Subject:

- Companies (Accounts) Second Amendment Rules, 2015;
- Notification regarding sub-section (6) of section 129 of the Companies Act, 2013 (18 of 2013)
- Notification regarding sub-section (1) of section 467 of the Companies Act, 2013 (18 of 2013)

Dear Professional Colleagues,

The Ministry of Corporate Affairs vide its notification dated September 04, 2015 has amended some of the provisions of the Companies (Accounts) Rules, 2014, and also issued notifications regarding section 129 and section 467 of the Companies Act, 2013. The said notifications are placed at the following link:

- Companies (Accounts) Second Amendment Rules, 2015
- Notification regarding sub-section (6) of section 129 of the Companies Act, 2013 (18 of 2013)
- Notification regarding sub-section (1) of section 467 of the Companies Act, 2013 (18 of 2013)

i. In rule 2, in sub-rule (1) after clause (d) the following is inserted:

“(da) "Indian Accounting Standards" means the Indian Accounting Standards referred to in rule 3 and Annexure to the Companies (Indian Accounting Standards) Rules, 2015.”

It may be noted that MCA vide notification no. G.S.R 111(E) dated 16 Feb 2015 has notified the Companies (Indian Accounting Standards) Rules, 2015

Rule 3 of the Companies (Indian Accounting Standards) Rules, 2015 refers to the term ‘Indian Accounting Standards’.

“Rule 3: Applicability of Accounting Standards.

(1) The accounting standards as specified in the Annexure to these rules to be called the Indian Accounting Standards (Ind AS) shall be the accounting standards applicable to classes of companies specified in rule 4”.

ii. After rule 4, the following rule is inserted, namely-

“4A. Forms and items contained in financial statements- The financial statements shall be in the form specified in Schedule III to the Act and comply with Accounting Standards or Indian Accounting Standards as applicable:

Provided that the items contained in the financial statements shall be prepared in accordance with the definitions and other requirements specified in the Accounting Standards or the Indian Accounting Standards as the case may be.”

This is a new insertion in the Companies (Accounts) Rules, 2014 requiring the companies to comply with the Accounting standards or Indian Accounting Standards as may be applicable while preparing the financial statements in Schedule III.

iii. In rule 8, in sub-rule (3), the following proviso is inserted at the end:

“Provided that the requirement of furnishing information and details under this sub-rule shall not apply to a Government company engaged in producing defence equipment”

Rule 8 (3) of the Companies (Accounts) Rules, 2014 provides for the matters to be included in Board’s report. This newly inserted proviso exempts Government company which is engaged in producing defence equipment from this requirement.

iv. In Rule 12, for sub-rule (1), the following sub-rule is substituted:

’(1) Every company shall file the financial statements with the Registrar together with Form AOC-4 and the consolidated financial statement, if any, with Form AOC 4 CFS.”

Before amendment, Rule 12 of the Companies (Accounts) Rules, 2014 provided as under:
“12. Filing of financial statements and fees to be paid thereon.-

(1) Every company shall file the financial statements with Registrar together with Form AOC-4.”

The revised AOC-4 and AOC-4 CFS requires pre-certification by the practicing professionals including Company Secretary in whole-time practice.

v. In Annexure, for Form AOC-4, the Forms AOC-4 and AOC-4 CFS are substituted.

- **Notification regarding sub-section (6) of section 129 of the Companies Act, 2013 (18 of 2013)**

MCA exercising the power conferred by section 129 (6) of the Companies Act, 2013, in public interest exempted the government companies producing Defence Equipment including Space Research from providing additional information required through para 5(ii)(a)(1), 5 (ii) (a) (2), s (ii) (e),5(iii) ,5 (viii)(a),5 (viii) (b), 5 (viii) (c) and 5 (viii) of the General instructions for preparation of Statement of Profit and Loss in Schedule III of the Companies Act, 2013

- **Notification regarding sub-section (1) of section 467 of the Companies Act, 2013 (18 of 2013)**

MCA in exercise of the powers conferred by sub-section (1) of section 467 of the Companies Act, 2013 makes the certain further alterations in Schedule III of the Act.

Regards,
CS Atul Mehta
President