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# SOFTWARE REQUIREMENTS FOR FILING E-FORMS

#### TO FILE E-FORM ON MCA 21



The operating system shall be Windows 2000 or later



#### **JRE**

(Java Runtime Environment) shall be installed on the system (This is mandatory to update DSC)

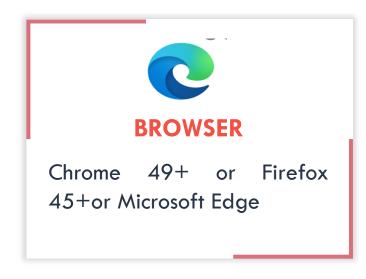


JDK/JRE - Java version 8 Update 92 is suggested

Link: <a href="https://www.oracle.com/java/technologies/downloads/">https://www.oracle.com/java/technologies/downloads/</a>

# SOFTWARE REQUIREMENTS FOR FILING E-FORMS

#### TO FILE E-FORM ON MCA 21







Paid versions of Adobe or any others won't work for filings or for updating DSC Link: <a href="http://get.adobe.com/reader/otherversions/">http://get.adobe.com/reader/otherversions/</a>

# SOFTWARE REQUIREMENTS FOR FILING E-FORMS

#### FOR DSC UPDATION



E-pass token software

Any one of the following ports should be free on your system

- 8080
- 2015

**JRE** 

(Java Runtime Environment) shall be installed on the system (This is mandatory to update DSC)

**Note**: If GST emsigner is installed, MCA emsigner will not work. So, install on separate systems, **or** every time install and uninstall.

## FORMS AND DOWNLOADS SECTION-MCA

To file any Form with MCA, we need to download latest version from MCA website and to navigate the same

MCA>Home>My workspace>Forms and Downloads

Link:

https://www.mca.gov.in/MinistryV2/companyformsdownload.html

This section is self —explanatory and gives the description of each Form.

# FORMS AND DOWNLOADS SECTION-MCA

	Helpkit of Fo				
Descripti	Description on of	e-Form with Instruction kit	e-Form	Form Version updated on	
Form	Intimation of Director Identification Number by the company to the Registrar DIN services	Form DIR-3C [zip] (702 KB)	Form DIR-3C [zip] (373 KB)		Version update details availabl
	Information to the Registrar by company regarding the number of layers of subsidiaries.	Form CRL-1 [zip] (605 KB)	Form CRL-1 [zip] (115 KB)	26-Feb-2018	here

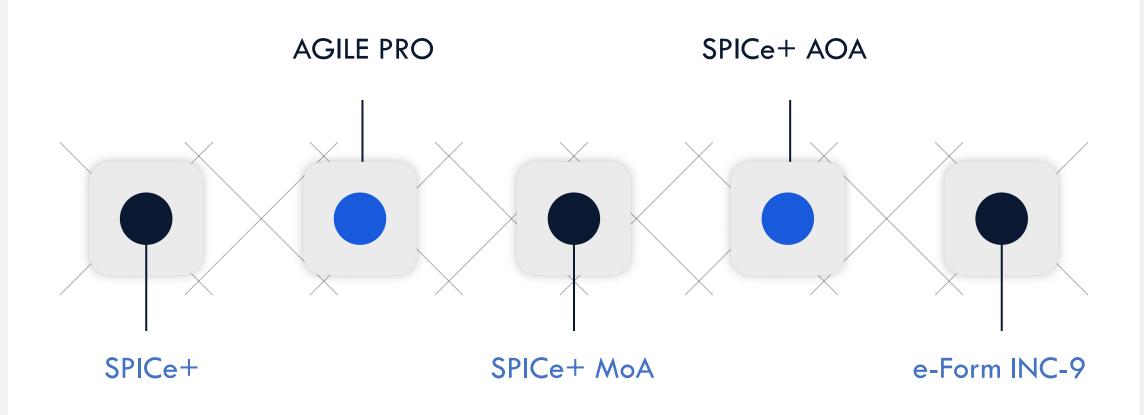
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## QUITE A FEW CHANGES OVER THE PAST 2 YEARS



### **RESUBMISSION REASONS FOR SPICE+ PART-A**

Name resembles existing Company/LLP name.

• Check master data for same name companies

Name resembles existing trademark

NOC from individual/body corporate along with KYC to be attached.

Class/Category/Subcategory of the Proposed Company in the web form is not matching the nature of Company

• Ensure correct category is selected

#### **RESUBMISSION REASONS FOR SPICE+ PART-A**

Industrial Activity Code of NIC not in consonance with the attached objects of the Company in SPICe+ PART-A

Please refer MCA NIC integrated codes instead of usual NIC-2008 codes

If the Proposed Name indicates words Finance/Investment/Capital/Holding/Insurance etc., objects are not in consonance with the name

• This will be relating to NBFC activities, name shall not indicate these activities unless you're going for the same.

Objects mentioned in the form shall not be vague. It'll be a reason of rejection - "TM cannot be ascertained"

• Give details relating to primary objects

#### PRECAUTIONS: SPICE+ PART-B



Resident: E-Form MoA and e-Form AOA.

Non-Residents, Section 8: Physical MoA and AoA

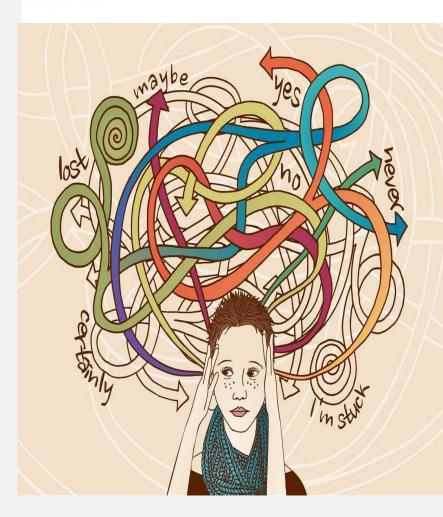
Directors/subscribers having DIN/PAN: E-Form INC-9 needs to be attached

If one person does not have DIN/PAN, Physical Form INC-9 needs to be attached.

Apostille and Notary requirement, with Business Visa for foreign subscribers

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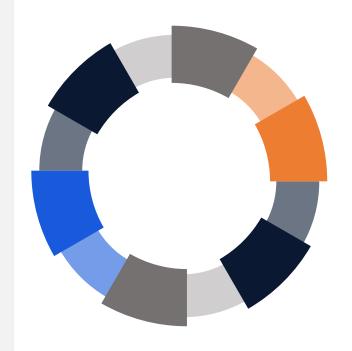
As per Rule 8 of Companies
(Registration Offices and Fees) Rules,
2014, for the Companies other than
OPC and Small Companies
Precertification of CA/CS/CMA -

INC-21, INC-22, INC-28, PAS-3, SH-7, CHG-1, CHG-4, CHG-9, MGT-14, DIR-6, DIR-12, MR-1, MR-2, MSC-1, MSC-3, MSC-4, GNL-3, ADT-1, NDH-1, NDH-2, NDH-3, AOC-4;

#### Manner of certification for a few forms:

- (i) DPT-3 certification by Auditors of the company;
- (ii) MGT-10 certification by CS in whole-time practice
- (iii) MGT-7: CS/CS in whole-time practice





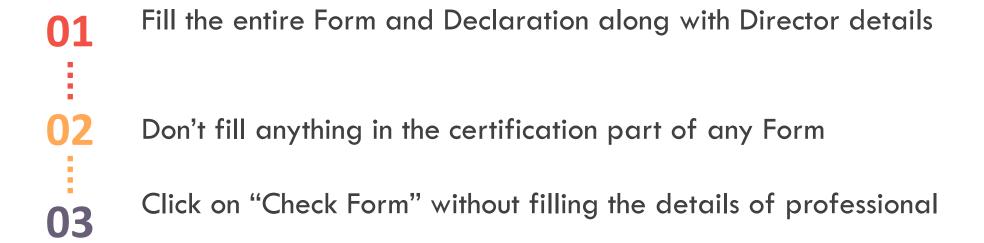
Law doesn't mandate certification for every Form. It specifically gives exemption to Small Co. and OPC for certification of Forms.

How to find out small company?

As per Law, if any Company has turnover of less than 20 crs or paid-up capital of less than 2 crs, it'll be considered as <u>Small</u> <u>Company</u>.

Apart from that, Holding Company, Subsidiary Company, Section 8 Company and Companies incorporated under the Special Acts, will not be considered as Small Companies.

#### Another way to check:



1. If Form shows, "Form Level Check Form is successful", then the certification is not required;

and no information material to this form has been suppressed. I further certify that:

- The said records have been properly prepared, signed by the required officers of the Company and maintained as per the relevant provisions of the Companies Act, 2013 and were found to be in order;
- 2. All the required attachments have been completely and legibly attached to this form;
- It is understood that I shall be liable for action under Section 448 of the Companies Act, 2013 for wrong certification, if any found at any stage.

	Warning: JavaScript Window - Status		
	Form level check form is successful.		
Ohartered Accountant			
Company Secretary (ir		ОК	
Whether fellow or associate			
Membership number			

Note: Attention is drawn to provisions of Section 448 and 449 which provide for punishment for false statement / certificate and punishment for false evidence respectively.

2. If certification is mandatory, Form will show pop-up as follows:

#### Certificate by practicing professional I declare that I have been duly engaged for the purpose of certification of this form. It is hereby certified that I have gone through the provisions of the Companies Act, 2013 and Rules thereunder relevant to this form and I have verified the above particulare (including attachment(s)) from the original records maintained by the Company/applicant which is sul Mandatory Field: Chartered accountant or Cost accountant or Company secretary, not no information material to this fe entered. Please enter. Chartered accountant (in w OK Company secretary (in who \* Whether associate or fellow Fellow Associate \* Membership number \* Certificate of practice number Note: Attention is drawn to provisions of Section 448 and 449 which provide for punishment for false statement / certificate and punishment for false evidence respectively. Modify Check Form Prescrutiny Submit

## Points to be taken care:

#### 1. Touch me not:

If you click on the radio button of professional "CA/CS/CMA", even though certification is not mandatory, the form will mandate to do it. Hence, don't touch anything in professional part.

#### 2. Exception to Small Co. requiring certification:

If any Company is Subsidiary or Holding Company within the limits of small company, Form allows to proceed without certification. But Law does not exempt. Hence, certification is mandatory for subsidiary and holding even if Form does not ask for the same.



For every Form, there will be a separate checklist. General checklist of certification is provided below:

- Engagement letter is executed;
- UDIN is generated;
- Company has complied with SS 1 on Meeting of the Board of Directors and SS 2 on General Meetings;
- Relevant authority i.e., Board or members have passed the resolution and compliance of all applicable provisions



- Attachments are legible even after compression
- Complete records maintained are updated (not just the extracts)
- Documentary evidence for every detail provided
- Law and ICAI guidelines have been complied before certification



Law and ICAI guidelines mandatory, before certification:

## One example:

- Companies Act, 2013 considers, only Company and Body corporate which can be controlled by BOD or has voting powers, as subsidiary
- As per Law, only subsidiary and associate Company's books of accounts can be clubbed with Holding company's accounts for consolidation purpose.
- However, ICAI FAQs on consolidation provided a wider scope on consolidation of accounts, detailed in the next slide



It is noted that relevant Indian Accounting Standard i.e., Ind AS 110, Consolidated Financial Statements provides that where an entity has control on one or more other entities, the controlling entity is required to consolidate all the controlled entities:

Since, the word 'entity' includes a company as well as any other form of entity, LLPs and partnership firms are required to be consolidated.

If we follow only Law for consolidation, there will still be non-compliance, as we are not following ICAI guidelines.

# LIST OF FORMS REQUIRING UDIN GENERATION BY CA/CS

AS PER ICAI UDIN GUIDELINES:

Any certification made by CA requires UDIN generation.
It means for every Form certified,
UDIN has to be

generated.

1 2



UDIN is mandatory only for Form MGT-7 and optional for certification of other Forms



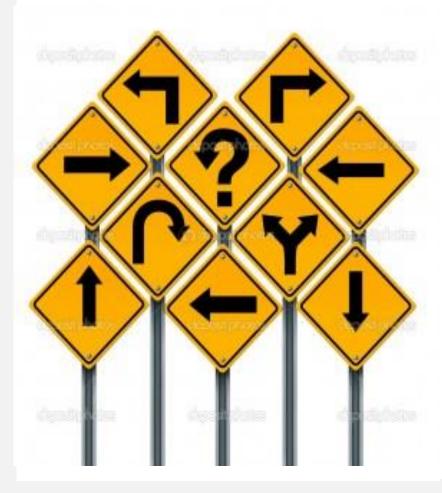
# DECLARATION OF FORM AND AUTHORIZATION THROUGH BOARD RESOLUTION

- 1. Every e-Form requires DSC;
- 2. Director/KMP shall be authorized through AOA/Board Resolution.
- 3. The Authorization can be a part of subject matter of resolution of form or by way of separate resolution.
- 4. This resolution need not be attached in the form unless the form explicitly mandates the same.

Declaration	
*	
A person named in the articles as a	of the company
(in case if a new company) or	
authorized by the Board of Directors of the Company vide	
number dated	
to sign this form and declare that all the requirements of Companies Acrespect of the subject matter of this form and matters incidental therete that all the information given herein above is true, correct and complete nothing material has been suppressed.	have been complied with. I also declare
* To be digitally signed by	
* Designation	
* Director identification number of the director; or DIN or PAN of the manager or CEO or CFO; or Membership number of the secretary	

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# **COMPLIANCE RELATED FORMS**

Form MBP-1: 184(1)	Interest of Director	First BM of each FY
Form DIR-8: 164(2) 143(3)(g)	Declaration on dis-qualification of Director	First BM of each FY
Form MSME-1: 405	Half Yearly Return on MSME outstanding payments > 45 days	October to March- 30 <sup>th</sup> April April to Sep — 30 <sup>th</sup> October
Form DPT 3: 73 & Rule 16	Yearly Return of Deposits/not considered to be deposits within 90 days from end of FY	29 <sup>th</sup> June
Form DIR 3 KYC: Rule 12A	Filing of KYC details of Director	Sept 30 <sup>th</sup> every year
Form AOC-4: 137	Financial Statements	Within 30 days of AGM
Form MGT-7 & 7A: 92	Annual Return	Within 60 days of AGM
Form ADT-1: 139	Appointment of Auditor	Within 15 days of AGM

# **COMPLIANCE CALENDAR OF FY 2021-22**

LLP-Compliance							
Forms	Section & Rules	Compliance	Due Dates				
Form 11	Section 35 of LLP Act	Annual Return of LLP	30 <sup>th</sup> May				
Form DIR 3	Rule 12 A of Companies	Designated Partner	30 <sup>th</sup> September				
KYC	(Appointment and Qualification of Directors) Rules, 2014	KYC					
Form 8	Rule 24 of LLP rules	Financials	29 <sup>th</sup> October				

## FORM DPT-3- IMPORTANT POINTS

Statutory Auditor's Certificate to be attached in the case of-

- Return of Deposit
- Return of Deposit and Particulars of transactions by a company not considered as deposit

No requirement of Form certification by professional. However, if the certificate is being attached, it is advisable to check the Form once.

This Form is non-STP and requires RoC approval.

If audited accounts are not available for the previous year, then filing the form with unaudited figures would suffice the purpose.

No need to file NIL return

# FORM MSME-1 (half-yearly): IMPORTANT POINTS

Details of outstanding payment to MSME vendors as on 31st March or 30th September

Regarding Financial Year to be mentioned in the Form, the Form won't accept the date beyond system date:

Eg: Invoice date is between 01.04.2019 to 30.09.2019, then FY shall be half year

No need to file NIL return

To file this Form, two conditions shall be satisfied:

- 1. Vendor shall be MSME registered; and
- 2. Payment is delayed beyond 45 days.

PAN of MSME vendor shall be mandatorily provided in the Form;

Form is limited for 99 entries. If the entries are more than 99, another Form shall be filed for the remaining entries.

## FORM DIR-3 KYC- IMPORTANT POINTS

- 1. Must obtain the Engagement letter and Representation Letter from the Director
  - 2. All certifying details shall be mentioned in the Representation Letter
    - 3. For Non-resident Directors, apostille and notarized proofs shall not be older than one year
    - 4. Proofs shall be certified by the Professional
  - 5. Professional shall keep a copy of Form and attachments in his/her records
- 6. Professional shall certify the proofs based on the original documents

## **IMPORTANT ISSUES FOR ANNUAL FILING FORMS:**

Error in the financials or any other documents attached itself

- Section 131, if company wants to make any amendment in financial statement/board report /annexure then NCLT approval.
- Without approval of NCLT,
   ROC can't allow to revise
   form if there is any change



Error in filling the form (e.g., CFS applicable, but forgot to check CFS field in e-form): As per rule 10(6), if there is any error/omission in 'filling' of information in e-form, in such situation company can approach ROC to allow them to file revised form.

## FORM AOC-4: IMPORTANT POINTS

Nature of financial statements shall be adopted Financial Statements, if it's audited. Even if you file provisional Financial Statements, Adopted shall be filed after that. Point 7 of Form- Due date of AGM shall be actual date or extended AGM date or last date calculated as per 15 months criteria

For FY 2020-21, RoC extension shall be selected as blanket extension has been provided

SRN of ADT-1 shall be provided for the period filed.

Point 12 Form AOC-4-

CFS shall be required or not? Select yes, if applicable.

Point 13 Form AOC-4-

In case the company is keeping the books of accounts and other records in electronic form, it shall be yes

Segment III in Form
AOC-4- Reporting of
CSR- Turnover and net
worth shall be based on
the PY

Segment IV in Form AOC-4- Related Party Transactions- Shall be provided as per Section 188. Not as per AS-18

CARO remarks shall be based on the CARO report provided by the Auditor.

## FORM MGT-7- IMPORTANT POINTS

Website- If the company has website, only then it must be disclosed.

Principal Business Activities in Form MGT-7- More than 10% Turnover activities must be disclosed

Turnover- Only Revenue from operations shall be considered. Other income shall not be considered

For Small Companies and OPC-Form MGT-7A shall be filed









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# **5. EVENT BASED FORMS**













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# SHARE CAPITAL RELATED FORMS- FORM PAS-3

# **Applicability:**

Manner of allotment

Time limit of filing PAS-3

1. Allotment of shares to public at large

Within 30 days of allotment of shares

2. Allotment of shares through private Within 15 days of allotment of shares placement

# **FORM PAS-3- IMPORTANT POINTS:**

Date of shareholders resolution- Offer for Private Placement/Preferential allotment shall be specified in the Form

In respect of Private Placement, proper category such as Individual/Body Corporates/Others shall be selected.

Debt structure as on allotment date shall be given in the Form.

For consideration other than cash, shareholders resolution and board meeting date shall be properly given

# SHARE CAPITAL RELATED FORMS- FORM SH-7

# Filing:

- Increase in Share Capital independently
- Increase in the Share Capital due to order of Central Government
- Company redeems any Preference Shares
- Consolidation or Division
- increase in the number of Members

#### Remarks

- Within 30 days
- Reclassification is not allowed in the same class of shares
- The Form has provided new option i.e., the increase of capital in new class. While drafting the documents, we shall take care of this accordingly.

# **BUY-BACK OF SHARES**

# Filing:

- SH-8 Letter of offer (LOF)
- SH-9 Declaration of Solvency (DoS)
- SH-11 Return of Buyback (RBB)

# **Remarks:**

- File LOF & DoS with ROC and subsequently issue to shareholders
- File RBB after completion of BB within 30 days

# FORM SH-8- IMPORTANT POINTS

Limited review Financials shall be applicable if Buy back is proposed after six months from the date of Closure of FY

Letter of offer shall be dispatched to the shareholders not later than 20 days from filing of Form SH-8

# FORM SH-9- IMPORTANT POINTS

Date of special resolution of members shall be provided even though it's not mandatory, if it's exceeding 10%

# FORMS RELATING TO SHIFTING OF OFFICE:

# Form INC-22

• A company can change its registered office whenever required. For that it should file Form INC-22 with the Registrar regarding the situation of its registered office in the manner specified by the Companies (Incorporation) Rules 2014.

## Remarks

Within 30 days

# FORM INC-22- IMPORTANT POINTS

Jurisdiction of police station shall be mentioned as per the pin code Details of Companies sharing same registered office shall be provided mandatorily

Effective Date of change of registered office shall be date of Board Meeting/after BOD approval

Copy of utility bill shall not be older than 2 months from the date of filing

NOC from absolute owner shall be mandatory.

Gas bill/Mobile bill/Telephone bill contains tenant name also. Please consider electricity bill for INC-22 purpose.

# **CHARGE FORMS**

# Filing

- CHG-1: Creation/ Modification
- CHG-9 (Debentures)
- CHG-4: Satisfaction

# Remarks

• Within 30 days

# FORM MGT-14: SECTION 117

# Applicability and Purpose

Meetings of the Board of Directors/Shareholders/Creditors are held, and resolutions are passed at the said meetings. The resolutions must be filed with the ROC by the company or liquidator and such resolutions are filed in Form MGT-14.

# Due date

Within 30 days. If missed the due date, Form for condonation of delay shall be filed

# FORMS RELATING TO CHANGE OF AUDITOR:

# CIRCUMSTANCES TO FILE FORM ADT-1

- 1.Appointment of First auditor; (Good Practice)
- 2.Appointment of Auditor in AGM for 5 years; and
- 3.Appointment of Auditor due to casual vacancy in the office of Auditor.

# **Due Dates**

• Form ADT-1 must be filed with the registrar of companies within 15 days from the date of appointment of the Auditor

# FORMS RELATING TO CHANGE OF AUDITOR:

# **CIRCUMSTANCES TO FILE FORM ADT-3**

• Where an Auditor resigns from the company as the Statutory Auditor, he shall file within 30 days from the date of resignation, a statement in Form ADT-3 with the registrar.

# FORMS RELATING TO CHANGE OF DIRECTORS:

# **Filing**

- DIR 12
  - Appointment
  - Resignation
  - Change in Designation
- DIR-11 by director on resignation, not mandatory

#### Due date

• Within 30 days of appointment/cessation/change in designation.





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# PROCEDURE FOR CANCELLATION OF FORM AFTER FILING

Rule 10 of the Companies (Registration Offices and Fees) 2014

Registrar may make any e-form defective

03

Once the form is made defective then re-filing to be done within 30 days

# PROCEDURE FOR CANCELLATION OF FORM AFTER FILING

04

Submit below documents with RoC (through GNL-1, filing fees applicable) to make the form defective:

- i. Application Letter stating the reason to make e-Form defective; and
- ii. Adequately stamped and notarized affidavit and indemnity;
- iii. Affidavit shall be signed by the Professional and Director;
- iv. Undertaking shall also be signed by the Professional and Director

05 🖕

Post cancellation, we can file fresh form with fees, as applicable on the date of filing of fresh Form.

# PROCEDURE FOR MODIFICATION OF FORM AFTER FILING

- The Act does not provide the option of revision of the Financial Statement including Board report under Section 131 of the act. Revision of Financials requires NCLT approval;
- Only e-Form MGT-7 is allowed for revision by filing fresh Form;
- Any other Form cannot be revised unless such form is made defective.
- To make the Form defective, we require to follow the procedure for cancellation as discussed earlier.





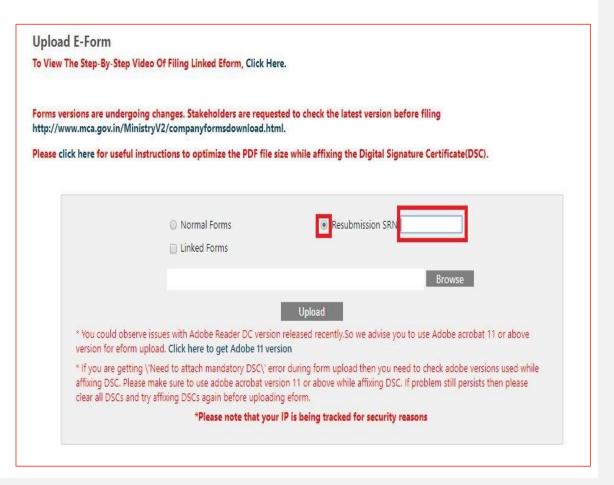
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# RESUBMISSION AND REJECTION OF FORMS

- 1. Once form is submitted, MCA may ask clarification/additional documents and provide time limit for resubmission.
- 2. To resubmit:
  - > e-Filing > Upload e-Forms
- 3. Select resubmission, mention SRN.
- 4. No separate challan for resubmission. Only screen pop-up will be displayed. Retain for records.



# **RESUBMISSION AND REJECTION OF FORMS**

- 01 We have 2 chances for resubmission
- After chances for resubmission is over, and satisfactory reply for the MCA remarks not provided, then form is rejected and not taken on record
- File Form afresh with the fees applicable.





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# **COMPANY MASTER DATA**

CIN	L27100MH1907PLC000260	INC-22/23
Company / LLP Name	TATA STEEL LIMITED	INC-24
ROC Code	RoC-Mumbai	
Registration Number	000260	
Company Category	Company limited by Shares	
Company SubCategory	Non-govt company	
Class of Company	Public	
Authorised Capital(Rs)	8350000000	SH-7
Paid up Capital(Rs)	11985892938	PAS-3
Number of Members(Applicable in		
case of company without Share		
Capital)	572586	SH-7
Date of Incorporation	26/08/1907	
Registered Address	BOMBAY HOUSE, 24-HOMI MODY STREET, FORT, MUMBAI MH 40	00001 ININC-22/23
Email Id	cosec@tatasteel.com	MGT-7
Whether Listed or not	Listed	
Date of last AGM	30/06/2021	AOC-4
Date of Balance Sheet	31/03/2021	
Company Status(for efiling)	Active	





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# POST FILING OF FORMS

- If form is STP: approval is immediate, and we can proceed for next steps
- If form is non-STP: Follow up with ROC or MCA Ticket, if urgent for approval
- With respect to Records, the complete set of document relating to the filing shall be prepared; This is important as we certify regarding records as well
- For every certification, Engagement letter and MRL is required to be executed and make it as a practice; will help for Peer review
- Invoices and reimbursements shall be taken care of





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- 4. COMPLIANCE CALENDAR OF FY 2021-22
- 5. EVENT BASED FORMS
- 6. PROCEDURE FOR CANCELATION, MODIFICATION
- 7. RESUBMISSION AND REJECTION OF FORMS
- 8. FORMS WHICH AFFECT MASTER DATA
- 9. POST FILING OF FORMS

#### **10. MCA-TICKET RAISE**

11. FORMS WHICH ARE AT NIL FEES

# MCA-TICKET RAISE

- 1. Follow-up/query, raise MCA ticket.
- 2. To raise ticket:
  - 1. MCA 21 portal
  - 2. MCA services and
  - 3. Click on "Create service-related complaint."
- 3. Link:

https://www.mca.gov.in/mcafoportal/userComplaintDetails.do

# **MCA-TICKET RAISE**

- 1. To enquire status/re-open the query -
  - 1. MCA 21 portal
  - 2. MCA services; and
  - 3. Track service-related complaint status
- 2. Link for the same is <a href="https://www.mca.gov.in/mcafoportal/trackStatus.">https://www.mca.gov.in/mcafoportal/trackStatus.</a> do





- 1. SOFTWARE REQUIREMENTS AND FORMS
- 2. INCORPORATION FORMS
- 3. FORMS REQUIRING CERTIFICATION, CHECKLIST, UDIN
- 4. COMPLIANCE CALENDAR OF FY 2021-22
- 5. EVENT BASED FORMS
- 6. PROCEDURE FOR CANCELATION, MODIFICATION
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- 9. POST FILING OF FORMS
- 10. MCA-TICKET RAISE
- 11. FORMS WHICH ARE AT NIL FEES

# FORMS WHICH ARE AT NIL FEES

- 1. Form INC-3- Nominee Consent Form;
- 2. SPICe+-Incorporation of the Company;
- 3. Form DIR-3 KYC- To update KYC details of Directors up to September 30;
- 4. Form DIR-6- To change the particulars of Directors;
- 5. Form GNL-4- Addendum for rectification of defects or incompleteness.
- 6. E-Form MSME-1- To file the details of outstanding invoices of MSME vendors.

