

General Circular No. 07/2021

File No.02/01/2021-CL-V
Government of India
Ministry of Corporate Affairs

5th Floor, 'A' Wing, Shastri Bhawan,
Dr. R. P. Road, New Delhi-110001.

Dated: 03/05/2021

To
All Regional Directors,
All Registrar of Companies,
All Stakeholders.

Subject: Relaxation of time for filing forms related to creation or modification of charges under the Companies Act, 2013.

Sir/Madam,

On account of the resurgence of COVID-19 pandemic, representations have been received in this Ministry requesting relaxation of timelines related to filing of certain charge related forms. The representations have been examined and the Central Government has, in exercise of its powers under section 460 read with section 403 of the Companies Act, 2013 (Act) and the Companies (Registration Offices and Fees) Rules, 2014, decided to allow relaxation of time and condone the delay in filing forms related to creation/modification of charges as per details given in para 2 of this Circular.

2. (i) **Applicability:-** This Circular shall be applicable in respect of filing of Form No. CHG-1 and Form No. CHG-9 (both referred as 'form' or 'forms') by a company or a charge holder, where the date of creation/modification of charge:

a. is before 01.04.2021, but the timeline for filing such form had not expired under section 77 of the Act as on 01.04.2021, **or**

b. falls on any date between 01.04.2021 to 31.5.2021 (both dates inclusive).

(ii) Relaxation of time:

- a. In case a form is filed in respect of a situation covered under sub-para (i)(a) above, the period beginning from 01.04.2021 and ending on 31.05.2021 shall not be reckoned for the purpose of counting the number of days under section 77 or section 78 of the Act. In case, the form is not filed within such period, the first day after 31.03.2021 shall be reckoned as 01.06.2021 for the purpose of counting the number of days within which the form is required to be filed under section 77 or section 78 of the Act.
- b. In case a form is filed in respect of a situation covered under sub-para (i)(b) above, the period beginning from the date of creation/modification of charge to 31.05.2021 shall not be reckoned for the purpose of counting of days under section 77 or section 78 of the Act. In case, the form is not filed within such period, the first day after the date of creation/modification of charge shall be reckoned as 01.06.2021 for the purpose of counting the number of days within which the form is required to be filed under section 77 or section 78 of the Act.

(iii) Applicable Fees:

- a. In regard to sub-para (ii)(a) above, if the form is filed on or before 31.05.2021, the fees payable as on 31.03.2021 under the Fees Rules for the said form shall be charged. If the form is filed thereafter, the applicable fees shall be charged under the Fees Rules after adding the number of days beginning from 01.06.2021 and ending on the date of filing plus the time period lapsed from the date of the creation of charge till 31.03.2021.
- b. In regard to sub-para (ii)(b) above, if the form is filed before 31.05.2021, normal fees shall be payable under the Fees Rules. If the form is filed thereafter, the first day after the date of creation/modification of charge shall be reckoned as 01.06.2021 and the number of days till the date of filing of the form shall be counted accordingly for the purposes of payment of fees under the Fees Rules.

(iv) The Circular shall not apply, in case:

- a. The forms i.e. CHG-1 and CHG-9 had already been filed before the date of issue of this Circular.
- b. The timeline for filing the form has already expired under section 77 or section 78 of the Act prior to 01.04.2021.
- c. The timeline for filing the form expires at a future date, despite exclusion of the time provided in sub-para (ii) above.
- d. Filing of Form CHG-4 for satisfaction of charges.

3. This issues with the approval of the Competent Authority.

Yours faithfully,



**(KMS Narayanan)
Assistant Director (policy)**

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1. E-Governance section
2. Guard file.