

SUMMARY OF MCA-21

The Ministry of Company Affairs has launched on 18th February, 2006 its e-governance MCA-21 Project by commencing the process of e-filing of company documents with the office of Registrar of Companies (ROC), Coimbatore and by the end of April, 2006, all ROC offices in the country will be accepting company documents in e-form. The statutory filing in the office of ROC, Coimbatore is now on the basis of new e-Forms only w.e.f. 18th February 2006. For other locations across the country, the relevant date after which filing and submission of documents would be on the basis of new e-Forms only has been fixed as 28th February 2006. Accordingly, the process of filing the existing forms in locations other than Coimbatore can continue until 27.2.2006 after which only the notified e-forms shall have to be filed whether filed electronically or in physical mode until the electronic filing is made mandatory.

The electronic forms shall be authenticated by the authorized signatories using *digital signature* as defined under the Information Technology Act, 2000.

The e-filing will be launched in Delhi on 18th March 2006, expected to be launched in Mumbai on 18th April, 2006 and in other locations by end of April 2006. The Union Cabinet has also approved the MCA's proposal for introducing limited amendments in the Companies Act, 1956 to enable smooth implementation of the MCA-21 project.

E-forms notified

MCA has vide Notification No. GSR 56(E) dated 10th February 2006, issued the Companies (Central Government's) General Rules and Forms (Amendment) Rules, 2006 and notified new e-Forms. The said forms are available at www.mca.gov.in

Certification of e-forms

Certification of company documents by practicing professionals as is presently required, has not only been continued by MCA-21 in its e-forms but the same has also been extended to several other forms comprising of Form Nos. 2, 3, 5, 8, 10, 17, 18, 23, 23C, 24AB, 32, etc.

Director Identification Number (DIN)

All existing and new directors will require the Director Identification Number. To get the DIN an online application is to be filed. A provisional DIN will be issued after online filing. Thereafter, the printed detail of the fields entered has to be generated. A photo has to be attached on the form with proof of the residence duly attested by Notary/ Gazetted Officer/ Certified Professionals (CA/ CS/ ICWA). The same will then be submitted in the RD office (Regional Director) at Noida. The RD office at Noida will issue the DIN. While filing the forms the company identification number (CIN) also needs to be mentioned. It has been clarified by MCA that on resignation of the Director from a company the DIN obtained does not have to be cancelled. The DIN will remain with the individual only.

Digital Signature Certificate (DSC)

All signatories of a company including Managing Director, Directors, Manager or Secretary/ authorized to sign the various forms to be filed with ROC, RD or MCA are required to obtain digital signature certificate (DSC).

Obtaining Digital signatures Certificate

A member may obtain class II Digital Signature Certificate for MCA 21 Project from TCS, MTNL, Sify Communication, etc

Infrastructure for e- filing

The pre-requisite for using the portal MCA 21 will be:

- ✓ P-4 Computer with printer,
- ✓ Internet Explorer 6.0 ver.
- ✓ Adobe Acrobat Reader 7.05 ver;. and
- ✓ Digital Signature Certificate.

Facilities

The following facility will be available in e-filing

- ✓ Pre-filling (based on information already provided).
- ✓ Pre-scrutiny (validation of various entries made)
- ✓ Attachment of document
- ✓ Payment calculated by system
- ✓ Payment may be 'Challan' based or online through Payment Gateway.

Payment Gateway

The traditional 'Challan' based systems may be used. MCA has tied up with 200 branches of SBI, PNB, Indian Bank, ICICI and HDFC Bank for this purpose. For online payment the Payment Gateway of ICICI

Bank has been implemented.

Physical Front Office (PFO) where services for MCA will be provided

In order to provide assistance in e-filing to the stakeholders who do not have access to a computer system, an Internet connection and those who are not adept in using computerized applications, location of Facilitation Centers, also known as Physical Front Offices (PFOs) at 53 places throughout the country has been envisaged. This would eliminate the requirement of personally visiting the ROC offices or other offices of MCA to complete a transaction.

Corporate Identity Number (CIN)

Every company has been allocated a Corporate Identity Number (CIN). CIN can be found from the MCA 21 portal through search based on:

- ✓ ROC Registration No.
- ✓ Existing Company Name
- ✓ Old Name of Company
- ✓ Inactive CIN

SOME CLARIFICATIONS

MCA has clarified on the following issues:

- ✓ The filing will be done only through the portal MCA 21 and not through Email.
- ✓ The transaction will be deemed as completed only after clearance of the payment by the bank.
- ✓ The systems will hold the applications for five days till the payment is made
- ✓ Stamp duty will be paper based. It is proposed that the payment of stamp duties will also be made online in phases through banks in near future. 15 states have already authorized the Central Government in this regard (as stamp duty is a State subject) and authorization from the remaining States is expected.

The forms may be filed online or offline after downloading. MCA recommends that the forms be filled offline and then submitted on the portal. With the above system the entire e-filing is expected to be done from the virtual office.

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