
MCA UPDATES
RULES, CIRCULARS, NOTIFICATIONS AND ORDERS ISSUED
DURING THE MONTH OF SEPTEMBER, 2018

RULES

❖ **The Companies (Prospectus and Allotment of Securities) Third Amendment Rules, 2018, Dt: 10.09.2018.**

Vide the said amendment rules, the Ministry has amended the Companies (Prospectus and Allotment of Securities) Rules, 2014 (Principal rules) by inserting Rule 9A after Rule 9, which mandates every unlisted public company shall facilitate dematerialisation of all its existing securities and issue of securities in Dematerialise form only, effective from **2nd October, 2018.**

The amendment rule further prescribes that every holder of securities of an unlisted public company who intends to transfer on or after 2nd October, 2018, shall get such securities dematerialised before transfer. Further, the provisions relating to timely payment of fees required to be made by the company to the depository, registrar to an issue and share transfer agent, are also provided for in the rules.

http://www.mca.gov.in/Ministry/pdf/CompaniesProspectus3amdRule_10092018.pdf

❖ **The Companies (Appointment and Remuneration of Managerial Personnel) Amendment Rules, 2018, Dt: 12.09.2018.**

Vide the said amendment rule, the Ministry has amended the Companies (Appointment and Remuneration of Managerial Personnel) Rules, 2014 (Principal rules). In principal rules, the heading of the Rule 6 is renamed to 'parameters for consideration of remuneration', in rule 7, sub-rule (2) is omitted which contains provisions relating to companies which pay remuneration to its managerial personnel beyond the ceiling specified in schedule-V without Central Government approval in the event of no profit or inadequate profit.

Further vide the amendment rules, a new Form MR-2, being the application to Central Government, has been prescribed.

http://www.mca.gov.in/Ministry/pdf/companiesAmendRules_13092018.pdf

❖ **The Companies (Corporate Social Responsibility Policy) Amendment Rules, 2018, Dt: 19.09.2018.**

Vide the said amendment rule, the Ministry has amended various rules in the Companies (Corporate Social Responsibility Policy) Rules, 2014 (Principal rules), in principal rules. For complete amendment please go through the below mentioned notification.

http://www.mca.gov.in/Ministry/pdf/CompaniesCSRPolicyAmendRules2018_19092018.pdf

❖ **The Companies (Registration Offices and Fees) Fifth Amendment Rules, 2018, Dt: 20.09.2018.**

Vide the said notification, the Ministry has amended the Companies (Registration Offices and Fees) Rules, 2014 (Principal rules), in principal rules, in the Annexure, in serial number VII 'note' is substituted with the new 'note' which states that late fee for filing E-form DIR-3 KYC (For FY 2018-19) from 21.09.2018 to 05.10.2018 is Rs. 500 and Rs. 5000 on or after 06.10.2018.

http://www.mca.gov.in/Ministry/pdf/RegistrationOfficesFeesFifthAmendmentRules_20092018.pdf

❖ **The Companies (Appointment and Qualification of Directors) Sixth Amendment Rules, 2018, Dt: 20.09.2018.**

Vide the said notification, the Ministry has amended the Companies (Appointment and Qualification of Directors) Rules, 2014 (Principal rules), in principal rules in rule 12A for individuals who has already been allotted a DIN as at 31st March, 2018 Shall submit DIR-3 KYC on or before 5th October, 2018.

http://www.mca.gov.in/Ministry/pdf/AppointmentAndQualificaitonSixthAmendmentRules_20092018.pdf

❖ **The Companies (Indian Accounting Standards) Second Amendment Rules, 2018, Dt: 20.09.2018.**

Vide the said amendment rule, the Ministry has amended the Companies (Indian Accounting Standards) Rules, 2015 (Principal rules), in principal rules in the 'Annexure' in 'Indian Accounting Standard (Ind AS) 20'.

For complete amendment please go through the below mentioned notification.

http://www.mca.gov.in/Ministry/pdf/CompaniesIASsecondAmendment_21092018.pdf

❖ **The Companies (Registered Valuers and Valuation) Third Amendment Rules, 2018, Dt: 25.09.2018.**

Vide the said amendment rule, the Ministry has amended the Companies (Registered Valuers and Valuation) Rules, 2017 (Principal rules), in principal rules, in rule 11 it provided that persons who are rendering valuation services under the act, on the date of commencement of these rules, may continue to render valuation services without a certificate of registration under these rules upto 31st January, 2019.

Further, in the conditions for recognition as a Registered valuers organisation, the period for conversion of the said organisation as a Section 8 Company, is extended from One year to Two years, from the date of commencement of the rules.

http://www.mca.gov.in/Ministry/pdf/CompaniesThirdAmendment_25092018.pdf

NOTIFICATIONS

❖ **Notification for Designation of Special Courts, Dt: 05.09.2018.**

Vide the said Notification, the Central Government has designated the below mentioned courts as special courts for the purposes of providing speedy trial of offences punishable with imprisonment of two years or more under the said Companies Act, 2013:

Sl. No.	Name of the Court	Jurisdiction as Special Courts
1.	Court of District and Sessions Judge at Kohima	State of Nagaland
2.	Court of District and Sessions Judge at Aizawl	State of Mizoram
3.	West Session Division, Yupia	State of Arunachal Pradesh

http://www.mca.gov.in/Ministry/pdf/CommencementNotification_06092018.pdf

❖ **Amendment to Schedule V, Dt: 12.09.2018.**

Vide the said Notification, the Ministry has made amendments to the contents as contained in Part I and Part II of Schedule V of the Companies Act, 2013.

http://www.mca.gov.in/Ministry/pdf/ScheduleVCompAct_13092018.pdf

❖ **Commencement of provisions of the Companies (Amendment) Act, 2017, Dt 12.09.2018.**

Vide the said notification, the Ministry has notified 12th September, 2018 as the date on which, the provisions of Section 66 to 70 of the Companies (Amendment) Act, 2017, amendment in connection with the provisions relating to Appointment and Remuneration of Managerial Personnel, shall come into force.

http://www.mca.gov.in/Ministry/pdf/commencementnoti_13092018.pdf

❖ **Commencement of provisions of the Companies (Amendment) Act, 2017, Dt 19.09.2018.**

Vide the said notification, the Ministry has notified 19th September, 2018 as the date on which, the provisions of Section 37 of the Companies (Amendment) Act, 2017, amendment in connection with the provisions relating to Corporate Social Responsibility, shall come into force.

http://www.mca.gov.in/Ministry/pdf/CompaniesAmendAct2017_19092018.pdf

CIRCULARS

❖ **General Circular No. 07/2018, Dt. 06.09.2018 - Relaxation of additional fee and extension of last date for filing Form BEN-2:**

Vide the General Circular No.07/2018 the Ministry has clarified that E-form BEN-2 (Return of Significant Beneficial Owners) can be filed within 30 days from the date of deployment of E-form in MCA portal without additional fee. It is pertinent to note that the e-form BEN-2, is not yet deployed in the MCA Portal.

http://www.mca.gov.in/Ministry/pdf/GeneralCircularNo.7_06082018.pdf

❖ **General Circular No. 08/2018, Dt. 10.09.2018 - Revision in Form No BEN-1 and Due Date for Filing the Form BEN-1:**

Upon the difficulties expressed by the stakeholders, in filing the Form BEN-1, the Ministry has clarified that relevant e-form BEN-1 , would be revised, and also the due date for filing the said form will also be revised, and notified.

http://www.mca.gov.in/Ministry/pdf/GCCircularBen_10092018.pdf

ORDERS

No Orders were issued during the month.