



THE INSTITUTE OF Company Secretaries of India

भारतीय कम्पनी सचिव संस्थान

IN PURSUIT OF PROFESSIONAL EXCELLENCE

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(Under the jurisdiction of Ministry of Corporate Affairs)

Ministry of Corporate Affairs
Dy. No. 1342-IR & I/MCA
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MCA: 2023

March 29, 2023

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

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 February 21, 2023 and thereafter till March 31, 2023.

In this regard, we wish to bring to your kind notice the common issues/concerns/ technical glitches that are being faced by stakeholders while filing forms as required under the Companies Act, 2013 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 organization registration, Profession Tax Registration, opening of bank account and Shops and Establishment Registration Number):
 - a. OTPs are not getting generated especially in case of foreign nationals.
2. Form INC-24 (Application for approval of Central Government for change of name of existing company):
 - a. Certificate of Incorporation is not getting generated after approval of the form.
3. Form SPICe+(Part B) It represents the section wherein all remaining details required for incorporation of a company has to be entered:
 - a. 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 Nationals, passport details to be filled.
 - b. Stakeholders are not able to upload Spice Part-B. Error occurs "The required DSCs are not affixed".

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- c. Stakeholders are not able to download Name Approval Letter / Certificate of Incorporation from the Application History.
- d. Names and SRNs are getting expired due to technical glitches.
- e. Stakeholders are not able to save first page of Part B, error occurs "Technical Error Occurred".
- f. Stakeholders are facing issue at the time of re-submission of Spice Part-B, it is showing error "Name is expired".
- g. Stakeholder is trying to resubmit form, after DSC validation, error pops up as "Please try filling after sometime".
- h. Stakeholders have made payment of fee and Stamp Duty, status of SRN is still not getting updated. It is showing as 'Payment for stamp duty is pending'.
- i. Stakeholders are not able to select 'No' in Category of Resident of India, it is throwing error that this category cannot be selected. There are two directors, one is NRI and member, other is Resident.
- j. Stakeholder made payment in v2, now status of SRN is showing as Payment Incomplete in V3.

4. Form INC-28 (Notice of order of the Court or any other competent authority)

In Form INC-28, copy of court order or NCLT or CLB or order by any other competent authority is a mandatory attachment. In majority cases, the size of such order exceeds the permissible limit of 10 mb (2mb per file) and therefore, not be able to be filed.

Permissible size for this Form may be increased.

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', it is not permitting to write upto 1 lac characters, which is allowed as per the helpkit.
- c. While submitting Form INC-33 (E-MOA), the following error pops up: "Save Submit Call Failed".

6. Form INC-34 (Form e-AOA):

- a. Stakeholder is not able to download e-AOA after trying for several times (it is showing that pdf generation is in progress)

7. Form INC-9:

- a. Stakeholder is filing INC-9, error pops up as "DSC is not registered on MCA portal", despite the fact that the DSC is already registered on MCA V3 portal and Form INC-33 and INC-34 also contain the same DSC as affixed in Form INC-9.

8. Form DIR-3 (Application for DIN):

- a. 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.



- b. Provisional DINs provided by the concerned authority are not working / pre-filled in Form DIR-12.

9. Certificate of Incorporation:

- a. COI is not reflecting correct details.
- b. COI issued with PAN written as "NULL".
- c. PAN and TAN are pending since long.

Other Forms

10. Form DIR-12 (Particulars of appointment of directors and the key managerial personnel and the changes among them)

- a. While saving Form DIR-12 for the appointment of Company Secretary/ CFO, it is asking for DIN mandatorily.
- b. Stakeholder filed DIR-12 filed for cessation only- form approved status not changed in the signatory details of master data
- c. While filing DIR 12 for appointment of Directors on the Board of Government Company, and these directors are not required to file consent under section 152 (5) of the Companies Act, 2013. But form is asking for consent.
- d. In case, DIR-12 is filed for intimating appointment/ changes of more than one directors or KMP, the MCA master data reflects the updation with regard to particulars of first case only.

11. 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.

- DSC validation Failure
- CIN of the company not able to fetch the details in pre-fill section

12. DIR-3 KYC (verify Director's KYC details):

- a. OTPs are not getting generated for login and KYCs of director especially in case of foreign nationals.
- b. DIN No. xxxxxxxx is still showing deactivated in spite of filing of DIR 3 KYC which got approved.

13. Form SH-7 (Notice to Registrar of any alteration of share capital):

- a. Approved SRN of Form MGT-14 is not getting saved in Form SH-7, error occurs "validation error ". Also, while filing e-moa, name field not getting prefilled.
- b. Challans are not getting generated.
- c. In the dashboard, status of fee payment and stamp duty payment not getting updated



- d. Field no. 4 and 13 prefilling details which do not relate to the company for which form is being filled
14. Form SH-8 (Letter of Offer):
- 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.
 - 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.
15. 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).
 - after inserting 'SRN' of approved RUN, the Form is not fetching the Name of company which is a prefilled field.
16. Form INC-20A (Commencement of Business): While filling the Field 'CIN', it shows, CIN is invalid.
17. Form PAS-3 (Return of allotment) – The Form is asking for date of passing of shareholder's resolution mandatorily. However, there is no requirement of shareholder's resolution in this case.
- Unable to file save and submit the form
 - While downloading the pdf form, blank form gets downloaded
18. View Public Document: This facility is not available in MCA-21 V3 portal since long.
19. Form FC-3 (Annual Accounts of Foreign Companies): Stakeholder finds while filling FC-3 columns are not getting prefilled and while moving to next page of form it shows that columns are mandatory to be filled they are not enabled to be edited as they are to be prefilled by FCRN.
20. Form SH-11 (Return in respect of buy-back of securities): While filing form SH-11 for the Company stakeholder is facing issues like most of the fields are inactive to fill the mandatory details, also details are not prefilled, and once enter SRN of form MGT-8 and MGT-9, it shows error that the SRNs are invalid, however the same SRNs are approved.
21. Form INC-22: After approval of Form INC-22, registered office address is not getting updated on the master data. It is still showing the old registered office address.



22. Form INC-28:

- a. Stakeholder trying to submit the form, the error message is thrown "Technical Error Occurred, Contact System Administrator "or "Not able to process your request. Kindly contact the administrator".
- b. At the time of re-submission, new SRN gets generated and both the forms exist simultaneously in the dashboard.
- c. Stakeholder is preparing web form with all the correct information including correct capital, after submitting it when PDF is downloaded there is capital mismatch in that PDF.
- d. Stakeholder unable to file Form for NCLT order. While clicking on submit tab the cursor keeps on "give loader" with no response. No pdf can be generated.
- e. Stakeholders are trying to file NCLT order for "Voluntary Liquidation" while submission error shows "CIN entered is Inactive".

23. Form NDH-4

- Stakeholders are not able to save form.

Login and profile update

1. There are issues related to multiple IDs, because of which data is not getting synced.
2. Sometimes users are not able to receive OTP on their Indian Mobile Numbers too.
3. At the time of saving updation of profile after login, error occurs "Personal details mismatch". Even after mentioning all the details correctly, stakeholders are not able to update their profile.
4. Stakeholders are not able associate DSC as the associate DSC radio button gets frozen and sometimes it shows error "DSC that you are trying to register is already in the system" even if no DSC is registered in their name.

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. While associating DSC, some users are not able to view the dropdown under Token category.

Common issues in many Forms

- a. When the Form is downloaded, some of the filled details are found missing.
- b. In case the Form is modified, attachments disappear.
- c. After filling and saving the details, Forms are not getting downloaded.



- d. In case of small companies, there is no requirement of certification from professionals, however such Forms are asking for certification from professionals.
- e. Forms are not appearing in the Application history after submitting them successfully on the portal.
- f. Challans are not getting generated.
- g. 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.
- h. Master Data is not reflecting correct details.
- i. The stakeholders have registered themselves as business user with same V2 ID. But in application history, no previous forms are visible.

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