General Circular- 10/2014

File No MCA21/28/2014-E-gov
Government of India
Ministry of Corporate Affairs

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

Date: - 07.05.2014

To,

All Regional Director
All Registrars of Companies

Sub: - Certification of E-forms/non e-forms under the Companies Act, 2013 by the Practicing Professionals: - regarding..

Sir,

The Ministry has allowed registered Members of the professionals bodies (the ICAI, ICSI and the ICOAI) to authenticate correctness and integrity of documents being filed by them with the MCA in electronic mode. Details of documents required to be certified have been given in the notification dated 28/04/2014 available on the MCA portal.

2. In this regard attention is invited towards the requirement of authentication of documents prescribed under the Companies (Registration Offices and Fees) Rules, 2014 which elaborate on the responsibility. Further, Rule 10 of ibid the Registrar is to examine e-forms or non e-forms attached and filed with general forms on MCA portal viz. to verify whether all the requirements have been complied with and all the attachment to the forms have been duly scanned and attached in accordance with the requirement of above said rules.

3. Where any instance of filing of documents, application or return or petition etc. containing false or misleading information or omission of material fact or incomplete information is observed, the Regional Director or the Registrar as the case may be, shall conduct a quick inquiry against the professionals who certified the form and signatory thereof including an officer in default who appears prima facie responsible for submitting false or misleading or incorrect information pursuant to requirement of above said Rules; 15 days notice may be given for the purpose.

4. The Regional Director or the Registrar will submit his/her report in respect of the inquiry initiated, irrespective of the outcome, to the E-Governance cell of the Ministry within 15 days of the expiry of period given for submission of an explanation with recommendation in initiating action u/s 447 and 448 of the Companies Act, 2013 wherever applicable and also regarding referral of the matter to the concerned professional Institute for initiating disciplinary proceedings.

5. The E-Gov cell of the Ministry shall process each case so referred and issue necessary instructions to the Regional Director/ Registrar of Companies for initiating action u/s 448 and 449 of the Act wherever prima facie cases have been made out. The E-Gov cell will thereafter refer such cases to the concerned Institute for conducting disciplinary proceedings against the errant member as well as debar the concerned professional from filing any document on the MCA portal in future.

6. The Registrar shall forward a fortnightly report to the concerned Regional Director as well as to the E-Gov Division. Thereafter, the Regional Director shall forward a consolidated report to the Joint Secretary E-Governance Division on or before 7th of every month as per the prescribed proforma (copy enclosed).

7. This issues with the approval of the Secretary.

Yours faithfully,

(KMS. Narayanan)
Assistant Director
23387263

1. PPS to Secretary
2. PPS to Additional Secretary
3. PPS to JS(R) / JS(B)/ JS(M)/ DII(UCN)/DII(BNH)
4. PS to DIR(AB)

IndiaCode

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PROFORMA FOR FORTNIGHTLY REPORT BY ROC

For the period from..... to .....

SL NO	NAME OF THE PROFESSIONAL	MEMBER OF THE INSTITUTE	MEMBERSHIP NO /CP NO.	DETAILS OF THE CASE	REMARKS

PROFORMA FOR MONTHLY REPORT BY RD

FOR THE MONTH OF .....

Sl no	Name of the ROC	Details of the professional	Membership no / CP no.	Fact of the case	remarks

Indiacode