



**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)

CL: MCA: 2023

Shri Manoj Govil, IAS  
Secretary  
Ministry of Corporate Affairs  
Government of India  
Shastri Bhawan  
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*oh*  
Ministry of Corporate Affairs  
Dy. No. 1931 /R & IMCA  
Date 25/8/2023

August 24, 2023

**Subject: Simplification of e-forms filed under Companies Act, 2013  
and rules made thereunder**

Dear Sir,

At the outset, the Institute of Company Secretaries of India extends its gratefulness towards the Ministry of Corporate Affairs for its sensitized approach towards all its stakeholders and its dedicated attempts made towards promoting ease of doing business, and creating a conducive business environment & multifarious growth opportunities for the Indian Economy.

This has reference to the recent transition of the MCA 21 portal from V2 to V3 wherein new forms and procedures have been laid out for conforming with the compliances laid out under the Companies Act, 2013 and the Rules made thereunder.

To extend our wholehearted support in all the initiatives of the Government and Regulatory Authorities, the Institute of Company Secretaries of India (ICSI) has been making continuous representations before the Ministry of Corporate Affairs (MCA) sharing the suggestions under the Companies Act, 2013 from time to time.

In continuation of these efforts, the Institute had solicited suggestions from Company Secretaries with regard to the simplification of e-forms under the Companies Act, 2013 in MCA-21 V3 portal given their first-hand experience with these forms on account of professional assignments.

The suggestions on simplification of e-forms were solicited in the following categories:

- Duplicity of information or attachments in various e-forms
- Fields to be pre-filled automatically
- Fields overriding the Act or Rule
- List of mandatory attachments, which can be relaxed
- Any other suggestion to ease compliances.

*Manoj Govil*

**Vision**

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

**Motto**

सत्यं वद। धर्मं चर। इष्टं चरेत् तत्राति। बोधे ह्यु त्ते। लो।

**Mission**

"To develop high calibre professionals  
facilitating good corporate governance"

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### Suggestions on E-Forms

S. No.	Form	Suggestion	Justification
1	CHG-9	Kindly enable a field for the rectified amount.	For rectification of charge amount, there is no field to write the amount in case of modification of charge.
2	Spice Part-B	Linked Forms i.e. e-MOA, e-AOA, AGILE, INC-9 should not be discarded at the time of editing / making changes in Spice Part-B.	<p>In case, stakeholder wants to edit Spice Part-B then it would be time consuming to prepare all the linked forms again.</p> <p>Spice Part-B should be editable without discarding other linked forms.</p>
3	E-MOA and E-AOA	<p>Numbering of articles and clauses should be adjustable.</p> <p>Special Characters should be allowed.</p>	<p>It is proposed to allow the numbering and special characters for better understanding of applicable articles and clauses.</p> <p>In case, stakeholder selects the "Not Applicable" in some particular clause, then that clause should be automatically removed and not appear after downloading in order to avoid the ambiguity and numbered accordingly.</p>
4	DIR-3 KYC and DIR-6	There should be some mechanism to update email id and contact number of the director during the year in special circumstances.	<p>DIR-3 KYC can be filed only once during a year.</p> <p>And in DIR-6, there is no option to update email id and contact number of the director.</p>
5	DIR-6	There should be some mechanism to update details of the KMPs as well during the year.	<p>There is no field in DIR-6 to update any detail regarding the KMPs of the company.</p> <p>The form is restricted only to the directors.</p>

6	CHG-1	Word limit should be removed from fields like Rate of Interest, Repayment Terms, Short Particulars of Security provided.	<p>It would be difficult for the stakeholders to mention the proper details where different facilities have been availed and each facility has different rate of interest.</p> <p>Stakeholders are filing the highest rate of interest in the form and same with repayment terms also.</p>
7	MGT-14	Multiple resolutions should be allowed to be filed in single form during some particular time period.	<p>Form is restricting the stakeholders to file multiple resolution which is overriding the law.</p> <p>There is no restriction in the act or rules to file single resolution in single form only.</p> <p>It is proposed to allow to file resolutions passed during some particular time period in single form only.</p>
8	Master Data	CSR number, if any, should be displayed in the master data.	It would be easy to track section 8 companies if they mandatorily mentions their CSR number, if any, on all the letterheads and other documents.
9	Master Data	Contact number along with email id of the company should be displayed in the master data.	<p>Both email id and contact number, if provided by the company, are mandatory to mention on all documents as prescribed under section 12 of the act.</p> <p>Therefore, it is proposed to mention both on the master data as well.</p> <p>There should be some option to update email id and contact number of the company as well.</p>

10	DIR-12	Allow the field to accept Indian and Foreign address of the person to be appointed as CEO/CFO.	There is no provision in the act restricting a foreigner to be appointed as CEO/CFO.
11	MGT-14	Uniformity should be maintained at BO Level.	As per section 13 and 14 of the act, special resolution is required to alter the MOA and AOA.  However, ROC is asking for consent from all shareholders which is overriding the requirement of the act.
12	Master Data	Some labels or colored labels can be provided in case company is in default under section 92 or 137 of the act.	It would be in the interest of creditors and banks / financial institutions to know the compliance status of the company before proceeding for any transaction.
13	DPT-3	Whether a company is a Government Company or not option should be prefilled.	
14	MSC-1	Information asking in excel can be limited.	Form and its attachment of excel are asking for the same information. This leads to duplicity of information to be filed with the concerned ROC.
15	Spice Part-B	Fields for ESIC and EPF numbers should be non-mandatory at the time of incorporation of company.	There is no provision in the act to obtain mandatorily ESIC and EPF numbers at the time of incorporation of the company.
16	DIR-12	Clarification required.	Form and section 152(5) are contradictory to each other.  Form is asking for the consent by affixing DSC before filing of DIR-12 for giving effect to the appointment of the new director.  Whereas 30 days' time period is given in the act to intimate to ROC.

17	NDH-4	Provisions of section 406 of the act and Chapter XXVI - Nidhis Rules, 2014 may be removed; or  Either one time scheme for ensuring compliances or easy exit scheme may be provided to stakeholders for closure of nidhi companies.	Incorporated companies are stuck with the compliances and deadlines of the Act because of rejection of all Forms NDH-4.
18	SH-11	Speedy approval of Form SH-8 and SH-9.	Only approved SRNs of Form SH-8 and SH-9 can be inserted in Form SH-11.  Delayed on account of ROCs in approval of Form SH-8 and SH-9 should not be penalized to stakeholders.
19	DIR-3 KYC	Whatsapp messages may be allowed.	OTP are not going on foreign mobile nos. Therefore, it would be a workable solution to allow to send OTPs on Whatsapp. It is easily accessible.
20		Citizen Charter released by the Ministry of Corporate Affairs may be implemented in letter & spirit.	In the interest of the stakeholders.