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Some important changes happened in the Corporate and Legal world in the month of April 2019:

1. Amendment in the Companies (Incorporation) Rules, 2014

MCA vide notification dated 25th April, 2019 has granted powers to Central Government to amend the Companies (Incorporation) Rules, 2014.

- (a) These rules may be called the Companies (Incorporation) Fourth Amendment Rules, 2019. They shall come into force on the date of their publication in the Official Gazette.
- (b) Earlier the due date for filing e form ACTIVE was 25.04.2019 which has now been extended till 15.06.2019, it was stated that companies which has not intimated the said particulars within the stipulated time line, shall be marked as "ACTIVE-non-compliant" on or after 16.06.2019.

For filing of form e form ACTIVE the words 'on or before 25.04.2019' shall now be substituted with 'on or before 15.06.2019' and will be in effect from 25th April, 2019.

For ACTIVE-non-compliant status the words 'on or before 26.04.2019' shall now be substituted with 'on or before 16.06.2019' and will be in effect from 25th April, 2019.

Impact: Extension till 15.06.2019 for filing of e form ACTIVE was granted by the Ministry.

2. Amendment in the Companies (Registration Offices and Fees) Rules, 2014

MCA vide notification dated 25th April, 2019 has granted powers to Central Government to amend the Companies (Registration Offices and Fees) Rules, 2014.

- (a) These rules may be called the Companies (Registration Offices and Fees) second Amendment Rules, 2019. They shall come into force on the date of their publication in the Official Gazette.
- (b) Under rule 25A Active Company Tagging Identities and Verification (ACTIVE) in annexure, in item number VIII the following shall be substituted,
 - Fees payable till 15.06.2019 one form ACTIVE - Nil
 - Fees payable (in delayed case) - Rs. 10,000/-

Impact: Extension till 15.06.2019 for filing of e form ACTIVE was granted by the Ministry.

3. Amendment in the Companies (acceptance of deposits) Rules, 2014



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MCA vide notification dated 30th April, 2019 has granted powers to Central Government to amend the Companies (acceptance of deposits) Rules, 2014.

- (a) These rules may be called the Companies (acceptance of deposits) second Amendment Rules, 2019. They shall come into force on the date of their publication in the Official Gazette.
- (b) Earlier in notification dated 22nd January, 2019, the specified time for filing form DPT - 3 was ninety days from the date of publication of the said notification i.e. 24.04.2019 and since the form DPT - 3 has been deployed on 01.05.2019, the due date for filing the same has been extended to 29.06.2019.

In sub rule 16(A), in sub rule (3), "the date of publication of this notification in the Official Gazette", the figures, letters and word "31st March, 2019" shall be substituted and for the words "ninety days from the date of said publication of this notification", the words, figures and letters "ninety days from 31st March, 2019" shall be substituted.

Impact: The Time limit for filing form DPT - 3 has been extended from 24.04.2019 to 29.06.2019 due to late deployment of form DPT - 3.

4. Amendment in the Companies (Registration of charges) Rules, 2014

MCA vide notification dated 30th April, 2019 has granted powers to Central Government to amend the Companies (Registration of charges) amendment Rules, 2019.

- (a) These rules may be called the Companies (Registration of charges) second Amendment Rules, 2019. They shall come into force on the date of their publication in the Official Gazette.
- (b) In the Companies (Registration of charges) Rules, 2014, rule 3 sub rule (2) and (3), rule 4 and rule 12 will be substituted with new rule 3 sub rule (2) and (3), rule 4 and rule 12. And in the said rules, form CHG-1, CHG-8 AND CHG-9 will be substitutes with new forms with effect from 1st August, 2019.

Impact: Form CHG-1, CHG-8 and CHG-9 will be substituted with new form CHG-1, CHG-8 and CHG-9 w.e.f. 01.08.2019.

5. Amendment in the Companies (Registration Offices and Fees) Rules, 2014

MCA vide notification dated 30th April, 2019 has granted powers to Central Government to amend the Companies (Registration Offices and Fees) third amendment Rules, 2019.



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- (a) These rules may be called the Companies (**Registration Offices and Fees**) third Amendment Rules, 2019. They shall come into force on the date of their publication in the Official Gazette.
- (b) The fees structure for filing of charge form has been changed
- For charges created or modified before the 2nd November, 2018, and allowed to be filed within a period of three hundred days of such creation or six months from the 2nd November, 2018, as the case may be, the following additional fees shall be payable:-

Sr. no.	Period of delay	Additional fee applicable
1.	Up to 30 days	2 times of normal fees
2.	More than 30 days and up to 60 days	4 times of normal fees
3.	More than 60 days and up to 90 days	6 times of normal fees
4.	More than 90 days and up to 180 days	10 times of normal fees
5.	More than 180 days	12 times of normal fees

- For the charges created or modified on or after the 2nd November, 2018: The following additional fees or advalorem fees, as the case may be, shall be payable up to 31st July, 2019, by all companies:-

Sr. No.	Period of delay	Additional/Advalorem Fees applicable
1.	Up to 30 days	2 times of normal fees
2.	More than 30 days and up to 60 days	4 times of normal fees
3.	More than 60 days and up to 90 days	6 times of normal fees

- the following additional fees or advalorem fees as the case may be, shall be payable with effect from 1st August, 2019:-

Sl. No.	Period of delay	Small Companies and One Person Company	Other than Small Companies and One Person Company
1.	Up to 30 days	3 times of normal fees	6 times of normal fees
2.	More than 30 days and up to 90 days	3 times of normal fees plus an ad valorem fee of 0.025 per cent. of the amount secured by the charge, subject to the maximum of one lakh rupees.	6 times of normal fees, plus an ad valorem fee of 0.05 per cent. of the amount secured by the charge, subject to the maximum of five lakh rupees".



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6. **Amendment in the Companies (Appointment and Qualification of Directors) Rules, 2014**

MCA vide notification dated 30th April, 2019 has granted powers to Central Government to amend the Companies (Appointment and Qualification of Directors) amendment Rules, 2019.

- (a) These rules may be called the Companies (**Registration of charges**) second Amendment Rules, 2019. They shall come into force on the date of their publication in the Official Gazette.
- (b) In rule 12A regarding KYC of every Director who has been allotted with DIN number as on 31st March of a financial year as per this rules shall submit e form DIR -3 KYC on or before 30th June of immediate next financial year.

“for the words and figures “on or before 30th April of immediate next financial year”, the words and figures “on or before 30th June of immediate next financial year” shall be substituted.



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