



Dear Members,

Your Council is deeply disturbed by the Companies (Registration of Offices and Fees) Amendment Rules, 2014 issued on 28th April 2014 which requires pre-certification of e-forms to be filed by companies other than one person companies and small companies. We strongly feel that exemption of more than 70% of the companies from pre-certification has defeated the basic purpose of pre-certification, that is, data integrity and availability of prompt and accurate information to stakeholders.

Since these companies are not subject to certification of annual returns by an independent professional, secretarial audit, appointment of key managerial personnel, this exemption has potential to adversely affect compliance of laws and regulations and deprive the Government and the society of the much needed comfort.

In the public interest, it is our duty to apprise the Government of the serious concerns emanating from such large scale exemption from pre-certification and we would strive hard to ensure restoration of pre-certification of all e-forms filed by companies.

We are also pained by the removal of Company Secretary from pre-certifying Form AOC-4. The Rules notified on March 27, 2014 required pre-certification of AOC-4 by Company Secretary/ Chartered Accountant/ Cost Accountant in Practice and now this stands amended by the notification dated April 28, 2014.

It may be recalled that when filing of Balance Sheet and Profit & Loss Account in XBRL mode introduced in 2011 , vide Circular No. 37/2011 dated 07.06.2011 and 07.07.2011 , only Statutory Auditors were authorised to certify the financial statements prepared in XBRL mode. The Institute took up the matter seriously and subsequently MCA under Circular No.57/2011 dated 07.07.2011 authorised professionals like Company Secretaries to verify and certify XBRL document of financial statements in e-forms. It is also reported that majority of such filing are done by Company Secretaries in Practice today.

We would again take up seriously with the Ministry to restore precertification of e-Form AOC-4 by Company Secretary in Practice also.

We would vigorously follow up the other representations seeking amendments to the Rules relating to appointment of company secretary (section 203), and secretarial audit (section 204) and are hopeful of positive outcome on our representations.

Regards,

(CS R. Sridharan)
President
e-mail:president@icsi.edu