

**Summary of Measures Relating to Statutory and Regulatory Compliance under  
Companies Act 2013 and Limited Liability Partnership Act 2008 (LLP) in view of COVID-19**

Updated as on 6<sup>th</sup> July 2020

1. MCA extends last date of filing Form NFRA 2 for FY 2018-19 to 270 days from the date of deployment of the Form – [http://lunawat.com/Uploaded\\_Files/Attachments/F\\_4795.pdf](http://lunawat.com/Uploaded_Files/Attachments/F_4795.pdf)
2. MCA amends Companies (Meeting of Board and its Powers) Rules to further allow meetings on matters referred in rule 4(2) through video conference etc till 30th September 2020 - [http://lunawat.com/Uploaded\\_Files/Attachments/F\\_4748.pdf](http://lunawat.com/Uploaded_Files/Attachments/F_4748.pdf)
3. MCA amends Companies (Appointment and Qualification of Directors) Rules for Independent Directors to further extend time to apply online to IICA from 7 to 10 months i.e. 30th September 2020 due to COVID-19 - [http://lunawat.com/Uploaded\\_Files/Attachments/F\\_4747.PDF](http://lunawat.com/Uploaded_Files/Attachments/F_4747.PDF)
4. MCA extends creation of Deposit reserve of 20% u/s 73(2)(c) and to invest or Deposit 15% of debentures u/r 18 till 30th September 2020 due to COVID-19 - [http://lunawat.com/Uploaded\\_Files/Attachments/F\\_4746.pdf](http://lunawat.com/Uploaded_Files/Attachments/F_4746.pdf)
5. MCA announces Scheme for relaxation of time for filing Forms related to Creation and Modification of Charges due to COVID-19 – [http://lunawat.com/Uploaded\\_Files/Attachments/F\\_4739.pdf](http://lunawat.com/Uploaded_Files/Attachments/F_4739.pdf)
6. MCA extends conduct of EGMs through VC, etc till 30th September 2020 due to COVID-19 - [http://lunawat.com/Uploaded\\_Files/Attachments/F\\_4738.pdf](http://lunawat.com/Uploaded_Files/Attachments/F_4738.pdf)
7. MCA amends Schedule VII to insert PM CARES as CSR activities w.e.f. 28th March 2020 - [http://lunawat.com/Uploaded\\_Files/Attachments/F\\_4718.pdf](http://lunawat.com/Uploaded_Files/Attachments/F_4718.pdf)

---

This document has been compiled as service to our clients. We recommend that you seek professional advice prior to initiating action on specific issues.

**Lunawat & Co.**

Chartered Accountants

[ca@lunawat.com](mailto:ca@lunawat.com)

[www.lunawat.com](http://www.lunawat.com)



8. MCA extends period for names reserved and resubmission of Forms under Company Law and LLP which were falling due between 15th March 2020 to 31st May 2020 due to COVID-19 – [http://lunawat.com/Uploaded\\_Files/Attachments/F\\_4709.pdf](http://lunawat.com/Uploaded_Files/Attachments/F_4709.pdf)
9. MCA issues clarification on issue of notice by post for rights issue till 31st July 2020 due to COVID-19 - Compliance with SEBI circular dt. 6.5.2020 would be fine – [http://lunawat.com/Uploaded\\_Files/Attachments/F\\_4698.pdf](http://lunawat.com/Uploaded_Files/Attachments/F_4698.pdf)
10. MCA clarifies to allow AGM for Calendar year 2020 through Video Conferencing or Audio Visual Means subject to certain conditions due to COVID-19 - [http://lunawat.com/Uploaded\\_Files/Attachments/F\\_4672.pdf](http://lunawat.com/Uploaded_Files/Attachments/F_4672.pdf)
11. MCA amends Companies (Appointment and Qualification of Directors) Rules for Independent Directors to extend time to apply online to IICA from 5 to 7 months i.e. 30th June 2020 due to COVID-19 - [http://lunawat.com/Uploaded\\_Files/Attachments/F\\_4670.pdf](http://lunawat.com/Uploaded_Files/Attachments/F_4670.pdf)
12. Due date of filing Form NFRA -2 for FY 2018-19 extended to 210 days from date of deployment i.e. 6th July 2020 - [http://lunawat.com/Uploaded\\_Files/Attachments/F\\_4665.pdf](http://lunawat.com/Uploaded_Files/Attachments/F_4665.pdf)
13. MCA extends period for names reserved and resubmission of Forms under Company Law and LLP which were falling due between 15th March 2020 to 3rd May 2020 - [http://lunawat.com/Uploaded\\_Files/Attachments/F\\_4658.pdf](http://lunawat.com/Uploaded_Files/Attachments/F_4658.pdf)
14. MCA allows Companies whose financial year are ending on 31st December 2019 to hold their AM till 30th September 2020 due to COVID-19 - [http://lunawat.com/Uploaded\\_Files/Attachments/F\\_4653.pdf](http://lunawat.com/Uploaded_Files/Attachments/F_4653.pdf)
15. MCA provides further clarification on passing of ordinary and special resolutions given in circular dated 8.4.2020 on account of COVID-19 - [http://lunawat.com/Uploaded\\_Files/Attachments/F\\_4623.pdf](http://lunawat.com/Uploaded_Files/Attachments/F_4623.pdf)

This document has been compiled as service to our clients. We recommend that you seek professional advice prior to initiating action on specific issues.

**Lunawat & Co.**

Chartered Accountants

[ca@lunawat.com](mailto:ca@lunawat.com)

[www.lunawat.com](http://www.lunawat.com)

16. MCA clarifies that compliances u/s 124 and 125 read with IEPFA (Accounting, Audit, Transfer and Refund) Rules 2016 and filing of IEPF e-forms due to COVID-19 are covered under CLFSS 2020 - [http://lunawat.com/Uploaded\\_Files/Attachments/F\\_4622.pdf](http://lunawat.com/Uploaded_Files/Attachments/F_4622.pdf)
17. MCA issues FAQs on Corporate Social Responsibility (CSR) related to COVID-19 - [http://lunawat.com/Uploaded\\_Files/Attachments/F\\_4616.pdf](http://lunawat.com/Uploaded_Files/Attachments/F_4616.pdf)
18. MCA issues clarification on passing of Ordinary and Special Resolutions under companies Act 2013 due to COVID-19 - [http://lunawat.com/Uploaded\\_Files/Attachments/F\\_4614.pdf](http://lunawat.com/Uploaded_Files/Attachments/F_4614.pdf)
19. FAQs by ICAI on CLFSS 2020 issued by MCA - [http://lunawat.com/Uploaded\\_Files/Attachments/F\\_4598.pdf](http://lunawat.com/Uploaded_Files/Attachments/F_4598.pdf)
20. FAQs by ICAI on LLP Settlement Scheme 2020 issued by MCA [http://lunawat.com/Uploaded\\_Files/Attachments/F\\_4599.pdf](http://lunawat.com/Uploaded_Files/Attachments/F_4599.pdf)
21. Companies (Auditor's Report) Order, 2020
  - a. CARO 2020 shall be made applicable from the financial year 2020-2021 instead of from 2019-2020.
  - b. CARO 2020 was applicable for FY 2019-20, hence auditors had to report on the same for the audits of FY 2019-20, after extension CARO 2020 would be applicable for accounting periods commencing on or after 1st April 2020.
  - c. For FY 2019-20, CARO 2016 would be applicable.
  - d. Sources:
    - i. F. No. 17/45/2015-CL-V Part I dt. 24<sup>th</sup> March 2020 - [http://lunawat.com/Uploaded\\_Files/Attachments/F\\_4538.pdf](http://lunawat.com/Uploaded_Files/Attachments/F_4538.pdf)
    - ii. FM announcement on several relief measures relating to Statutory and Regulatory compliance matters across Sectors in view of COVID-19 - [http://lunawat.com/Uploaded\\_Files/Attachments/F\\_4537.pdf](http://lunawat.com/Uploaded_Files/Attachments/F_4537.pdf)
22. LLP Act 2008 Forms:
  - a. Any Form which due to be filed under LLP Act 2008 till 31<sup>st</sup> August 2020 can be filed till 30th September 2020 without any additional fee.
  - b. LLP Settlement Scheme 2020 has been revised accordingly.

---

This document has been compiled as service to our clients. We recommend that you seek professional advice prior to initiating action on specific issues.

**Lunawat & Co.**

Chartered Accountants

[ca@lunawat.com](mailto:ca@lunawat.com)

[www.lunawat.com](http://www.lunawat.com)



c. Sources:

- i. LLP Settlement Scheme 2020 as revised by MCA - [http://lunawat.com/Uploaded\\_Files/Attachments/F\\_4551.pdf](http://lunawat.com/Uploaded_Files/Attachments/F_4551.pdf)
- ii. MCA Press Release on Companies Fresh Start Scheme 2020 and LLP Settlement Scheme 2020 - [http://lunawat.com/Uploaded\\_Files/Attachments/F\\_4553.pdf](http://lunawat.com/Uploaded_Files/Attachments/F_4553.pdf)

23. Companies Act 2013 Forms:

- a. No additional fees shall be charged for late filing any Form under Companies Act 2013 during a moratorium period from 1st April to 30th September 2020, in respect of any document, return, statement etc., required to be filed in the MCA-21 Registry, irrespective of its due date
- b. The Scheme also contain provision for giving immunity from penal proceedings, including against imposition of penalties for late submissions and also provide additional time for filing appeals before the concerned Regional Directors against imposition of penalties, if already imposed.
- c. However, the immunity is only against delayed filings in MCA 21 and not against any substantive violation of law.
- d. MCA has notified Companies Fresh Start Scheme 2020 (CFSS 2020) for the same.
- e. The scheme is applicable for all Forms except relating to:
  - i. Increase in Authorised Capital (SH-7)
  - ii. Charge related (CHG-1, CHG-4, CHG-8 & CHG-9)
- f. Following companies cannot avail of this scheme:
  - i. Companies against which action for final notice of strike down has been initiated by Designated authority
  - ii. Companies have themselves filed application for strike-off
  - iii. Companies which have amalgamated
  - iv. Where applications have been filed for Dormant status
  - v. Vanishing Companies

g. Sources:

---

This document has been compiled as service to our clients. We recommend that you seek professional advice prior to initiating action on specific issues.

**Lunawat & Co.**

Chartered Accountants

[ca@lunawat.com](mailto:ca@lunawat.com)

[www.lunawat.com](http://www.lunawat.com)



- i. Companies Fresh Start Scheme 2020 notification by MCA - [http://lunawat.com/Uploaded\\_Files/Attachments/F\\_4552.pdf](http://lunawat.com/Uploaded_Files/Attachments/F_4552.pdf)
  - ii. MCA Press Release on Companies Fresh Start Scheme 2020 and LLP Settlement Scheme 2020 - [http://lunawat.com/Uploaded\\_Files/Attachments/F\\_4553.pdf](http://lunawat.com/Uploaded_Files/Attachments/F_4553.pdf)
24. DIN holders of DINs marked as ‘Deactivated’ due to non-filing of DIR-3KYC/DIR-3 KYC-Web and those Companies whose compliance status has been marked as “ACTIVE non-compliant” due to non-filing of Active Company Tagging Identities and Verification (ACTIVE) eform are encouraged to become compliant once again in pursuance of General Circular No. 11 dated 24<sup>th</sup> March 2020 and file DIR-3KYC/DIR-3KYCWeb/ACTIVE as the case may be between 1<sup>st</sup> April 2020 to 30<sup>th</sup> September 2020 without any filing fee of Rs. 5000/10000 respectively. – [www.mca.gov.in](http://www.mca.gov.in) homepage.
25. MCA clarifies that spending on COVID 19 would be CSR spending under clauses (i) & (vii) of Schedule VII - [http://lunawat.com/Uploaded\\_Files/Attachments/F\\_4514.pdf](http://lunawat.com/Uploaded_Files/Attachments/F_4514.pdf)
26. MCA issues Office memorandum to clarify that contribution to PM CARES Funds shall qualify as CSR Expenditure - [http://lunawat.com/Uploaded\\_Files/Attachments/F\\_4550.pdf](http://lunawat.com/Uploaded_Files/Attachments/F_4550.pdf)
27. MCA amends Companies (Meeting of Board and its Powers) Rules to allow meetings on matters referred in rule 4(1) [accounts approval, etc] through video conference etc till 30th June 2020 - [http://lunawat.com/Uploaded\\_Files/Attachments/F\\_4511.pdf](http://lunawat.com/Uploaded_Files/Attachments/F_4511.pdf)
28. Various other measures
- a. The mandatory requirement of holding meetings of the Board of the companies within the intervals provided in section 173 of the Companies Act, 2013 (120 days) stands extended by a period of 60 days till next two quarters i.e., till 30th September. Accordingly, as a one-time relaxation the gap between two consecutive meetings of the Board may extend to 180 days till the next two quarters, instead of 120 days.

---

This document has been compiled as service to our clients. We recommend that you seek professional advice prior to initiating action on specific issues.

**Lunawat & Co.**

Chartered Accountants

[ca@lunawat.com](mailto:ca@lunawat.com)

[www.lunawat.com](http://www.lunawat.com)

- b. As per Para VII (1) of Schedule IV to the CA-13, Independent Directors (IDs) are required to hold at least one meeting without the attendance of Non-independent directors and members of management. For the financial year 2019-20, if the IDs of a company have not been able to hold such a meeting, the same shall not be viewed as a violation. The IDs, however, may share their views amongst themselves through telephone or e-mail or any other mode of communication, if they deem it to be necessary
- c. Requirement under section 73(2)(c) of CA-13 to create the deposit repayment reserve of 20% of deposits maturing during the financial year 2020-21 before 30th April 2020 shall be allowed to be complied with till 30th June 2020
- d. Non-compliance of minimum residency in India for a period of at least 182 days by at least one director of every company, under Section 149 of the Companies Act, shall not be treated as a violation
- e. Requirement under rule 18 of the Companies (Share Capital & Debentures) Rules, 2014 to invest or deposit at least 15% of amount of debentures maturing in specified methods of investments or deposits before 30th April 2020, may be complied with till 30th June 2020.
- f. Newly incorporated companies are required to file a declaration for Commencement of Business within '180 days of incorporation under section 10A of the CA-13. An additional period of 180 more days is allowed for this compliance.
- g. Non-compliance of minimum residency in India for a period of at least 182 days by at least one director of every company, under Section 149 of the CA-13 shall not be treated as a non-compliance for the financial year 2019-20.
- h. Sources:
  - i. MCA circular for special measures under Companies Act 2013 and LLP Act 2004 in view of COVID-19 [http://lunawat.com/Uploaded\\_Files/Attachments/F\\_4539.pdf](http://lunawat.com/Uploaded_Files/Attachments/F_4539.pdf)
  - ii. FM announcement on several relief measures relating to Statutory and Regulatory compliance matters across Sectors in view of COVID-19 - [http://lunawat.com/Uploaded\\_Files/Attachments/F\\_4537.pdf](http://lunawat.com/Uploaded_Files/Attachments/F_4537.pdf)