

## *MCA Relaxation (Due to CoVID)*

*03<sup>rd</sup> May, 2021*

Ministry of Corporate Affairs has issued Circulars on May 03, 2021 as **as Relaxation due to CoVID**, in Companies Act, 2013 in respect of :-

- ✓ Form Filings
- ✓ Holding of Board Meetings

### **<sup>1</sup>Circular - 1: Maximum Gap Between Two Board Meetings**

MCA extended gap between two board meetings by 60 days for first two quarters of financial year 2021-22. According to this, the gap between two consecutive Board Meetings may extend to 180 days during the quarters, April to June and July to August.

Eg: if 120 gap of board meeting falling in between 1<sup>st</sup> April, 2021 to 30<sup>th</sup> September 2021 then maximum gap of Board Meeting shall be considered as 180 days.

Eg: if 120 completing on 30<sup>th</sup> April then 180 days shall be considered till 30<sup>th</sup> June.

<sup>1</sup> [https://www.mca.gov.in/Ministry/pdf/GeneralCircularNo8\\_03052021.pdf](https://www.mca.gov.in/Ministry/pdf/GeneralCircularNo8_03052021.pdf)

Please subscribe our You Tube Channel “**FCSDiveshGoyal**”  **YouTube**

## **2Circular - 2 : Relaxation in additional fees for filing of form after due date**

As per this circular, if due date of any form (except CHG-1, CHG-4 and CHG-9) falling between 1<sup>st</sup> April, 2021 to 30<sup>th</sup> May, 2020 then those forms can be file without additional fees till 31<sup>st</sup> July, 2021.

Eg: Due date for MSME-1 was 30<sup>th</sup> April, 2021. This date is falling under above dates. Therefore, this can be file till 31<sup>st</sup> July, 2021.

## **Circular - 3 : Relaxation in time for filing of Charge related form after due date**

### **I. APPLICABILITY:**

As per provisions of Section 77 of Companies Act, 2013 form CHG-1 and CHG-9 relating to Creation and Modification of Charge need to be file in **maximum 120 days from date of creation or modification.**

Circular shall be applicable in following Manner:

**PART I: If date of creation or modification of charge is before April 01, 2021.**

---

<sup>2</sup> [https://www.mca.gov.in/Ministry/pdf/GeneralCircularNo6\\_03052021.pdf](https://www.mca.gov.in/Ministry/pdf/GeneralCircularNo6_03052021.pdf)

Please subscribe our You Tube Channel “**FCS Divesh Goyal**”  **YouTube**

---

If date of creation or modification of charge is before April 01, 2021, but the timeline for filing of such form had not expired under Section 77 (i.e. 120 days) as on April 01, 2021

EG.

---

a) Charge created/ modified before April 01, 2021 but as on April 01, 2021 One hundred Twenty Days (120 days) has not expired.

\*\*In other word we can say that, charge is created or modified on or after December 02, 2020 is eligible for this scheme.

---

**PART II: If date of creation or modification of charge is between April 01, 2021 to May 31, 2021.**

---

If date of creation or modification of charge is between April 01, 2021 and May 31, 2021 then all such form shall fall under this scheme.

EG.

---

a) If Charge Created or modified after April 01, 2021 then this scheme is also applicable on all such forms.

---

Please subscribe our You Tube Channel "**FCSDiveshGoyal**"  **YouTube**

## II. RELAXATION OF TIME/ FEE UNDER SCHEME:

**PART I: If date of creation or modification of charge is before April 01, 2021.**

---

### TIME LINE

- The period beginning from April 01, 2021 and ending on May 31, 2021 **shall not be** reckoned for the purpose of filing of form u/s 77 & 78.
  - In case form not filed till May 31, 2021 the first day after March 31, 2021 shall be June 01, 2021.
- 

EG.

- a) If Charge created/ modified on February 14, 2021, then what shall be due date as per scheme.

Ans: Maximum time for filing of form is 120 days. Till March 31, 2021 | 45 days passed. Remaining days 75 days. As per above provision:

- If company file form between April 01 to May 31 then as form filed after 30 days but before 60 days i.e. 45 days on March 31, therefore, company is required to pay normal fees as well as additional fees.
  - If Company file form till May 31, then June 01, shall be considered as 46<sup>th</sup> day for the purpose of fees payable on Charge Form
- 

### FEES:

Please subscribe our You Tube Channel “[FCSDiveshGoyal](#)”  YouTube

- 
- If company file form between April 01 to May 31 then fees applicable on such form as on March 31, required to be pay till May 31.
  - If Company file form till May 31, then June 01, shall be considered as next day of March 31, for the purpose of fees payable on Charge Form.
- 

## **PART II: If date of creation or modification of charge is between April 01, 2021 to May 31,2021.**

---

- The period beginning from April 01, 2021 and ending on May 31, 2021 **shall not** be reckoned for the purpose of filing of form u/s 77 & 78.
  - In case **form not filed** till May 31, 2021 then June 01 shall be first day to count 120 days u/s 77
- 

Author - CS Divesh Goyal, GOYAL DIVESH & ASSOCIATES Company Secretary in Practice from Delhi and can be contacted at [csdiveshgoyal@gmail.com](mailto:csdiveshgoyal@gmail.com)).

Disclaimer: The entire contents of this document have been prepared based on the relevant provisions and as per the information existing at the time of the preparation. Although care has been taken to ensure the accuracy, completeness and reliability of the information provided, I assume no responsibility therefore. Users of this information are expected to refer to the relevant existing provisions of applicable Laws. The user of the information agrees that the information is not a professional advice and is subject to change without notice. I assume no responsibility for the consequences of use of such information.

Please subscribe our You Tube Channel "**FCSDiveshGoyal**"  **YouTube**


**DIVESH GOYAL**

Practicing Company Secretary  
**GOYAL DIVESH& ASSOCIATES**

Mob: +918130757966  
csdiveshgoyal@gmail.com

---

**IN NO EVENT SHALL I SHALL BE LIABLE FOR ANY DIRECT, INDIRECT,  
SPECIAL OR INCIDENTAL DAMAGE RESULTING FROM, ARISING OUT OF OR  
IN CONNECTION WITH THE USE OF THE INFORMATION.**

Please subscribe our You Tube Channel "**FCSDiveshGoyal**"  **YouTube**

