

## Guidelines to be followed during e-filing

(Note: Some of these guidelines will be applicable only at Customer Facilitation Centres)

#	Subject Area	Situation Encountered	How do you handle
1.	eForms / Documents	Old form is submitted	<p>Old forms will not be accepted and only newly notified eforms will need to be submitted. These are available on the website of the Ministry at <a href="http://www.mca.gov.in">www.mca.gov.in</a> and can be downloaded &amp; printed.</p> <p>However in the case of Foreign companies, in view of time taken to get these signed from persons staying abroad, an old form will be accepted as an attachment as long as it is submitted with the newly prescribed form. However, this facility will be available only till 30-Apr-2006.</p>
2.		It is not known to the users that Adobe versions 7.0.5 and above is required for downloading the eform. Hence the download of eform is not successful.	It is noted and a message being incorporated as "Please ensure that Adobe versions 7.0.5 and above is installed on your Computer".
3.		How are the new eforms be made available to public	Steps have been taken to contact publishers/printers for printing a set of commonly used eforms and another set for all eforms.
4.	Attachments	If the format of the attachments is not PDF	All attachments and documents will need to adopt the standard format of PDF. Facilitation Centre will provide support for conversion to PDF in case of any difficulty.
5.		<p>The attachments are too huge</p> <p>(Due to constraints that are imposed by low bandwidth connectivity, it is suggested that attachment sizes are kept in the range of 1 to 2 MB per attachment).</p>	<p>If you have an electronic document such as MS-Word document, it is suggested the soft copy be brought to the facilitation center where it will be converted to PDF format. This way of conversion to PDF will result in smaller sized files as compared to scanning paper documents.</p> <p>In the case of scanned documents, large documents may be broken up into smaller parts and uploaded into the system in parts. Please divide the document into parts of between 15 to 20 pages.</p> <p>In the case of very large attachments to the Charge documents, fill out a "Instrument of Charge" and attached this to the charge form. Also, submit a paper copy of the loan agreement or such other supporting document with the customer representative who will forward this to the ROC office.</p> <p><b>Documents in multiple parts will be acceptable.</b></p>

6.	Submission of Documents at Facilitation Centres	Stakeholder chooses to come on the last day of filing i.e. the stakeholder comes to MCA facilitation center on the last day with a deadline scenario i.e charge documents to be updated/satisfied on the same day and due to some data problem regarding charge documents he is unable to file as the migrated data is not current. It may be due to a) Record not present in MCA records, b) Record is under incremental scanning, c) wrong data entry.	Every effort will be made to get the e-filing completed in a smooth manner. However, during the initial period of operation, it is suggested that documents be submitted well in advance so that undue hardships can be avoided due to last minute difficulties.  A special facility is available to create on-the-spot back reference for charge documents, so that you can complete your e-filing. In such cases documents so filed shall be accepted by RoC concerned provisionally with a request to file copies of all missing documents, if any, along with proof of filing within a specified period.
7.		For existing charges the stakeholder finds it cumbersome to trace chargeId of the same.	A functionality have been provided at the portal whereby applicants/customer service executive can view and take a printout of the index of charges.
8.		The loan agreement runs into 100 of pages and slows the form filing process	It has been decided to evolve a form under the title "Synopsis of Charges" which is required to be signed by both the parties in the agreement and shall be attached to the Form 8 in place of Loan agreement. It shall be responsibility of borrower and lender to ensure that all the important terms and conditions (specified in the loan agreement) have been incorporated in the synopsis so that the interest of the lender is protected.
9.	Digital Signature	What class of digital signature will need to be used	It will need to be a CLASS 2 or equivalent
10.		Will the digital signature be verified	Considering the difficulty that is experienced by the stakeholders the system will accept the filing with digital signature of ROC officials or other authorized representatives <b>only up to 30-Jun-2006</b> . However, it is highlighted that such person affixing the digital signature on the eform will not be accountable or responsible for the filings made. Company and its directors will be solely responsible for the filings. Such filings <b>MUST</b> be supported by the scanned copy of the physical documents that will come as an attachment to the eform.
11.		The customer submitting the eform places his digital signature at multiple places. For Example, a single person signs as	In the case of same company single person cannot sign in both the capacities as authorized signatories and as professional. However, in the case of a person signing for and behalf of more than one companies can sign

		authorized signatory, charge holder and professional certifying the Form 8.	either as an authorized signatory or as a professional. For the purpose of scrutiny the back office of RoC shall manually carry out the exercise and reject the forms in such cases of irregularities.
12.	Pre-scrutiny of eforms	What should be done if pre-scrutiny failure is encountered	It could generally happen due to incorrect data or non-filing of mandatory fields. Check again. If not, seek the services of the Facilitation Centre that has specific facilities to handle such cases.
13.		There may be scenarios where if e-filing would not happen due to any reason. For example Form 20B has field for shareholders in thousands and the company was having three share holders only.	It has been noted and suitable steps have been taken.
14.	Fee	Customer has got a DD that has a higher fee than what is payable and customer feels that it is not worthwhile to get this changed as this is not significant	MCA21 system accepts only exact fee amounts for which the receipt will be provided. Fee receipt will still be provided for the excess amount. However, future adjustment of the excess fee will not be possible in such cases. Also before tendering fees for any document, please check fee details available at the website and the facilitation centres.
15.		Acceptance of fee under exceptional circumstances	This can happen due to a number of conditions. In such exceptional cases where it is reasonable, the facilitation centre manager will allow the acceptance of the document using a special feature. The discrepancies will need to be sorted out on the following day without which filing will not be deemed completed.
16.	Stamp Duty	Customer has already printed an old eform on stamp paper	The customer is not required to buy the stamp papers in this case again. However it will be necessary for the user to fill in a new eform and submit with the stamp paper document already purchased as attachment.
17.		Need a certified copy	Submit physical stamp paper at the Facilitation Centre or ROC Office as per your convenience.
18.	Submission by Post	Document is received by post at the ROC office along with necessary fees (in the newly notified eform format)	These will be accepted in paper form till close of business on 13-Apr-2006. Beyond this date, postal method of delivery will also need to be submitted with an electronic copy of the document (in a CD ROM)
19.	<b>Data Errors</b>	<b>While Ministry has taken due care to ensure accuracy of the data and digitized documents, the possibility of errors is not ruled out. Correction of errors can be done only with proactive support from the Company. It is requested that the company verifies the data before 30-Jun-2006 and bring any data discrepancy to the attention of the ROC in writing, with supporting documentary evidence and due declarations about the accuracy of the data.</b>	
20.		Proactive approach to check your company's data that is available in the system	Ask your facilitation center representative to show you how to check for the basic company information and the charge information. You may also be able to

			view this data directly from the Internet. If you notice any discrepancies in the basic data or the charge information (check for the completeness and accuracy of all subsisting charges), please bring this to the attention of the concerned ROC in writing without delay. In the case of charge documents, please enclose copies of old documents as support/evidence. ROC will initiate steps to rectify such errors based on verification from documents already filed.
21.		Key company data such as Company Registration Number, Address of Registered Office, Authorized Capital, etc. is incorrect or absent	Contact concerned ROC immediately to seek rectification of problem
22.		Person filing document finds it cumbersome to identify the charge reference from the Index of Charges	The facility centre representative can provide a print out of the Index of charges upon request to enable you to easily identify the charge reference
23.	Inactive company	Inactive companies (i.e. those who have not filed statutory returns for the past three contiguous years) wishes to file a return/document	Though filing will be accepted in these cases, it is to be noted that in the case of such companies, it is suggested that office of the concerned ROC is contacted to understand remedial measures for non-filing as laid down in the Companies Act, 1956.
24.	Interaction with ROC Office	Where will the ROC communicate if there is a clarification needed or if he needs	Clarifications sought by the ROC can be seen by you in the "My Documents" facility of your individual login ID.  In the case of filings made from the facilitation centre, clarifications will be sought by post.
25.		How should a clarification from ROC be replied	You can send a written communication or email to the ROC providing necessary clarification to ROC so that ROC can process your service request.  In the case of MoA and AoA, you just need to send the amendments to specific sections as an addendum.  In the case of request for re-submission, entire documents will need to be re-submitted. No additional fees will be charged in such cases.
26.		Company needs a proof of charge registration	A certificate of charge registration will be provided by the ROC as per the Act
27.		Where will certificate of incorporation or such other acknowledgements be sent	To the registered office of the company
28.	Power of Attorney	Is this necessary	Only if you wish to collect the incorporation certificate in person, this will be needed

29.	DIN forms	There has been a feedback on improving the response time while opening the DIN form also there has been instances that DIN form printout has been manually filled in and send to DIN processing Desk	Corrective action has been initiated. The applicants should fill-in application and submit. They should take a print out only after provisional DIN is generated and then complete the next steps.
30.	Bulk filing	There are many visitors usually professionals who come in with multiple application forms and once their term comes for processing their queue is held up causing long waiting time for others.	In case company representatives/professionals bring filing documents in bulk, they are advised to bring the soft copy of the e-form duly filled-in, along with the hard copy duly signed manually. Please appreciate that individuals with single filing requests will get priority during peak times.
31.	Help Desk	Problems are encountered persistently when filing over the Internet	You can send a report on the problem encountered via the MCA portal or telephonically contact the nearest Facilitation Centre to report the problem.

**IMPORTANT NOTICE: Contents in this document will be periodically updated without any prior notice. Please check for periodic updates. This document was last updated on 4-December-2009.**