

## **KNOW YOUR MCA21**

### **Digital Signature Certificates: (DSC)**

1. The details for DSC and the Certifying Authorities are put up on the MCA Portal
2. An 'Individual' Category DSC is to be obtained from a licensed Certifying Authority (CA) i.e. class II or III certificate.
3. Class II certificates are issued on the basis of validation done against physical verification done by a trusted third party (CA) Whereas Class III certificates are directly issued by CA on the basis of declaration of the individuals.
4. Both class II and class III certificate generates two set of keys i.e. Public and private key.
5. To begin with, online registration and enrollment has to be done with the CA
6. Thereafter the same is to be backed up with physical application form and supporting of residence and identity
7. The Certificate issued by the CA can be downloaded either on a USB token or on the system. The advantage with a USB token is the signature portability and security.
8. Application of digital signature on ROC form will protect the data on the form and will be secured from tampering and modifications.
9. The validity of the DSC is either one year or two year based on the plan. Subsequently it is required to be renewed.
10. One individual one certificate is the basis. So individual can use the same DSC as director or professional.
11. DSC can also be obtain as Company user, in this case the said DSC can be used only for the purpose of that company.

### **General:**

1. Filing of forms with ROC offices is mandatory and required to be done using the new eforms w.e.f. February 28, 2006
2. The eforms can be presently filed in a hard copy format till the respective ROC becomes online.
3. While filling up eform for physical filing, sometime the form requires to use Prefill button. If the data after using Prefill is not correct or not matching or you do not have the CIN number or name approval number, then it is advisable to take print of the eform and fill the details by hand and submit it.
4. Individual Digital signatures are mandatory after June 06.
5. The eforms compulsorily will have to quote the Directors Identification Number (DIN).
6. Obtaining DIN is mandatory for all directors/ future directors of companies whether public or private.
7. Registering and obtaining a user id with MCA portal is mandatory for Directors, Professionals and Company.
8. To download/ process/ fill up eforms from the MCA website it must be ensured that the pre-requisite software for efilling viz. Windows XP / 2000 operating system, Adobe Reader 7.0.5 or 7.0.7 version, Java Runtime Environment (JRE) and Internet explorer version 6 is available on your PC. In case the same is not there, required software can be downloaded through the MCA website.

9. You need to have the speedy Internet connection, preferably broadband.

### **E Filing:**

1. Requirement of filing of Form 13 (Register of charges) has been removed and only Form 8 has to be filed for any new charges or for modification of existing charge.
2. Every company has to obtain a Company Identification Number (CIN) and for foreign company FCRN
3. The same is available on the MCA website by clicking on the icon 'Other Services' on the left hand side of the portal "Find CIN"
4. The CIN can be obtained by entering one of the following parameters viz. the Company name (New or Old) or Company registration no or Inactive CIN
5. For filling up the eforms following steps are suggested:
  - a. Download the eform from the MCA portal
  - b. Fill the form offline
  - c. Enter the CIN of the Company
  - d. Click on the 'Prefill' button. This will automatically fill up the basic company information available in the MCA database thereby reducing efforts in filling up the form. For this purpose you need to connect to the internet. (Online)
  - e. As of now the requirement of Global Location Number (GLN) has not been activated on the MCA portal and as such the same is to be left blank in the form.
  - f. Taking the example of Form 8 further in case of consortium funding only the details of one of the Banks either the Lead Bank or in case the primary charge holder is a Trustee will have to be filled in the eform. The details of the remaining banks can be filled as part of an attachment. The attachment option is available on the portal (eforms)
  - g. In case the charge holder is a Company, the CIN can be entered and the 'Prefill' option can also be exercised
  - h. Along with the eforms the scanned PDF version of the executed instrument creating the charge has to be attached (eg: Memorandum of Entry, Mortgage Deed, etc)
  - i. In case of modification of an existing charge, a 'Charge ID' has to be first obtained
  - j. For obtaining a Charge ID go to "View Index of Charge"
  - k. Enter the CIN and get the Charge ID
  - l. Every time a modification of an existing charge is filed the 'Charge ID' has to be quoted in the eform
  - m. After completely entering all the details in the eform click on the 'Check Form' button. (Offline process)
  - n. This will give a message either of "successful filling" or would give you the errors / defects in the form which have to be rectified
  - o. After successful filling the eform, the form has to be signed by using the digital signature of the signatories.
  - p. After successful signing the forms is to be submitted for pre-scrutiny
  - q. For this one has to be linked to the MCA portal by logging into the system
  - r. Click on the 'eform upload' button
  - s. After uploading the form click on the 'pre-scrutiny' button
  - t. If there are errors in the eform they will be displayed

- u. Close the window
- v. Go to the 'Get Form' button and make the necessary corrections
- w. Submit the form once again for pre-scrutiny
- x. Once the form has been successfully cleared on pre-scrutiny submit the same by using the button 'upload'
- y. On successful submission the system calculates the fees payable on the basis of the information submitted
- z. There are various modes of paying the fees
  - i. Challan (offline payment mode)
  - ii. Credit Card
  - iii. Internet Banking
- aa. In case of Challan the money has to be deposited within a limited time period (max 7 days) and also there is a limitation to the validity of the Challan depending upon the period within which a document is to be filed under the Companies Act i.e. 7 days or due date which ever is earlier.
- bb. The eform submitted will automatically expire in case non-payment within the stipulated period for offline payment mode
- cc. In case of online payment the entire process till payment needs to be done at same time
- dd. After completion of the entire process including payment, the system will generate the acknowledgement (SRN) containing SRN number and SR date and details of payment and details of form filed etc.
- ee. In case of online payment SR date is the date of payment and date of filing.
- ff. In case of offline payment date of payment in bank is the date of filing and acknowledgement number is the SRN.
- gg. The system will provide the details of payment made by using the option Track Payment Status. The status 'paid' will appear only after confirmation of receipt of money received from the Bank.
- hh. Stamp duty payable on some forms like Form 1, 5, 20, then though the eforms have to be filed online but the actual document containing stamp duty will have to be submitted at the ROC office quoting the Form No and the Service Request Number (SRN) generated on filing of the form or the proof of payment of stamp duty needs to be attached with the eform.
- ii. In case of verification of MOA & AOA for new companies the same still has to be done at the ROC office. Therefore after doing the e formation of the company all the MOA/AOA duly signed and stamped needs to be delivered to respective ROC.
- jj. This is a temporary arrangement till a system is finalized with all states for online accepting of stamp duty in electronic mode.
- kk. The SRN generated on filing of the eform must be used for future correspondence with the MCA.
- ll. The status of forms filed can be check by using the facility 'Track Transaction Status' IN LOGIN mode.
- mm. The back office after scrutiny of eform submitted will communicate the error/ acceptance/ registration/ requirements via e-mail.
- nn. There is an option for Refilling or filing of Addendum to the forms.
- oo. The eform already submitted can also be revised by paying the fees for new form. Both the forms will be available at the back office.
- pp. There are Physical Front offices in major cities opened by TCS to help general public to use MCA21 services.

### Others:

- a. For Inspection of documents the same can now be inspected online by going to the option "Access Public Documents" on the MCA Portal
- a. The fees for inspection would continue to be Rs. 50/- and the time validity for inspection would be for 7 days and only at once for 3 hours maximum.
- b. A request for Certified Copies of the documents can also be made online
- c. The fees would depend on the no of pages requested. The system will calculate the fees.
- d. The Certified copies will be sent by the ROC through post or in the alternative can be personally collected from the ROC office quoting the SRN
- e. There is an option for Investor Grievances on the MCA portal. General public can launch the complaints through this mode.
- f. There is also an option of Viewing the "Track Payment Status" on the MCA portal this will enable us to identify whether the fees have been received by the MCA, this is important especially in case of payments through Challan
- g. There is another option of viewing the 'Track Transaction Status' on the MCA portal this will enable us to identify the stage of the eform viz. Accepted or Resubmitted or Clarification sought, etc
- h. In case Form 1A has been filed for incorporating a new company the "Name Approval Reference Number" is to be mentioned subsequently while efilng the remaining forms.
- i. **Every Company has to check the master data by clicking the "Confirm Company & Directors Data" button to verify and confirm if all the details mentioned therein are correct**
- j. **In case of any incorrect information in the master data the same has to be modified by submitting the supporting documentary proof to the respective ROC physically.**

### Incorporation of company:

- a. All the proposed directors need to have the DIN.
- b. For applying DIN following personal information and documents are required.
  - Full name
  - Full name of the father. (in case of married woman's also this is compulsory)
  - Date of Birth
  - Place of Birth
  - Full present residential address
  - Full permanent residential address, if the present address is not permanent residential address
  - Phone number available at both the address.
  - Your personal e mail id, if any
  - Photo copy of proof of identity : i.e. 1. Passport 2. Election (voter identity) card 3. Driving license 4. Income-tax PAN card
  - Photo copy of proof of residence: i.e. 1. Passport 2. Election (voter identity) card 3. Driving license 4. Ration Card 5. Electricity bill 6. Telephone bill 7. Bank account statement

- Latest passport size photograph.
- c. Based on the above information DIN will be processed and provisional DIN number will be generated.
- d. DIN application needs to be signed by the director and then we will attest the documents and photo.
- e. DIN application will then send to MCA DIN cell for processing and getting the final DIN number
- f. One of the proposed Directors (Applicant) needs to get the digital signature.
- g. He will visit the **www.mrmcorp.co.in** website and will do the registration and enrollment for getting the DSC.
- h. The application for DSC will be printed and filled up.
- i. Copies of proof of identification and proof of residence will be attached to DSC application. The copies need to be either attested by gazetted officer or by a Notary or by a professional.
- j. After successful downloading of DSC promoters can proceed with making the application for name availability.
- k. Following information is required for filling up form No 1A
  - Full Name, Fathers name, Residential Address, Occupation, Nationality, Date of Birth, email id, DIN of all the directors is required. For private Company minimum 2 directors and for public company minimum 3 directors are required.
  - Full Name, Fathers name, Residential Address, Occupation, Nationality, Date of Birth, email id, of all the promoters is required. For private Company minimum 2 promoters and for public company minimum 5 promoters are required.
  - State in which company is to be formed
  - Jurisdiction of ROC
  - Maximum 6 proposed names of the Company in order of preference and significance for each proposed name.
  - Details of proposed main activity of the Company
  - Details of trade mark/ service mark associated with the proposed names and copies of the application/ registration etc., if any.
  - In case of logo is associated with the name of the Company, then soft copy of the logo in PDF format is required.
  - In case of Company is the promoter, copy of their Board Resolution is required
  - If the proposed name is similar to other group company name, then copy of the Board resolution of another group company granting no objection to use the name by the new company is required.
  - Details of other directorships with CIN number and designation for proposed directors
  - Details of partnership firm, proprietary concern with full address
  - Proposed authorised capital of the Company. Minimum Rs. 1 lakh for Private Company and Rs. 5 lakhs for public Company.
- l. After filling up all the details in form no 1A the same is required to be digitally signed by the Applicant.
- m. Form will then electronically submit to MCA and fees will be paid electronically

- n. After receipt of intimation for name approval incorporation papers and MOA/ AOA needs to be prepared.
- o. Requirements for form No 1/32.
  - ROC reference number of names approval needs to be obtained from the MCA portal if form 1A is submitted through PFO. In case the form was submitted through the client or consultant's system, then SRN generated at the time of submission of the form is the reference number.
  - The said number is to be filled up in form no 1 to enable data pre-filling.
  - Break up of authorised capital and face value of shares.
  - CIN number of the existing company if it is promoter of the new company
  - Name and designation of the person signing on behalf of the promoter company, if promoted by existing company
  - PDF copy of MOA/AOA (PDF to be made after stamping/ signing by all the promoters and also after making the corrections suggested by ROC)
  - Consent of each director in PDF format (PDF to be made after signing the consent letter)
- p. Requirements for form No 18
  - Full address of the proposed registered office of the Company
  - Full address of police station under whose jurisdiction the address of the company is located.
- q. Form No 18 and 32 needs to be attested digitally by the PCS
- r. MOA/ AOA needs to be witnessed by PCS
- s. Full set of incorporation papers needs to be delivered to ROC for their verification. ROC may suggest modification in MOA/AOA. The same needs to be carried out by the PA holder.
- t. The corrections suggested by ROC on the hard copy of MOA/AOA needs to be incorporated in PDF copies of MOA/AOA
- u. The corrected forms and MOA/AOA needs to be uploaded and payment needs to be made electronically.
- v. System upon successful filing of eforms generates a SRN and date.
- w. The physical incorporation papers and print of SRN needs to be delivered to ROC.
- x. ROC will issue the eCertificate and also physical certificate upon successful completion of the process.

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