

MCA UPDATES

1. The Companies (Incorporation) Second Amendment Rules, 2023

On **August 02, 2023**, MCA vide Notification G.S.R 584 (E) notified the Companies (Incorporation) Second Amendment Rules, 2023 (“the Amendment Rules”) amending the Companies (Incorporation) Rules, 2014 (“the Original Rules”). This amendment is effective from August 02, 2023. Vide this amendment, a new format of Form no. **RD-1** is prescribed.

The link for the aforesaid Notification is as below:

<https://egazette.gov.in/WriteReadData/2023/247850.pdf>

2. Condonation of delay in filing of Form 3, Form-4, and Form-11 under Section 67 of the Limited Liability Partnership Act, 2008

On **August 23, 2023**, MCA vide Circular 8/2023 introduced a Condonation Scheme (‘the Scheme’) for the delay in filing **Form-3** (LLP Agreement and alterations), **Form-4** (Information regarding the appointment, resignation, change in details of a partner), **Form-11** (Annual Return of the LLP) under the Limited Liability Partnership Act, 2008 due to various reasons including mismatch in the master data in electronic registry of the Ministry.

Fundamental features of the Scheme:

- **Form-3 and Form-4**
 - i. Will be processed under the Straight Through Process (STP) mode for all purposes, except for changes in business activities.
 - ii. If there are multiple amendments pending filing, stakeholders are recommended to submit these forms in sequence, beginning with the earliest events.
 - iii. Forms offer editable pre-filled data from current records. Stakeholders are accountable for accurate data; misinformation may lead to adverse consequences.
 - iv. No extra fees for Form-3 & Form-4 from January 01, 2021 events. For events dated earlier than January 01, 2021, additional fees will be chargeable (2 times for small LLPs, 4 times for others).
- **Form 11**
 - i. No extra fee for filing Form-11 from FY 2021-22 onward.
 - ii. Prior to FY 2021-22, Form-11 can be filed with additional fees i.e. 2 times for small LLPs and 4 times for other LLPs.
- These forms shall be available for filing from September 01, 2023, till November 30, 2023 (both dates inclusive) and LLPs availing the scheme shall not be liable for any action for delayed filing of Form 3, Form-4, and Form-11

The link for the aforesaid Circular is as below:

<https://www.mca.gov.in/bin/dms/getdocument?mds=Zt6foWsl%252BABAbU7Pid9NGg%253D%253D&type=open>

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