

Editorial 822

FAQ's/ Clarification Physical Filing of forms on MCA V3

Date: 22.02.2023

SHORT SUMMARY:

MCA has issued General Circular No 05/2023. In this circular MCA has mentioned about filing of Six Forms of Companies Act, 2013 in physical Mode with Concerned ROC for specific Time period of roll out.

Question on Circular No-1

Que 1: Which Forms allowed by MCA for filing in Physical Mode.

Ans 1: As per MCA Circular No 5, below mentioned 6 forms are allowed to be submit in Physical with ROC due to MCA V3 roll out. (DG)

S.No.	Form	Purpose (DG)
1	GNL-2	Filing of prospectus related documents and Private Placement (DG)
2	MGT-14	Filing of Resolutions relating to prospectus related documents and Private Placement (DG)
3	PAS-3	Allotment of Shares (DG)
4	SH-8	Letter of Offer for Buyback of own shares or other securities) (DG)
5	SH-9	Declaration of Solvency (DG)
6	SH-11	Return in respect of buy-back of securities (DG)

Que 2: What is the time period for filing of above mentioned 6 forms in physical mode? (DG)

Ans 2: Above mentioned 6 forms can be filed in physical for the period **from 22.02.2023 to 31.03.2023** with the concerned ROC. (DG)

Que 3: Whether MGT-14 for Private Placement offer letter can be filed physically according to this circular? (DG)

Ans 3: As per circular MGT-14 can be filed for following purposes. (DG)

- Filing of Resolutions relating to prospectus related documents.
 - Filing of Resolution relating to Private Placement of Securities
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Que 4: If Due Date of any form has already been expired on 22.02.2023. Whether Such form can also be filed physically? (DG)

Ans 4: As nothing specific is written about the same. They simply mentioned all these 6 forms if you want to file between 22.02.2023 to 31.03.2023 then you can file in physical manner. Therefore, one can opine that due date of form doesn't matter for physical filing. (DG)

Que 5: How to file these 6 forms in physical form according to the circular? (DG)

Ans 5: The Company has to follow the below mentioned process: (DG)

- i. Company may download PDF form from the V3 Circular. (As form from V3 portal cannot be downloaded and form on V2 portal are not available)
- ii. Take print out and fill the form manually.

- iii. Prepare a undertaking that company shall also file the relevant form in electronic form on MCA21 portal along with the fees.
 - iv. Get it sign from the concerned person. (Form should be physically signed by the person who is authorized to file that form.)
 - v. Submit the form along with undertaking and attachments with ROC in physical.
 - vi. Along with physical form company have to submit the copy of the form, undertaking and attachment in pen drive or any other electronic media with Roc.
 - vii. No need to make any payment for physically filing with Roc.
 - viii. ROC will give the acknowledgement of filing of such physical form. (Format of acknowledgement has been given under the circular)
 - ix. Once the electronic form shall be available on the portal. Company shall file the electronic form on V-3 along with the actual fees. (DG)
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Que 6: To submit forms in physical manner which of the following mode should be use. Like: Courier/ Speed-post or by hand delivery? (DG)

Ans 6: As per Circular on physical submission of form with ROC, they will issue a physical acknowledgement of the same.

Therefore, one can opine that, 1 **By Hand Delivery** mode shall be the option for physical filing. (DG)

Que 7: Whether PAS-3 for Right Issue of Shares can be file in Physical? (DG)

Ans 7: As per Circular, no where it is restricted about the mode of allotment in PAS-3.

Therefore, one can opine that, PAS-3 in physical mode can be file for any type of allotment.

Que 8: Purposes for which MGT-14 can be file in physical mode with ROC b/w 22.02.2023 to 31.03.2023? (DG)

Ans 8: As per circular MGT-14 can be file for following purposes. (DG)

- Filing of Resolutions relating to prospectus related documents.
 - Filing of Resolution relating to Private Placement of Securities
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Que 9: To which ROC Company can submit their forms in physical mode? (DG)

Ans 9: Companies have to submit the physical form with their concerned ROC as applicable on the Company. (DG)

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

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