

[To be published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-Section (i)]

Government of India
MINISTRY OF CORPORATE AFFAIRS
Notification

New Delhi, 18.12.2018

G.S.R.(E).—In exercise of the powers conferred by sub-sections (1) and (2) of section 469 of the Companies Act, 2013 (18 of 2013), the Central Government hereby makes the following rules further to amend the Companies (Registration of Charges) Rules, 2014, namely:—

1. (1) These rules may be called the Companies (Registration of Charges) Second Amendment Rules, 2018.

(2) They shall come into force from the date of their publication in the Official Gazette.

2. In the Companies (Registration of Charges) Rules, 2014, for 'Form No.CHG-4', the following form shall be substituted, namely:-

FORM NO. CHG-4

[Pursuant to section 82(1) of the Companies Act, 2013 and Rule 8(1) of the Companies (Registration of Charges) Rules, 2014]



Particulars for satisfaction of charge thereof

Form Language English Hindi

Refer the instruction kit for filing the form

1. (a) [†]Corporate identity number (CIN) or foreign company registration number (FCRN) of the company
- (b) Global location number (GLN) of company
2. (a) Name of the company
- (b) Address of the registered office or principal place of business in India of the company
- (c) email ID of the company
3. [‡]This form is for registration of Satisfaction of charge
4. (a) [§]Whether the form is being filed
 - (i) Beyond 30 days but within 300 days from the date of satisfaction Yes No
If yes, give reasons for the delay and mention the duration of delay
 - (ii) Beyond 300 days Yes No
(if yes, an application will be required to be made to Central Government for extension of further time)
- (b) [¶]Whether the applicant is Company Charge holder

5. *Whether charge is satisfied in favour of asset reconstruction company (ARC) or assignee Yes No

*Charge creation identification (ID) number Pre-fill

6. (a) *Particulars of the charge holder or ARC or assignee

*Name of chargeholder

In case of others,

CIN, if applicable Pre-fill

Name

Address

*Email ID

(b) Particulars of creation of original charge and subsequent modifications

(i) Charge creation date (DD/MM/YYYY)

(ii) Charge last modified date (DD/MM/YYYY)

(iii) *Final amount secured
(In case the amount is in foreign currency, rupee equivalent to be stated) (in Rs.)

(iv) Amount secured by the charge in words

(v) In case amount secured by the charge is in foreign currency, mention details

7. *Date of Satisfaction of charge in full

Attachments

- *Letter of the charge holder stating that the amount has been satisfied;
- Optional attachment(s) – if any

List of attachments

Declaration

I am authorized by the Board of Directors of the Company vide resolution number* dated* to sign this form and declare that all the requirements of Companies Act, 2013 and the rules made thereunder in respect of the subject matter of this form and matters incidental thereto have been complied with. I also declare that all the information given herein above is true, correct and complete and as per the attached charge instrument(s) or document(s) and nothing material has been suppressed.

I further declare that:

1. the delay in filing the particulars of satisfaction, was accidental or due to inadvertence or some other sufficient cause and are or is not of a nature to prejudice the position of the charge holder, shareholders or creditors of the company;
2. no prejudice would be caused to the charge holder(s) or any other creditor(s) of the company, if the delay is condoned;
3. the company has not created or modified any other charge(s) whatsoever on the assets of the company, since the satisfaction of the present charge, for which the application for condonation of delay is being filed;
4. the company is carrying on the business as on the date of filing this application and no proceedings to wind-up the company have commenced or are pending against the company;
5. there is no litigation proceedings pending before any court of law for which condonation of delay is being filed;
6. the company has not applied for striking off the name of the company from the register of Registrar of Companies

To be digitally signed by

DSC Box

Director or manager or company secretary or CEO or CFO (in case of an Indian company)
or an authorised representative (in case of a foreign company)

Designation

DIN of the director; or PAN of the manager or CEO or CFO or authorised
representative; or Membership number of the company secretary

Declaration

I/we confirm that the attached charge instrument(s) or document(s) is/are true copies of the original which is/are available with the charge holder and/or assignee and all the information and particulars mentioned above are derived there from are concisely and correctly stated. I/we am/are duly authorised to sign this form.

I/we am/are a multilateral/International financial institution who has/have been exempted from payment of income tax in India under the UN Privileges and Immunities Act.

To be digitally signed by

DSC Box

Charge Holder (financial institution or bank or debenture holder etc.)

PAN

Email ID

To be digitally signed by

DSC Box

ARC or assignee

PAN

Email ID

To be digitally signed by

DSC Box

PAN

Designation

Email ID

Certificate by practicing professional

I declare that I have been duly engaged for the purpose of certification of this form. It is hereby certified that I have gone through the provisions of the Companies Act, 2013 and rules thereunder for the subject matter of this form and matters incidental thereto and I have verified the above particulars (including attachment(s)) from the original/certified records maintained by the Company/applicant which is subject matter of this form and found them to be true, correct and complete and no information material to this form has been suppressed. I further certify that:

- i. The said records have been properly prepared, signed by the required officers of the Company and maintained as per the relevant provisions of the Companies Act, 2013 and were found to be in order;
- ii. All the required attachments have been completely and legibly attached to this form.

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