



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)

o/c

MCA: 2023

February 10, 2023

Shri Manoj Govil, IAS
Secretary
Ministry of Corporate Affairs
Government of India
Shastri Bhawan
New Delhi - 110001

Ministry of Corporate Affairs

Dy. No. 1187 /R & I/MCA

Date 10.2.23

Subject: Functioning of MCA- 21 V3 Portal- regarding

Respected Sir,

This is with regard to the initiative of the Ministry of Corporate Affairs (MCA) towards digital transformation from MCA-21 V2 to MCA-21 V3 platform. Under the transition, the first set of 9 company forms were launched on August 31, 2022 and second set of 56 company forms including 10 incorporation related forms were launched on January 23, 2023. MCA has relaxed the levy of additional fee for the period during which the filing was disabled. Thereafter, the Ministry has further relaxed the levy of additional fee for 46 company forms till 21st February, 2023.

In this regard, we wish to bring to your kind notice the practical difficulties being faced by stakeholders during the transition period with regard to filing of forms required to be submitted under the Companies Act, 2013. Further, the stakeholders are in the process of registering and migrating themselves as business under the new system. We are sharing the common issues/concerns/ technical glitches as informed by stakeholders for your kind perusal and early resolution:

Incorporation Forms

1. Form Agile-Pro-S (Application for Goods and services tax Identification number, employees state Insurance corporation registration plus Employees provident fund organisation registration, Profession tax Registration, Opening of bank account and Shops and Establishment Registration Number):

- a. Names of Directors and Subscribers are prefilled in this Form. The issue is system is pre-filling the 'First name' and 'Surname' both in the Field 'First Name' and nothing in the Field 'Surname'. Therefore, system is not allowing to proceed further to save form and affix DSC. Error occurs for "surname". System is asking for surname mandatorily.
- b. One cannot fill the name of the Company in this Form as this is a prefilled field. However, the names are not appearing the Name field.

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2. Form INC-24 (Application for approval of Central Government for change of name of existing company): After inserting 'SRN' of approved RUN, the Form is not fetching the Name of company which is a prefilled field. Similarly, in Form MGT-14, after inserting 'SRN' of approved RUN, the Form is not fetching the Name of company which is a prefilled field.
3. Form Spice+ (Part A) It represents the section wherein all details with respect to name reservation for a new company has to be entered. Rule 9A of the Company (Incorporation) Rules, 2014 allows to extend the period of a name reserved under rule 9 by using web service SPICE+, however 'Extend Tab' is not visible, which was visible in V2 portal.
4. Form SPICE+(Part B) It represents the section wherein all remaining details required for incorporation of a company has to be entered:
 - a. Name is approved in MCA-21 V2 and while filling the Form for Incorporation Spice+ in MCA-21 V3, the details are not getting prefilled. The stakeholders have registered themselves as business user with same V2 ID. But such problem still persists.

In case of new companies, the approved name is reserved only for a period of 20 days, all the names which were reserved in MCA-21 V2 are now expired.
 - b. In case such Form Spice+ Part B gets saved, linked Forms e-MOA (INC-33) and e-AOA are not getting opened.
 - c. In case, Foreign individuals are proposed to be appointed as Directors or subscribers, it is mandatorily asking for PAN. Rule 16(1) of the Companies (Incorporation) Rules, 2014 states that in case of Foreign Nations, passport details to be filled.
5. Form INC-33 (Form e-MOA)
 - a. After selection of NIC code, main objects are not getting pre-filled in some cases.
 - b. In Field 'ancillary objects' Not permitting to write upto 1 lac characters, which is allowed as per the helpkit.
6. Form DIR-3 (Application for DIN): After submitting the Form DIR-3, in Application History, it shows- 'Approved pending verification'. However, what remains to be verified is not clear. DIN allotment letter not being issued/ generated.



Other Forms

7. Form PAS-3 (Return of Allotment): in Field 16(d) (Premium amount per security) and Field 16(e) (Discount amount per security), it is not accepting amounts either as zero or empty. Shows an error – 'Number entered shall be greater than zero'.

8. Form DIR-12 (Particulars of appointment of directors and the key managerial personnel and the changes among them)
 - a. After filing the form, in application history, the status shows 'Registered', however in Signatory Details, the designation is not getting updated.
 - b. While saving Form DIR-12 for the appointment of Company Secretary, it is asking for DIN mandatorily.

9. Form GNL-2 (Form for submission of documents with the Registrar of Companies), where the form is being filed for 'affidavit under section 59 of IBC, 2016' it mandatorily seeks the details related to 'special resolution'.

However, section 59 requires the approval through special resolution of the members to be passed within four weeks of a declaration and the same to be filed within seven days of such resolution.

10. DIR-3 KYC (verify Director's KYC details): OTPs are not getting generated for login and KYCs of director especially in case of foreign nationals.

11. Form SH-7 (Notice to Registrar of any alteration of share capital): After saving Form SH-7, linked Form e-MOA are not getting opened. Similarly, while filing Form MGT-14 for this purpose, linked Forms e-MOA not getting opened.

12. Form SH-8 (Letter of Offer):
 - a. On filling CIN, the error message is 'Commencement of business form 20A not filed'. However, the company was incorporated between May, 2015 to Nov, 2018 when there was no requirement of filing INC-20A.
 - b. In terms of proviso to Section 68(2)(b), in case the buy-back is, ten per cent or less of the total paid-up equity capital and free reserves of the company, approval of buy-back through Board resolution is required. However, form mandatorily requires to fill date of Special Resolution.



13. Form MGT 14 (Filing of Resolutions and agreements to the Registrar under section 117)
 - The field 'City' is auto populated after filling PIN code. However, Error occurs 'Field not filled in expected format'
 - Name of Liquidator - (Field not filled in expected format).
14. Form INC-20A (Commencement of Business): While filling the Field 'CIN', it shows, CIN is invalid.
15. View Public Document: This facility is not available in MCA-21 V3 portal since long.

Login and profile update

1. There are issues related to multiple IDs, because of which data is not getting synced.
2. While trying to create login with V2 ID, while filling password, it states invalid credentials. Forgot password facility does not work in some cases.
3. System shows the error, this email ID is already associated with other user ID.
4. After login, after clicking the 'profile update', the site does not move. Same page remains in some cases. Not able to do the profile update.

DSC Affixation

1. While creating 'Professional' business user role, amongst other details, it requires membership number of professionals. However, while affixing DSC for filing forms, error appears that "DSC not registered with COP No." There is no field to fill COP number at the time of Profile update as well as DSC association. System requires to fill only Membership number while profile update or associating DSC as Professional Business User on V3 portal.
2. For DSC registration, after filling Token, Certificate details and password, on clicking the tab 'Register', error shows- 'there is a validation error'.
3. For DSC registration, after filling Token, Certificate details and password, on clicking the tab 'Register', error shows- 'Already registered user'. For ex. A professional having ACS number is already registered at MCA portal and when other professional is trying to register his DSC with his FCS number, it says already registered.



Common issues in many Forms

- a. Forms which are already filed in MCA-21 V2 are pending for approval. Also, the Forms which are approved are not visible in MCA-21 V3.
- b. When the Form is downloaded, some of the filled details are found missing.
- c. In case the Form is modified, attachments disappear.
- d. After filling and saving the details, Forms are not getting downloaded.
- e. If downloaded, DSC Box is not appearing in the forms.
- f. In the 'Application History', against the particular SRN, after clicking the 're-submission' tab, the resubmission/ rejection comments are not appearing.
- g. In case of small companies, there is no requirement of certification from professionals, however such Forms are asking for certification from professionals.
- h. Last name is mandatory while updating profile as Business User. However, in some cases, the stakeholder has only first name in PAN
- i. System is asking for payment at the time of re-submission of forms
- j. MCA has given relaxation for additional fees till 21st February, 2023, but system is asking for payment of Additional Fees
- k. Forms are not appearing in the Application history after submitting them successfully on the portal.
- l. Challans are not getting generated.
- m. In case any Professional Staff Member leaves the Firm, then how to disassociate such staff member from the firm as there is maximum limit of 10 staff members.

We hope that aforesaid practical difficulties would be addressed and resolved soon for smoothening the filing process at MCA Portal, thereby achieving the moto of 'ease of doing business'.

We shall be pleased to provide any further information or clarification in this regard on hearing from your goodself.

Thanking You,

Yours faithfully,

(CS Manish Gupta)

President

The Institute of Company Secretaries of India