

## MCA Notifications- May 2021

### Snapshot

Due to the resurgence of COVID-19, the businesses are facing difficulties in complying with the provisions of statutes. MCA extended support by relaxing the timelines of filing Forms under Companies Act, 2013 and LLP Act, 2008 which were due for filing between April 1, 2021 to May 31, 2021 up to July 31, 2021; extended the maximum gap for convening two consecutive Board Meetings from 120 days to 180 days for the first two quarters of Financial Year 2021-22 and also provided relaxation in filing Charge related Forms.

### Extension of due date for filing Forms under Companies Act, 2013 and LLP Act, 2008 up to July 31, 2021

#### **General Circular No. 06/2021 dated May 03, 2021**

Amid the ongoing COVID-19 pandemic, India has witnessed a massive surge of COVID cases over the last few days. In view of the same, several representations were made by the stakeholders and taking cognizance of the same, MCA has come up with some relaxations in compliances for Companies and LLPs.

MCA has provided relaxation up to July 31, 2021 to Companies / LLPs to file forms [except charge related forms] without any additional fees. Consequently, the forms which were due for filing between April 1, 2021 to May 31, 2021 can now be filed with normal fees up to July 31, 2021.

### Relaxation for filing of charge related forms under Companies Act, 2013

#### **General Circular No. 07/2021 dated May 03, 2021**

In the time of this COVID crisis, it has become difficult to comply with the provisions of the different statutes for large number of stakeholders. MCA has extended a helping hand by offering a relaxation in filing of charge related forms i.e. Form CHG -1 [Creation or Modification of Charges] and CHG – 9 [Creation or Modification of Charge related to Debentures].

The relaxation is granted with respect to the time period and additional fees in the following manner:

Due date of filing Charges	Relaxation in calculating time period	Relaxation in Additional Fees
The date of Creation / Modification of Charge is before April 01, 2021 but the timeline of filing such form had not expired as on April 01, 2021	The time period beginning from April 01, 2021 and ending on May 31, 2021 shall not be counted for counting the number of days under Section 77 or 78 of Companies Act, 2013.	If the form has been filed before May 31, 2021, normal fees shall be applicable. If the form is filed afterwards, the fees shall be charged after adding the number of days beginning from June 01, 2021 till the date of filing plus the time period lapsed from the date of Creation of Charge till March 31, 2021.
The date of Creation / Modification of Charge falls between April 1, 2021 to May 31, 2021	The time period beginning from the date of Creation / Modification of Charge and ending on May 31, 2021 shall not be considered for counting the number of days under Section 77 or 78 of Companies Act, 2013.	If the form has been filed before May 31, 2021, normal fees shall be applicable. If the form is filed afterwards, the fees shall be charged after adding the number of days beginning from June 01, 2021 till the date of filing.

**The above Circular shall not apply to:**

- ✓ Form CHG-1/ CHG-9 already filed before the date of this Circular i.e. May 03, 2021;
- ✓ For Forms whose timeline for filing as specified under Section 77 or 78 of Companies Act, 2013, has already expired before April 1, 2021;
- ✓ Form CHG-4 for Satisfaction of charge and;
- ✓ The timeline for filing of Forms expires at any future date i.e. beyond the timelines as stipulated above.

### Relaxation for holding Board Meetings

#### General Circular No. 08/2021 dated May 03, 2021

In view of the restrictions and lockdowns during the second wave of COVID- 19 pandemic, it has become difficult to conduct business operations as was possible earlier. Due to the increasing difficulties and requests by the stakeholders, MCA has extended the gap between holding of Board Meetings under Section 173 of Companies Act, 2013. The maximum gap between two Board Meetings has been increased from 120 days to 180 days for the first two quarters of Financial Year 2021-22 i.e. quarter from April 2021 to June 2021 and July 2021 to September 2021.

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For further analysis and discussion, you may please reach out to us.

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