



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 02, 2023

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

Ministry of Corporate Affairs

Dy. No. 1156 /R & I/MCA

Date 02/2/23

Subject: Request to extend the reservation period of names reserved under Section 4(5) of the Companies Act, 2013 and period of re-submission under rule 9 of the Companies (Incorporation) Rules, 2014

Respected Sir,

We wish to invite your kind attention towards sub-section (5) of section 4 which deals with reservation of name of the company proposed to be incorporated and already registered under the Companies Act, 2013. It provides that *upon receipt of name reservation application, the Registrar may, on the basis of information and documents furnished along with the application, reserve the name for a period of 20 days from the date of approval or such other period as may be prescribed. Provided that in case of an application received for reservation of name or for change of its name by an existing company, the Registrar may reserve the name for a period of 60 days from the date of approval.*

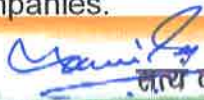
Also, in terms of rule 9 of the Companies (Incorporation) Rules, 2014, in case the Registrar finds any defects, a period of 15 days for rectification of defects is given to the stakeholders for re-submission.

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 submission and re-submission of forms. Also, the professionals are in the process of registering and migrating themselves as Business User in the new system. Stakeholders have shared certain technical issues which are being faced while filing of e-forms, the same is attached herewith for reference.

In view of the above issues and concerns, we request you to kindly extend the reservation period for the names which are reserved under sub-section (5) of section 4 of the Act and the re-submission period under rule 9 of Company (Incorporation) Rules, 2014 for further period of 20 days for existing companies as well as for proposed companies.

Vision

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


जाय वद। धर्म चर।

Motto

बढ़ते तेर तपते: बढ़ते तेर तेर।

Mission

"To develop high calibre professionals facilitating good corporate governance"



We hope that the above submission would be considered favorably.

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

Thanking You,

Yours faithfully,

A handwritten signature in blue ink, appearing to read 'Manish Gupta', is written over a horizontal line. The signature is cursive and somewhat stylized.

(CS Manish Gupta)

President

The Institute of Company Secretaries of India

List of practical and technical issues

Incorporation Form Issues

- **In Agile Pro S**, it is pre-filling the full name in 'First Name', when stakeholders are trying to save the form, it is asking them to fill surname mandatorily.
- **Form RUN SRN** approved in V2 is not getting prefilled in Form MGT-14 and Form INC-24 in V3 portal.
- **Name approved** in V2, unable to incorporate company in V3 as the SRN is not reflecting in V3 portal even if the user has used same credentials as V2.
- The name is valid only for 20 days in case of new company, stakeholders are **not able to apply for extension as the 'extend tab'** is not visible for extension of time for reserved name in V3 portal.
- In **Spice Part-B**, e-MOA and e-AOA are not getting opened.
- Main Objects are not getting pre-filled in consonance with the selected NIC in Spice Forms.
- Stakeholders are not able to edit the pre-filled main objects.
- In **Form Spice**, if e-MOA and e-AOA gets opened, not allowing the stakeholders to mention 1 Lac characters as instructed by technical team in the ancillary objects.
- Challans are not getting generated and are not reflected on V3 portal.
- After downloading form, when the stakeholders try to view it, some of the saved data disappears in the form.
- Whenever any form is modified, attachments disappear.
- "View Public Document" facility does not show the forms filed under V3 portal.
- Forms are not getting downloaded to affix the DSC. If downloaded, DSC Box is not appearing in the forms.
- Neither the remarks nor the due date for re-submission are appearing in the re-submission status.

DSC Issues

- While filing forms, error occurring that "DSC not registered with COP No." There is no field to fill COP No. While profile update or associating DSC as Professional Business User on V3 portal, system requires to fill only Membership No.
- DSC registration issue still persists even after following all FAQs issued on MCA website. Error occurs "There is a validation error".

Company Form Issues

- In **Form PAS-3**, 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".
- **Filed DIR-12** for change in designation, Status shows 'Registered' however in signatory details the designation does not change.

- **In Small companies**, asking for certification from professionals in many **Forms like PAS-3, DIR-12.**
- **In Form DIR-3**, filed forms are not getting approved and DIN allotment letters are not getting issued to fetch the DIN of the proposed director.
- **In Form GNL-2**, shareholder resolution is required to be passed within 28 days from the date of declaration of solvency, however the form is asking for the date before calling the meeting.
- **In Form SH-7 and Form MGT-14**, e-MOA and e-AOA are not getting opened.
- **In Form SH-8, there are many errors occurring while filling it like:**
 - ✓ When CIN is given the error message is "Commencement of business form 20A not filed." Even if the Company was registered before this requirement.
 - ✓ When filling the % of shareholding of promoters decimals are not accepting.
 - ✓ When buyback is below 10% of the total paid up equity share capital and free reserves, Board Resolution is sufficient. But form insisting to fill date of Special Resolution.
- While saving **Form DIR-12** in regard to the appointment of Company Secretary, it is asking for DIN mandatorily.
- **In Form MGT 14**, there are many errors occurring while filling it like:
 - ✓ City – New Delhi. Error occurs" Field not filled in expected format". **This field is auto populated after filling PIN code.**
 - ✓ Name of Liquidator – (Field not filled in expected format).
