Role of CMA'S under COMPANIES ACT, 2013

by: CMA Robin Singh

Companies act,2013 provides various opportunities to professionals and CMAs are one of them .....

CMA as

- ❑ Key Managerial Personal
- ❑ Cost Auditor
- ❑ Independent Director
- ❑ Tribunal Member
- ❑ Company Liquidator
- ❑ Administrator
- ❑ Internal Auditor
- ❑ Pre-Certification
- ❑ An Expert

CMA Robin Singh

Great

Opportunities

CMA Robin Singh

"Then, lets discuss these opportunities in brief" .....

CMA Robin Singh

REFERED SECTIONS IN SLIDES ARE OF COMPANIES ACT,2013.....

TRIBUNAL MEMBER

Section 409(3)

Cost Accountant in Practice having at least fifteen years service is eligible to be appointed as a Technical Member of the National Company Law Tribunal

Cost Accountant either in employment or in practice who is having more than 25 years will be eligible to be appointed as the Technical Member of the National Company Law Appellate Tribunal.

INDEPENDENT DIRECTOR

Section 150

- Provides that every listed public company shall have at least one third of total number of directors as independent directors

- Central Government may prescribe the minimum number of independent directors in case of any class or classes of public companies.

Register yourself at

https://independentdirector.in

CMA Robin Singh

Key Managerial Person

Section 2

Managing Director or Chief Executive Officer or manager and in their absence, a whole time director

Company Secretary AND Chief Financial Officer.

By virtue of qualification and experience a Cost Accountant may become a Key Managerial Person in the company..

CMA Robin Singh

Company Liquidator

Section 275

Provisional liquidator or the Company Liquidator, shall be appointed from a panel maintained by the Central Government consisting the names of → →→→→→→

-Chartered Accountants

-Advocates

-Company Secretaries

-Cost Accountants.

CMA Robin Singh

Administrator

Section 259

- Interim administrator or the company administrator, shall be appointed by the Tribunal consisting of the names of
  - Company Secretaries
  - Chartered Accountants
  - Cost Accountants and
  - Such other professionals as may, by notification, be specified by the Central Government.

CMA Robin Singh

Incorporation of Company

"Cost Accountant in practice, who is engaged in the formation of the company, is to sign the declaration and to attach the same along with the Form- INC 8, at the time of e-filing, in respect of registration and matters precedent or incidental thereto have been complied with"

An Expert

Section 2(38)

"The term 'expert' which includes an engineer, a valuer, a Chartered Accountant, a Company Secretary, a Cost Accountant and any other person who has the power or authority to issue a certificate in pursuance of any law for the time being in force"

Pre-Certification of e forms

Rule 8(12)

- **INC 21-** Declaration prior to commencement of business or exercising borrowing powers
- **INC 22 -** Notice of situation or change of situation of registered office
- **INC 28 –** Notice of the order of the Court or any other competent authority
- **PAS 3 –** Return of Allotment
- **SH 7 –** Notice to Registrar of any alteration of share capital;

CMA Robin Singh

Pre-Certification of e forms

Rule 8(12)

- **CHG 1** – Form for registration of creation, modification of charge (other than those related to debentures)
- **CHG 4** – Particulars of satisfaction of charges thereof
- **CHG 9** – Application for registration of creation or modification of charge for debentures or rectification of particulars filed in respect of creation or modification of charge for debentures
- **MGT 14** – Filing of resolutions and agreements to the Registrar;

Pre-Certification of e forms

Rule 8(12)

- **DIR 6 –** Intimation of change in particulars of Director to be given to the Central Government
- **DIR 12-** Particulars of appointment of Directors and the Key Managerial Personnel and the changes among them
- **MR 1-** Return of appointment of key managerial personnel
- **MR 2 –** Form of application to the Central Government for approval of appointment and remuneration or increase in remuneration or waiver for excess or over payment to Managing Director or Whole Time Director or Manager and commission or remuneration to Directors

CMA Robin Singh

Pre-Certification of e forms

Rule 8(12)

- **MSC 1 –** Application to Registrar for obtaining the status of dormant company
- **MSC 3 –** Return of dormant companies
- **GNL 3 –** Particulars of person(s) or key managerial personnel charged or specified for the purpose of sub-clause (iii) or (iv) of clause 60 of Section 2
- **ADT 1 –** Notice of appointment of auditor by the Company
- **NDH 1 –** Return of statutory compliances;
- **NDH 2 –** Application for extension of time;
- **NDH 3-** Half yearly return.

CMA Robin Singh

Rule 8(12)

Pre-Certification of e forms

- **Rule 8 (12) (b)** provides the following e-forms filed by companies, other than one person companies and small companies,, under Rule 9(1) shall be pre-certified by the Cost Accountant in whole time practice:

- **GNL 1 – 4 –** Form for filing an application with Registrar of Companies; (option);

- **Rule 8 (12) (C)** provides that e-form DIR – 3 (Application for allotment of DIN) shall be filed along with the attestation of photograph, identity proof and proof of residence of the applicant by the Cost Accountant, in whole time practice.

CMA Robin Singh

Internal Audit

Section 138

Section 138 provides that such class or classes of companies as may be prescribed shall be required to appoint an internal auditor, who shall either be a Chartered Accountant or Cost Accountant or

such other professional as may be decided by the Board to conduct internal audit of the functions and activities of the company. The Central Government may, by rules, prescribe the manner and the intervals in which the internal audit shall be conducted and reported to the Board.

CMA Robin Singh

Cost Audit

Section 148

Central Government to specify audit of items of cost in respect of certain companies. engaged in the production of goods or providing services as may be prescribed, direct that particulars relating to the utilization of :

- material or
- labor or
- to other items of cost

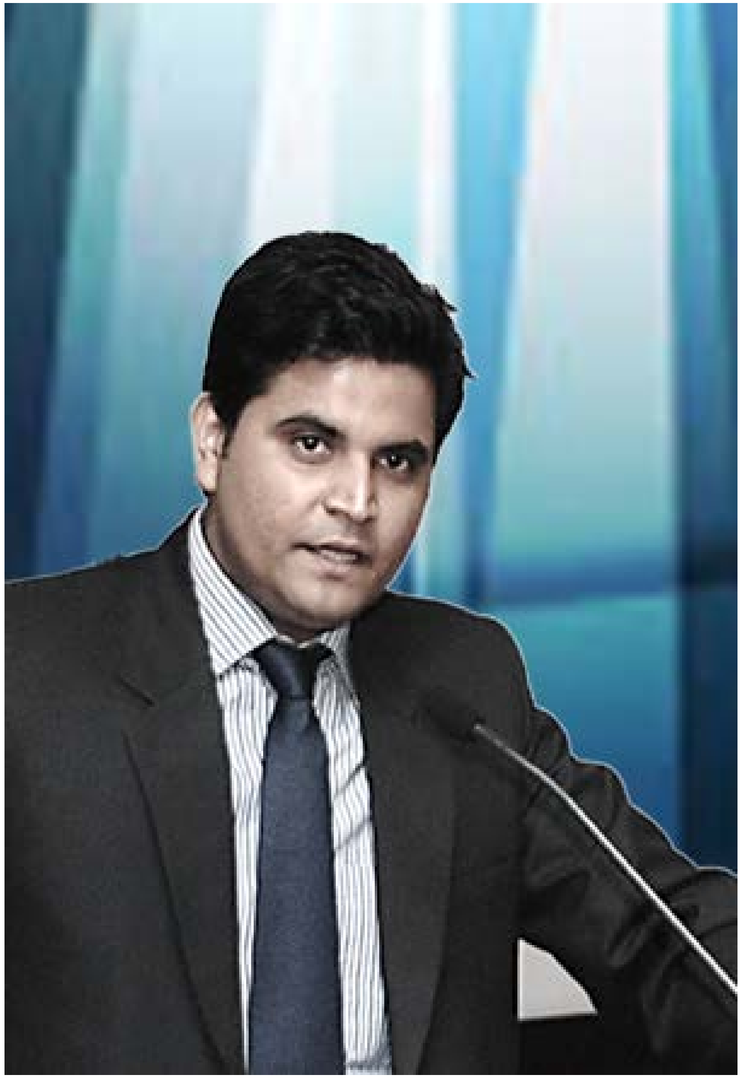
may be prescribed shall also be included in the books of account kept by that class of companies

Net worth or turnover of such amount as may be prescribed, shall be conducted in the manner specified in the order;

The audit shall be conducted by a Cost Accountant in practice who shall be appointed by the Board on such remuneration as may be determined by the members in such manner as may be prescribed;

CMA Robin Singh


“INVITE OPPORTUNITY TO COME
KNOCKING ON YOUR DOOR,
And grab it”



CMA ROBIN SINGH

SONY INDIA PVT. LTD.

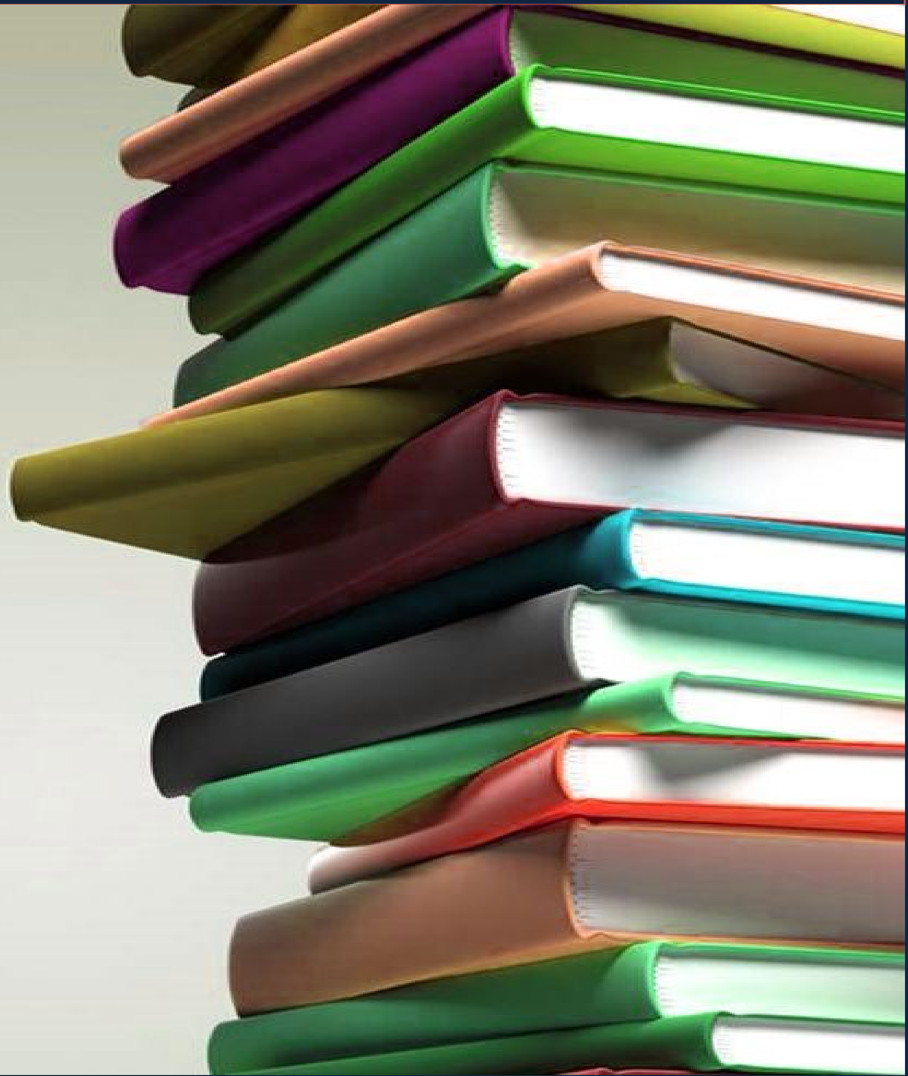
Tax & Regulatory

cmarobin@yahoo.com

@robin9

❖ Next Presentation

- ❑ Role of CMAs as Internal Auditor



"Under Preparation"

...will share soon

Thankyou