action, **60%** cos were compliant
- **After** third phase, **82%** cos are compliant
- MCA is **TARGETING** compliant no. of Cos to **95%**

*[Source Indian Express – 14 March 2020]*

- Hence, we can keep witnessing these actions by MCA for few more years....

# Immunity under CA, 2013 – Sec 403

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- Filing of Forms – on or before due date – **Normal Fees**
- Erstwhile Sec. 403 – **additional 270 days** provided for filing with additional fees – for filings under 5 Sections:-

	Form	Section	Form
Sec 89	MGT-6 – Declaration of <b>Beneficial Ownership</b>	Sec 121	MGT-15- <b>Report of AGM</b>
Sec 92	MGT-7 – <b>Annual Return</b>	Sec 137	AOC-4 – <b>Financial statements</b>
Sec 117	MGT-14 – <b>Various resolutions</b>		

- **Sec 403 amended** by Companies (Amendment) Act, 2017
- Default in Sec 137 (AOC-4), Sec 92 (MGT-7) – **Rs. 100/- additional fees per day w.e.f 1 July 2018** – no maximum cap
- **Default of 2 or more times** – minimum **twice of additional fees** payable
- **Immunity** of additional 270 days (as above) **deleted**

# De-criminalization

- Companies Act, 2013 – 17 sections
- Companies (Amendment) Act, 2017 – 18 Sections
- Companies (Amendment) Act, 2019 – 1 Section
- Companies (Amendment) Bill, 2020 – 27 + Sections covered u/s 450
- **Total 63 section + section 450 [30-35 section]**
- In these sections word **fine** replaced with **Penalty**
- Power to adjudicate is with **ROC**. E adj. possible.

# Penalty Provisions for delay in Annual filing

Forms	Section Number	Company (Fixed) One-Time Penalty	Company (Continuing one) Per-Day Penalty	Officer in default (Fixed) One-Time Penalty	Officer in default (Continuing one) Per Day Penalty
AOC-4	137 (3)	-	1000 per day Max - 10,00,000	1,00,000	100 per day Max - 5,00,000
MGT-7	92 (5)	50,000	100 per day Max - 5,00,000	50,000	100 per day Max - 5,00,000

# Additional fees & Penalty for delay in Annual Filing

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- Company having 2 directors
- 3 years AGM held on 30/09/2017, 30/09/2018, 30/09/2019
- But Annual filing forms filed with ROC on 14/08/2020

E-Form	No. of Days - Delay	Additional Fees (Date of AGM 30/09/2019)	Penalty for delay in 2019 (Co + 1 officer in default)	No. of Days - Delay	Additional Fees (Date of AGM 30/09/2018)	Penalty for delay in 2018 (Co + 1 officer in default)	No. of Days - Delay	Additional Fees (Date of AGM 30/09/2017)	Penalty for delay in 2017 (Co + 1 officer in default)
AOC-4	290	29,000	2,90,000 + 1,29,000	655	65,500	6,55,000 + 1,65,500	1049	80,900	10,00,000 + 1,30,900
MGT-7	259	25,900	75,900 + 75,900	624	62,400	1,12,400 + 1,12,400	1049	80,900	1,54,900 + 1,54,900
<b>Total</b>		54,900	5,70,800		1,27,900	10,45,300		1,61,800	14,40,700

- **TOTAL = 34 LACS +**
- *Note – UDIN was introduced by ICAI w.e.f. 1<sup>st</sup> Jul 2019 [AGM = 5k PD/PO]*

# Statistics – Adjudication orders

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Sr. No.	ROC	No. Of cases	Sr. No.	ROC	No. Of cases
1.	Mumbai	22	9.	Chandigarh	03
2.	Pune	04	10.	Ernakulam	235
3.	Himachal Pradesh	01	11.	Jaipur	01
4.	Banglore	66	12.	Coimbatore	12
5.	Cuttack	21	13.	Kolkata	04
6.	Delhi	10	14.	Patna	12
7.	Goa	109	15.	Chennai	02
8.	Kanpur	34			

Source: MCA website

# Critical Question

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- **Private Company exemption Notification dated 5<sup>th</sup> June 2015 – modified by another Notification dated 13<sup>th</sup> June 2017**
- The exemptions provided in Notification dated 5<sup>th</sup> June 2015 to private companies shall be **applicable** to a private company **which has not committed a default** in filing its financial statements under section 137 of the said Act or annual return under section 92 of the said Act with the Registrar
- **If a Private Co has defaulted in filing AOC-4 or MGT-7, then when can it again avail the exemptions?**
  - After filing the pending forms with additional fees?
  - After undergoing adjudication proceedings and payment of penalty?
  - OR Whether the exemptions can never be claimed???

# Importance of CFSS scheme..

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# Covid-19 Pandemic...

## Special Measures taken by MCA..

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- Introduction of
  - Moratorium Period for filing of all e-forms
  - Company Fresh Start Scheme (CFSS), 2020
  - LLP Settlement Scheme, 2020
  - Scheme for relaxation of time for filing forms – Creation/Modification of Charge
  - Other measures such as GM through VC, extended timeline - gap between 2 BM etc.

# Schemes similar to CFSS – introduced by MCA in earlier years

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25% Additional  
Fee payable

- Gen Cir – 59/2011- CLSS – 05.08.2011- Company Law Settlement Scheme 2011

25%  
Additional fees  
payable

- Gen Cir – 34/2014 – CLSS – 12.08.2014 – Company Law Settlement Scheme 2014

100%  
additional fees  
+ Form cost INR  
30,000/-

- Gen Cir – 16/2017 – CODS – 29.12.2017 – Condonation of Delay Scheme, 2018

No additional  
fees

- Gen Cir – 12/2020 – CFSS – 30.03.2020 – Company Fresh Start Scheme 2020

# CFSS

# Linking of Circulars – CFSS and LLP Settlement Scheme

- Circular dated **24<sup>th</sup> March, 2020** – Special Measures under Co.’s Act and LLP Act - **No additional fees – moratorium period** from 1<sup>st</sup> April to 30<sup>th</sup> September, 2020 – in respect of **any document, return, statement** etc. required to be filed with MCA – **irrespective of its due date** – to enable long standing non compliant Co.’s/LLPs to make fresh start – Detailed requirement being issued as **separate circulars**
- Circular No. 12/2020 dated 30<sup>th</sup> March, 2020 – Introduced “e Companies Fresh Start Scheme, 2020” (CFSS)
- Circular No. 13/2020 dated 30<sup>th</sup> March, 2020 – Modified LLP Settlement Scheme – which was originally introduced by circular dated 4<sup>th</sup> March, 2020 – for giving amnesty to LLP

# General Features

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- **Period of Scheme** – 1<sup>st</sup> April, 2020 to 30<sup>th</sup> Sep, 2020
- **Manner of Payment – Normal Fees** as prescribed under Companies (Registration Offices and fees) Rules, 2014 on the filing of each belated document. **No additional fee** shall be payable.
- **Immunity** – Immunity **to the extent** of prosecution or proceedings for imposing penalty under the act **pertain to any delay** associated with the filings of belated documents.
- **Immunity from Consequential proceedings**, including any proceedings involving interest of any stakeholder – **not covered under CFSS**

# Consequential proceedings - Examples

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## Example No. 1

### Private Placement – List of defaults

- ❑ Sec. 42(8) – Filing of e-form PAS-3 return of allotment – within 15 days from date of allotment *[Immunity available under CFSS]*
- ❑ Sec. 42(4) – Not to utilise money raised – unless PAS-3 filed *[No Immunity under CFSS]*

## Example No. 2

### AGM for 2018-19 held on 14 August 2020 and filed under CFSS

- ❑ Sec. 96 – AGM not conducted every year *[No Immunity under CFSS]*
- ❑ Sec 137 – Filing of Financial Statements within 30 of AGM *[no delay]* & within 30 days of due date of AGM *[Immunity available under CFSS]*
- ❑ Sec 92 – Filing of Financial Statements within 60 of AGM *[no delay]* & within 60 days of due date of AGM *[Immunity available under CFSS]*

# Consequential proceedings - Examples

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## Example No. 3

- Sec. 185 – Loan given to related entities – **without passing** Special resolution as per Sec. 185(2) [*No Immunity under CFSS*]
  
- Sec. 185 – Loan given to related entities **after passing** Special resolution as per Sec. 185(2) [*Sec 185 compliance already done*]
- Filing of MGT-14 was pending [*Immunity available under CFSS under Section 117*]

# Immunity under CFSS

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- **Immunity Certificate** – An application seeking **immunity has to be filed** within 6 months from the **end of the scheme** i.e between 1<sup>st</sup> October, 2020 to 31<sup>st</sup> March, 2021
- **Effect of Immunity** – Based on declarations made in E-Form CFSS-2020 an **immunity certificate** in respect of documents filed under the scheme shall be issued by the Registrar. ROC shall **withdraw prosecutions** and withdraw **adjudication** proceedings



## Who cannot apply?

- ❑ Co.'s **-Final notice** u/s 248 has been initiated
- ❑ Who have **already filed application** for striking off name from ROC
- ❑ Co.'s **Amalgamated** under Scheme of arrangement or compromise under Co.'s Act
- ❑ Co.'s – already filed application for obtaining **dormant status** u/s - 455 of the Act
- ❑ **Vanishing Co.'s**
- ❑ Form SH-7 for **Increase in Authorised** capital
- ❑ **Charge related** forms (CHG-1, CHG-4 and CHG-9) [separate scheme]
- ❑ Form **MGT-14** – event date beyond 300 days

# Who can avail CFSS

Sr. No.	Situation	Whether eligible?	Remarks
1.	Defaulting Co. - <b>Not yet launched</b> any prosecution proceedings against Co.	Yes	-
2.	Defaulting Co. – <b>SCN received</b>	Yes	Submission of Letter to such authority stating that application for immunity to be seek under CFSS
3.	Defaulting Co. – Prosecution <b>proceedings started</b>	Yes	
4.	Defaulting Co. – <b>Convicted</b> – Penalty levied – Appeal Not filed ( <b>appeal period already completed before 01.03.2020</b> )	No	If any form filing is pending, then can <b>save additional fees</b> by filing form. But <b>Immunity cannot be claimed</b>
5.	Defaulting Co. – <b>Convicted – Appeal Filed &amp; pending</b>	Yes	<b>Need to withdraw appeal</b> before applying for Immunity Certificate
6.	Defaulting Co. – Convicted – Appeal not filed & Period of filing appeal – between 01.03.2020 to 31.05.2020 – <b>additional 120 days appeal period provided</b> )	Yes	<b>Need to File appeal first and then withdraw before applying for immunity certificate</b>
7	Existing <b>Management Dispute</b> pending before any Court of Law	<b>No</b>	-

# Coverage of Forms

# Coverage of Forms

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Forms under CA  
1956 - 10

Forms under CA  
2013 - 56

# E-Forms under Companies Act, 2013

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Sr.  
No

Name	Purpose	Penal Provision (if filed other than CFSS)
1. E-Form AOC-4	Form for filing financial statement and other documents with the Registrar	<b>Company Penalty</b> – Rs. 1000 per day maximum 10 Lakhs <b>Officer in Default</b> Fixed Penalty Min – 1 Lakh rupees Max :- 5 lakh rupees Continuing Default – Rs. 100 per day
2. E-Form AOC-4-XBRL		
3. E-Form AOC-4-CFS		
4. E-Form AOC-4-NBFC (IND AS)		
5. E-Form AOC-4-CFS NBFC (IND AS)		
6. E-Form MGT-7	Annual Return	<b>Company and Officer in Default Penalty</b> Fixed- Rs. 50,000 Continuing Failure Rs. 100 per day sub to Max Rs. 5 Lakh
7. E-Form ADT-1	Information to the Registrar by company for appointment of auditor	<b>Fine</b> <b>Company</b> 25,000 to 5 Lakh <b>Officer in Default</b> 10000 – 1,00,000 Imprisonment - Upto 1 year

# E-Forms under Companies Act, 2013

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Sr.no	Name	Purpose	Penal Provision (if filed other than CFSS)
8.	E-Form - INC-22A	Active Company Tagging Identities and Verification (ACTIVE)	Company and Every officer of Company or Other person <b>Fine</b> - Upto Rs. 10,000  Continuing default <b>Fine</b> - Rs. 1000 per day
9.	E-Form DPT-3	Return of deposits	Company and Every officer of Company or Other person <b>Fine</b> Upto Rs. 5000 For Continuing Default <b>Fine</b> - Rs. 500 per day
10.	E-Form DIR-3 KYC/Web form	Application for KYC of Directors	<b>Fine</b> - Upto Rs. 10,000  Continuing default <b>Fine</b> - Rs. 1000 per day

# Other E-Forms under Companies Act, 2013

Sr. No.	E-Form	Sr. No.	E-Form
11.	INC-4 (Change in Member/Nominee	22.	SH-11 – Return – Buyback
12.	INC-5 – OPC – Intimation of exceeding threshold	23.	DPT-4 – Statement – existing deposit – on commencement of Act
13.	INC-6 – OPC – Application for Conversion	24.	<b>DPT-3 – Return of Deposit</b>
14.	INC-12 – Sec. 8 Co. - License	25.	<b>MGT-6 – Declaration u/s 89</b>
15.	INC-20 – Sec. 8 Co. – Surrender of License	26.	MGT-10 – Changes in Shareholding position – Promoters and Top 10 sh.ho
16.	<b>INC20A – Declaration for Commencement of Business</b>	27.	MGT-14 - Filing of Resolutions
17.	INC- 22 – Shifting of RO	28.	MGT-15 – Report of AGM
18.	INC-22A – ACTIVE	29.	AOC-5 - Books of A/Cs
19.	<b>INC- 27 – Conversion – PVT to PUB</b>	30.	ADT-1 – Appointment of Auditor
20.	<b>INC-28 – Notice of Order of Court</b>	31.	ADT-2 – Removal Of Auditor
21.	<b>PAS-3 – Return of Allotment</b>	32.	DIR-3C – Intimation of DIN

# E-Forms under Companies Act, 2013

Sr. No.	E-Form	Sr. No.	E-Form
33.	DIR-3KYC/Web Form – KYC of Director	43.	<b>BEN-2 – SBO Declaration</b>
34.	DIR-11 – Resignation of Director	44.	GNL-2 – Submission of Docs with ROC
35.	<b>DIR-12 – Appt. of Director/KMP/ MD</b>	45.	GNL-3 – Officer in default
36.	MR-1 – Ret of Appt. of MD/WTD/MGR	46.	<b>IEPF -1 – Amt credited to IEPF</b>
37.	MR-2 – Appl. To CG – Appt./Re-appt./ increase in rem. – MD/WTD/Manager	47.	IEPF -2 – Statement of unclaimed/unpaid amounts
38.	NDH-1/2/3/4 – Nidhi Co.	48.	IEPF-3 – Statement of -Shares/Dividend not transferred to IEPF
39.	<b>MSC-1- Obtaining Status of Dormant</b>	49.	<b>IEPF-4 – Statement of Shares trf</b>
40.	MSC-3 – Return of Dormant	50.	IEPF-5 – E-verification report
41.	CRA-2 – Appt. of Cost Auditor	51.	<b>IEPF-6 – Statement of unclaimed/unpaid amts to be trf.</b>
42.	CRA-4 – Cost Audit Report	52.	IEPF-7 – Statement of amts. Credited to IEPF on a/c of shares trf. To fund

# E-Forms - Foreign Company

Sr. No.	E-Form	Normal Fees	Additional Fees	Penal Provision
53.	FC-1 – Information to be filed by Foreign Co.	Rs. 6,000	Max – upto 12 times of Normal Fees	<b>Foreign Company Fine –</b> 1 Lakh to 3 Lakh Continuing offence <b>Rs. 50, 000 per day</b>  <b>Officer of Foreign Company Imprisonment – upto 6 months; OR</b> <b>Fine –</b> Rs. 25, 000 to 5 lakh: <b>OR</b> With BOTH
54.	FC-2 – Return of Alteration in the documents filed for registration of Foreign Co.	Rs. 6,000	Max – upto 12 times of Normal Fees	
55.	FC-3 – Annual Accounts alongwith list of all principal places of business in India est. by Foreign Co.	Rs. 12,000	Max – upto 12 times of Normal Fees	
56.	FC-4 Annual Return of Foreign Co.	Rs. 6,000	Max – upto 12 times of Normal Fees	

# E-Forms under Companies Act, 1956

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Sr.no	Name	Purpose
57.	E-Form 23AC and 23AC XBRL	Filing balance sheet, Profit and Loss account and other documents with the Registrar (XBRL)
58.	E-Form 23AC and 23AC	Filing balance sheet, Profit and Loss account and other documents with the Registrar (Non XBRL)
59.	E-Form 20B	Annual Return
60.	E-Form 21A	Annual Return for Sec 8 Co [Sec 25 Co under CA 1956]
61.	E-Form 66	Form for submission of Compliance Certificate
62.	E-Form 23B	Notice by Auditor
63.	Form 23C	Appointment of Cost Auditor
64.	E-Form 23D	Information by Cost Auditor to Central Govt
65.	Form I-XBRL	Cost Audit report and other documents
66.	Form A-XBRL	Compliance report and other docs with CG

# Critical Questions

# Question No. 1

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**Whether Company which was strike off by the Registrar of Companies can never avail the benefit of this scheme?**

# Question No. 2

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**Whether filing of all pending E-Forms will restore the Directorship of Directors who were disqualified?**

# Question No. 3

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**What if all the Directors of the Company are disqualified. Can they avail the scheme?**

# Question No. 4

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**Whether MSME Form I is covered  
under CFSS Scheme?**

# Question No. 5

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**If Company did not have any pending form till 31 March 2020, and**

**Few forms were filed (late) during Moratorium period (between 1 April to 30 Sept 2020), whether Immunity Form under CFSS to be filed?**

# Question No. 6

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**If Annual filing forms are filed in delay, but before CFSS Scheme, can they get immunity under this Scheme?**

# LLP Settlement Scheme

# Original Scheme - LLP

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- Sec. 69** of LLP Act, 2008 deals with payment of additional fees
- Document or return – not filed in time – **additional 300 days [no prosecution]** – on payment of additional fees – **100 per day**
- No upper limit** prescribed for additional fees
- In case of **delay over 300 days – prosecution** etc. may be initiated

# Original Scheme - LLP

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- Original Scheme was **introduced on 4<sup>th</sup> March, 2020**
- **Period**– 16<sup>th</sup> March, 2020 to 13<sup>th</sup> June, 2020
- **Forms covered** - Provide Amnesty to LLP – defaulted in filing of **form 3, 4, 8 and 11** – having **due date till 31<sup>st</sup> October, 2019**
- **Filing Fees** – **Rs. 10 per day [90% discount]** subject to maximum of **Rs. 5000 per form**

# Modified - LLP Settlement Scheme



Circular 13\_300320  
20

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- Period – 1<sup>st</sup> April to 30<sup>th</sup> Sept, 2020
- Who can apply – Defaulting LLPs – filing of belated documents which will due for filing till 31<sup>st</sup> August, 2020
- Immunity from prosecution – Not be subjected to prosecution by Registrar for such default
- Who cannot avail –
  - ▣ Which have made application for striking off name
- 12 Forms can be filed under Scheme
- No Additional filing fees for LLP forms too



Microsoft Word  
Document

# LLP forms

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E-Form	Particulars
Form 3	Information with regard to limited liability partnership <b>agreement and changes</b> , if any, made therein
Form 4	Notice of appointment, cessation, change in name/ address/designation of a <b>designated partner or partner</b> . and consent to become a partner/designated partner
Form 5	Notice for <b>change of Name</b>
Form 8	Statement of <b>Account &amp; Solvency</b>
Form 11	<b>Annual Return</b> of Limited Liability Partnership (LLP)
Form 12	Form for intimating other address for service of documents
Form 15	Notice for change of place of <b>registered office</b>
Form 22	<b>Notice of intimation of Order of Court/ Tribunal/CLB/ Central Government to the Registrar</b>

# LLP forms

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E-Form	Particulars
Form 23	Application for Direction to Limited Liability Partnership (LLP) to change its name to the Registrar
Form 27	Form for registration of particulars by Foreign Limited Liability Partnership (FLLP)
Form 29	Notice of :- (A) alteration in the certificate of incorporation or registration; (B) alteration in names and addresses of any of the persons authorised to accept service on behalf of a foreign limited liability partnership (FLLP) (C) alteration in the principal place of business in India of FLLP (D) cessation to have a place of business in India
Form 31	Application for compounding of an offence under the Act

Whether LLPs filing forms under this Scheme need to file CFSS Form for seeking immunity?

# Answer

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- LLP Settlement Scheme speaks about **grant of immunity**
- LLP Settlement Scheme is **silent about** requirement of **filing any form** for seeking Immunity
- Form CFSS asks for CIN or GLN (Global location number) only... it **does not ask for LLP IN...**
- Hence **it seems no need to file CFSS form** for claiming immunity for LLP forms...

# **Scheme for relaxation of time for filing forms – Creation/Modification of Charge**

# Registration of Charges – Amendment ACT 2019

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- ❑ **Earlier scenario for registration of charges –**
  - Normal fees = 30 days from date of event
  - Additional fees = 300 days from date of event
  - Condonation of delay = Beyond 300 days any time
  
- ❑ **Amended scenario -**
  - **Ad-valorem fees after 60 days** from date of event
  - **No registration after 120 days** from date of event – only modification of Form already filed

# Effect of Non Registration of Charge

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- ❑ As per Sec 77(3) of CA 2013 - if Charge is not registered within 120 days, the charge-holder shall be equivalent to an unsecured creditor

## **Frequently Missed Charges:-**

- ❑ Vehicle Loan
- ❑ Lien against Fixed Deposit (for bank guarantee etc.)
- ❑ Pledge of Shares or other investments

# Amendment in fees with regard to charges

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## □ Revised Fees w.e.f 1 August 2019

	Particulars	Fees (up to 31 July, 2019)	Small Company and OPC	Other than Small Company and OPC
1	Within 30 days	Normal Fees	Normal Fees	Normal Fees
2	After 30 days but within 60 days (30+30)	Normal Fees + 2 times of Normal Fees	Normal Fees + 3 times of Normal Fees	Normal Fees + 6 times of Normal Fees
3	After 60 days but within 90 days (30 + 60)	Normal Fees + 4 times of Normal Fees	Normal Fees + 3 times of Normal Fees + <b>ad valorem fee (0.025 % of amount secured by charge or Rs. 1 lakh whichever is lower)</b>	Normal Fees + 6 times of Normal Fees + <b>ad valorem fee (0.05 % of amount secured by charge or Rs. 5 lakh whichever is lower)</b>
4	After 90 days but within 120 days (30 + 90)	Normal Fees + 6 times of Normal Fees		

# Scheme for relaxation of time for filing forms – Creation/Modification of Charge



Circular23\_170620  
20

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- Introduced new scheme vide **circular dated 17<sup>th</sup> June, 2020**
- COVID – 19 relaxation – **exclusion of period – From 1<sup>st</sup> March, 2020 to 30<sup>th</sup> September, 2020** while calculating timeline for filing of form
- **Applicable only for CHG-1 and CHG-9** (For creation & Modification)
- Scenarios as follows:

Scenario 1	Calculation of Filing fees
Charge is created/modified on or after 4 <sup>th</sup> November, 2020 but before 1 <sup>st</sup> March, 2020 (i.e. 120 days not expired as on 1 <sup>st</sup> March, 2020)	<p><b>If form is filed before 30<sup>th</sup> Sept, 2020 -</b> Fees applicable upto 29<sup>th</sup> February, 2020</p> <p><b>If form is filed after 30<sup>th</sup> Sept, 2020</b> Fees applicable upto 29<sup>th</sup> February, 2020 + Fees based on No. of days beginning from 1<sup>st</sup> October, 2020 till date of filing <b>*(Cannot file form after 120 days)</b></p>

# Scheme for relaxation of time for filing forms – Creation/Modification of Charge



Circular23\_170620  
20

Scenario 2	Calculation of Filing fees
<p>Charge is created/modified between 1<sup>st</sup> March, 2020 to 30<sup>th</sup> September, 2020</p>	<p><b>If form is filed on or before 30<sup>th</sup> September, 2020</b> - Period upto 30<sup>th</sup> September will not be reckoned – Normal Fees payable</p> <p><b>If form is filed after 30<sup>th</sup> September, 2020</b> First day will be counted from 1<sup>st</sup> October, 2020 till the date of filing</p>

# Scheme for relaxation of time for filing forms – Creation/Modification of Charge



Circular23\_170620

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Scheme will not be applicable in following cases:

- ❑ Filing Form for Satisfaction of Charges (CHG-4)
- ❑ If Form CHG-1 and CHG-4 filed before 17<sup>th</sup> June, 2020
- ❑ Timeline for filing form (120 days) already expired prior to 1<sup>st</sup> March, 2020
- ❑ Timeline for filing form expires at a future date despite of exclusion of period from 1<sup>st</sup> March, 2020 to 30<sup>th</sup> September, 2020

**THANK YOU**

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