



THE INSTITUTE OF
Company Secretaries of India

भारतीय कम्पनी सचिव संस्थान

IN PURSUIT OF PROFESSIONAL EXCELLENCE
Statutory body under an Act of Parliament
(Under the jurisdiction of Ministry of Corporate Affairs)

August 11, 2020

MCA:August:2020

Shri Rajesh Verma, IAS
Secretary
Ministry of Corporate Affairs
Government of India
Shastri Bhawan
Dr. Rajendra Prasad Road
New Delhi -110001

प्राप्ति एवं प्रेषक अनुभाग/R & I Section
भारत सरकार/Govt. of India
कारपोरेट कार्य मंत्रालय
Ministry of Corporate Affairs
जं सं./Dy. No. 381
दिनांक/Date 13/8/2020

Dear Sir,

Sub. REQUEST FOR EXTENSION OF DUE DATES OF COMPLIANCES UNDER THE COMPANIES ACT, 2013 DUE TO COVID-19

As you are aware that COVID-19 pandemic has affected the entire world including India. Many offices have been closed, while others are not fully operational. In many of the containment zones, the authorities have implemented strict lockdown guidelines, which has posed difficulties for professionals to undertake various compliances under the Companies Act, 2013 smoothly. Accordingly, we request your esteemed office to consider the relaxation in due dates of the following compliances:

A. REQUEST FOR EXTENSION FOR HOLDING ANNUAL GENERAL MEETING

The Ministry of Corporate Affairs ('MCA') vide Circular no. 18/2020 dated April 21, 2020, has granted extension of time for holding Annual General Meeting ('AGM') till September 30, 2020 (instead of June 30, 2020) to those companies whose Financial Year ended on December 31, 2019. Further, the MCA has vide General Circular no. 20/2020 dated May 5, 2020, has allowed the companies to conduct AGM through Video Conferencing or other Audio Visual means during the calendar year 2020. However, Stakeholders and Directors are also facing the difficulty in having these meetings through Video Conferencing or other Audio Visual means due to issues in internet connectivity in remote locations. With other restrictions and social distancing norms in place, they are also facing hardship in visiting offices, conducting audit, carrying out verification of documents and records for the purpose of conducting AGM on or before the due date of September 30, 2020. The restrictions in travelling between many cities continue to prevail.

AM

Vision

"To be a global leader in promoting good corporate governance"

Motto

सत्यं वद। धर्मं चर। इष्टकारं कुरु। श्रेयं च तद्वद।

Mission

"To develop high calibre professionals facilitating good corporate governance"

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The due dates of Audit and Income Tax filings have been extended till November, 2020 due to which there may be delays in receiving data and finalization of financials of companies as well. Although the Companies Act, 2013 do have the provisions for extension of Annual General Meeting, by the concerned Registrar of Companies, upto three months on an application filed by the Company. However, in the present situation, it may not be feasible for every Company to apply for the extension of AGM due to the limited resources and non-awareness of such provisions. Such non-compliances, if any, may lead to serious repercussions.

In view of the same, we request your good office to provide extension of time for holding AGM for the year ended March 31, 2020 till December 31, 2020 in lines with Circular no. 18/2020 dated April 21, 2020.

B. REQUEST FOR EXTENSION OF VALIDITY OF LLP SETTLEMENT SCHEME, 2020, COMPANIES FRESH START SCHEME, 2020 AND SCHEME FOR RELAXATION OF TIME FOR FILING FORMS RELATED TO CREATION OR MODIFICATION OF CHARGES

MCA has introduced the aforesaid schemes which enables the Companies to file various documents with the office of Registrar of Companies even if there is a delay in filing and has provided waiver of additional fees. The validity of the LLP Settlement Scheme, 2020 was upto June 13, 2020 whereas the Companies Fresh Start Scheme, 2020 and Scheme for relaxation of time for filing forms related to creation or modification of charges is valid upto September 30, 2020. However, in many areas of the country, lock down is prevailing due to which the stakeholders have not been able to take complete benefit of these Schemes, which in turn may defeat the very purpose of these Schemes. In view of the same, your good office is requested to extend the validity of said Schemes till December 31, 2020.

Thanking You,

Yours faithfully,

(CS Asish Mohan)
Secretary