

NDA Update – Relaxations of time for filing forms relating to charges

MCA has introduced a Scheme, namely "Scheme for relaxation of time for filing forms related to creation or modification of charges under the Companies Act, 2013" for the purpose of condoning the delay in filing certain forms related to creation/ modification of charges vide circular no 23/2020 Dated June 17, 2020.

The scheme is applicable to:

- Forms CHG-1 & CHG-9 (creation or modification of charges) only. It is not applicable to Form CHG-4 (satisfaction of charges).
- The cases where date of creation or modification of charge is before 01.03.2020, but the timeline for filing of such form had not expired under Section 77 as on 01.03.2020.
- The charges created or modified between 01.03.2020 and 30.09.2020.

Relaxation of time & Fees

- In cases where date of creation or modification of charge is before 01.03.2020, the period between 01.03.2020 and 30.09.2020 shall not be considered for the purpose of counting the number of days under section 77 or section 78 of the Act. If the form is filed between 01.03.2020 and 30.09.2020, the fees applicable as on 29-02-2020 shall only be payable. If the form is not filed between 01.03.2020 and 30.09.2020, 01.10.2020 shall be considered as the first day after 29.02.2020 for the purpose of counting the number of days and fees shall be calculated accordingly.
- In cases where date of creation or modification of charge is between 01.03.2020 and 30.09.2020, such period shall not be considered for the purpose of counting the number of days under section 77 or section 78 of the Act. If the form is filed between 01.03.2020 and 30.09.2020, normal fees shall only be payable. If the form is not filed between 01.03.2020 and 30.09.2020, 01.10.2020 shall be considered as the first day for the purpose of counting the number of days and fees shall be calculated accordingly.

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Scheme shall not apply in cases where:

- The forms i.e. CHG-1 and CHG-9 has already been filed before the date of issue of this Circular. There shall be no refund of additional fees already paid.
- The timeline for filing the form has already expired under section 77 or section 78 of the Act prior to 01.03.2020.
- The filing is for Form CHG-4

http://www.mca.gov.in/Ministry/pdf/Circular23_17062020.pdf