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Instruction Kit for webform CHG-1 (Application for registration of creation, modification of charge (other than those related to debentures) including particulars of modification of charge by Asset Reconstruction Company in terms of Securitization and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002 (SARFAESI))

ABOUT THIS DOCUMENT

This Instruction Kit is designed as a step by step guide to assist the user in filling up the webform. This document provides references to law(s) governing the webform, guidelines to access the application, instructions to fill the webform at field level and important check points while filling up the webform along with other instructions to fill the webform.

User is advised to refer to the respective instruction kitfor filing of webform.

This document is divided into following sections:



Part I – Law(s) governing the webform



Part II – Accessing the Form No. CHG-1 application



Part III – Instructions to fill the webform

Part IV – Key points for successful submission

Click on any section link to refer to the particular section.



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1 PART I – LAW(S) GOVERNING THE WEBFORM

Pursuant to Section 77, 78 and 79 and pursuant to Section 384 read with 77, 78 and 79 of Companies Act, 2013 and Rule 3(1) and Rule 13 of the Companies (Registration of Charges) Rules 2014.

1.1 **Purpose of the webform**

The webform CHG-1 aims to simplify the process of filing application by the company to the concerned Registrar of Companies (RoC) in form CHG-1 stating the particulars of Creation or Modification (other than those related to debentures) of charge. In case of foreign company, the concerned ROC shall be Delhi ROC.

As per section 2(16) of the Companies Act, 2013, 'Charge' means an interest or lien created on the property or assets of a company or any of its undertakings or both as security and includes a mortgage. As per the requirements of the act, details of such charge created by the company shall be registered with the concerned ROC. Further, in case a company acquires property, which is subjected to charge a lready, the company will have to furnish the details relating to the existing charge on such acquired property. A company can have multiple charges at a given point of time on same asset, if charge holder (person/entity in whose favor the charge is created) gives the consent.

1.2 **Important Check Points while filling up the webform**

- ✓ Please read instructions and guidelines carefully before filling online application forms.
- ✓ Please attach the required mandatory supporting documents in the specified format only.
- ✓ Please note that in case of resubmission, application of CHG-1 shall be available in the application history of the user and T+15 days (where T is the date of marking the application as 'Resubmission Required') should not have elapsed.
- ✓ Please note that the company for which the webform is being filed shall have a valid and approved CIN / FCRN.
- ✓ Please ensure that the DSC attached in the webform is registered on MCA portal against the DIN/PAN/Membership number as provided in the form.
- ✓ Please ensure that applicant of the webform is registered as Business User at the MCA portal before filing the webform.
- \checkmark Please note that the signing authority of the webform shall have valid and non-expired/non-revoked DSC.
- ✓ Please ensure that the authorized signatories of the company shall have an approved DIN or valid PAN or valid membership number as applicable.
- ✓ If the space within any of the fields is not sufficient to provide all the information, then additional details can be provided as an optional attachment to the webform.
- ✓ Please check for any alerts that are generated using the "Notifications and alerts" function under the My Workspace' page in the FO user dashboard on the MCA website



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2 PART II – ACCESSING THE FORM NO. CHG-1 APPLICATION

2.1 Application Process for Form No. CHG-1

2.1.1 InitialSubmission

2.1.1.1 **Option 1**

STEP1: Access MCA homepage

STEP 2: Login to MCA portal with valid credentials¹

STEP 3: Select "MCA services" and further select "E-Filling"

STEP 4: Select "Company Forms Download" module

STEP 5: Navigate to the header "Charge related filings"

STEP 6: Access "Intimation of creation/modification of charge (other than those related to debentures) – CHG-1"

STEP 7: Enter the Company Information²

STEP 8: Search CIN using the search option (optional)³

STEP 9: Select CIN from the dropdown option (optional)⁴

STEP 10: Fill up the application.

STEP 11: Save the webform as a draft (optional)⁵

STEP 12: Submit the webform

STEP 13: SRN is generated upon submission of webform (The SRN can be used by the user for any future correspondence with MCA.)

STEP 14: Affix the DSC

STEP 15: Upload the DSC affixed pdf document on MCA portal

STEP 16: Pay Fees (In case the user does not successfully upload the DSC affixed PDF within 15 days of SRN generation and complete the payment within 7 days of successful upload of DSC affixed document or due date of filing of the form + 2 days, whichever is earlier, the SRN will be cancelled)

STEP 17: Acknowledgement is generated

2.1.1.2 **Option 2**

STEP 1: Access MCA homepage

STEP 2: Access Company Form CHG-1 through search bar on MCA homepage (website search)⁶

STEP 3: Login to MCA portal with valid credentials

STEP 4: Enter Company Information²

²In case the user filling the webform is a company user then, CIN and Company name will be auto-populated based on the user id from which the user logs in.

³ In case the user filling the webform is a Professional user, a search option will be provided on the page allowing the user to search for CIN basis name of Company. ⁴ In case the user filing the webform is any other business user, a dropdown option containing a list of all the CIN and corresponding company name for companies where the user is associated shall be displayed.

¹ In case Option 1 is selected, the user will have an option to either login immediately after accessing the MCA homepage, or login after selecting "Intimation of creation / modification of charge (other than those related to debentures)" in case the user is not already logged in.

where the user is associated shall be displayed. ⁵ The option to save the webform as a draft shall be enabled once the user enters the "CIN".

⁶ In case Option 2 is selected, the user will have an option to either login immediately after accessing the MCA homepage or login after performing the website search.



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STEP 5: Search CIN using the search option (optional)³

STEP 6: Select CIN from the dropdown option (optional)⁴

STEP 7: Fill up the application

STEP 8: Save the webform as a draft (optional)⁵

STEP 9: Submit the webform

STEP 10: SRN is generated upon submission of webform (The SRN can be used by the user for any future correspondence with MCA.)

STEP 11: Affix the DSC

STEP 12: Upload the DSC affixed pdf document on MCA portal

STEP 13: Pay Fees (In case the user does not successfully upload the DSC affixed PDF within 15 days of SRN generation and complete the payment within 7 days of successful upload of DSC affixed document or due date of filing of the form + 2 days, whichever is earlier, the SRN will be cancelled)

STEP 14: Acknowledgement is generated.

2.1.2 Resubmission

2.1.2.1 Option 1

STEP 1: Access MCA homepage

STEP 2: Login to MCA portal with valid credentials

STEP 3: Access application history through user dashboard

STEP 4: Select CHG-1 application with status as 'Resubmission required'

STEP 5: Fill up the application

STEP 6: Save the webform as a draft (optional)⁵

STEP 7: Submit the webform

STEP 8: SRN is updated

STEP 9: Affix the DSC

STEP 10: Upload the DSC affixed pdf document on MCA portal7

STEP 11: Resubmission of webform (In case the user does not complete re-submission of the form and upload the DSC affixed pdf document within 24 hours of the SRN update, a SMS and email reminder will be sent to the user daily for 15 days OR till the time this is submitted, whichever is earlier)

STEP 12: Acknowledgement is generated

2.1.2.2 Option 2

STEP 1: Click on the link provided in the notification email sent (received for resubmission)

STEP 2: Login to MCA portal with valid credentials

STEP 3: Fill up the application

STEP 4: Save the webform as a draft (optional)⁵

STEP 5: Submit the webform

⁷ For the SRN's that are marked 'Resubmission required', the user is required to update the details in the web-form and complete submission (including the upload of DSC affixed pdf) within 15 days from the date the BO user has sent the SRN back for resubmission.



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STEP 6: SRN is updated

STEP 7: Affix the DSC

STEP 8: Upload the DSC affixed pdf document on MCA portal⁷

STEP 9: Resubmission of webform (In case the user does not complete re-submission of the form and upload the DSC affixed pdf document within 24 hours of the SRN update, a SMS and email reminder will be sent to the user daily for 15 days OR till the time this is submitted, whichever is earlier)

STEP 10: Acknowledgement is generated



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3 PART III – INSTRUCTIONS TO FILL THE WEBFORM

3.1 Specific Instructions to fill webform 'CHG-1' at Field Level

Instructions to fill the webform CHG-1 are tabulated below at field level. Only important fields that require detailed instructions to be filled in the form are explained. Self-explanatory fields are not discussed.

Field No	Field Name	Instructions
1	Corporate Identity Number (CIN) or Foreign Company Registration Number (FCRN)	 i. In case of company users, CIN/FCRN of company or foreign company shall be <i>pre-filled</i> based on the company/foreign company information entered by the user post accessing the "CHG-1" webform. ii. In case of professional users, a search option shall be provided to search the CIN basis the company name. Either full name of the company or partial name can be used to search the company. iii. In case of other business users, a dropdown option is provided containing the list of CIN with which the user is associated.
2	Nome of the component	iv. CIN/FCRN entered in this field shall be valid. These fields shall be pre-filled based on the CIN entered by
2 (a) 2 (b)	Name of the company Address of the registered office or the	the user in field number 1 i.e., "Corporate identity number
2(0)	principal place of business in India of the company	(CIN) or foreign company registration number (FCRN)" and shall be non-editable.
2 (c)	e-mail id of the company	
3 (b)	Charge ID of the charge to be modified or rectified	 i. This field shall be displayed and mandatory in case 'Modification of charge' is selected in fieldnumber 3 (a) i.e. "This form is for registration of". ii. Enter a valid Charge ID associated with the CIN of the company in case of Modification of charge. iii. In case this field is prefilled by the system, then the user shall not be allowed to edit it .
4	Whether the applicant is	 i. In case the application is filed on the behalf of company, then option 'The company' shall be selected. ii. Similarly, if the application is filed on the behalf of the charge holder, then option, 'Charge holder' shall be selected.
5 (a)	Date of the instrument creating or modifying the charge (DD/MM/YYYY)	 If 'Creation' or 'Modification' is selected in field number 3 (a) i.e. "This form is for registration of" and 'Charge holder' is selected in field number 4 i.e. "Whether the applicant is", then filing by the Charge holder shall not be allowed before expiry



Field No	Field Name	Instructions
		 of 30 day period of the date of creation / modification of charge. ii. If 'Creation' or 'Modification' is selected in field number 3 (a) i.e. "This form is for registration of" then Registration of <creation modification=""> of charge shall not be allowed beyond 120 days of the date of creation / modification of charge.</creation> iii. Please enter a date greater than or equal to the date
		entered in field number 16 i.e., "Date of creation/last modification prior to the present modification"iv. Date entered in this field shall be less than or equal to the system date.
7 (a)	Description of the property charged indicating whether it is a charge on	The user shall be required to select at least one option from the checkbox provided under this field to continue.
8 (c)	Number of charge holder(s)	 i. In case 'No' is selected in both the field 8 (a) i.e. "Whether consortium finance is involved" and 8 (b) i.e. "Whether joint charge involved", then the number entered shall be prefilled and un-editable as 1. ii. Incase "Yes" is selected in both the field 8 (a) i.e. "Whether consortium finance is involved" and 8 (b) i.e. "Whether joint charge involved" then the number of charge holders should be greater than 1.
8	List of Charge holders	This field shall be displayed only if value entered in field number 8(c) i.e., "Number of charge holder(s)" is greater than 1.
8	Download Excel	 i. This action button enables the user to download excel template in specific format with particulars of charge holder. ii. This button shall be displayed only if value entered in field number 8 (c) i.e., "Number of charge holder(s)" is greater than 1. iii. The number of rows provided in the excel shall be equal to the number of rows specified in field number 8 (c) i.e., "Number of charge holder(s)."
8	Import	 i. This button shall be displayed only if value entered in field number 8 (c) i.e., "Number of charge holder(s)" is greater than 1. ii. This action button enables the user to import data from excel template. The users may either import the data from the excel or enter the data directly.



Field No	Field Name	Instructions
8	Rank	 iii. File imported shall be in .XLS format. i. This column shall be enabled only if 'Yes' is selected in field number 8 (d) i.e. "Whether Charges rank paripassu". ii. The user shall be allowed to enter only positive integer value (non-decimal) with value greater than zero. iii. Number entered in this field cannot exceed the number entered in the field number 8 (c) i.e., "Number of charge holder(s)"
8	Details of their extent on the charge (in %)	 i. This field shall be enabled if value entered in field number 8 (c) i.e., "Number of charge holder(s)" is greater than 1. ii. '%' shall be automatically added to the number entered in the field by the system. iii. User shall be allowed to enter only positive values greater than 0 with up to 2 decimal places. iv. Total extent on charge should not exceed 100%.
8	Maximum amount secured (in INR)	 i. This field shall be enabled if value entered in field number 8 (c) i.e., "Number of charge holder(s)" is greater than 1. ii. User shall be allowed to enter only positive values greater than 0 (without decimal). iii. The sum total value of amount secured by each charge holder as entered in this field shall match with the value of total amount secured in field number 10(a) i.e., "Maximum Amount secured by the charge (In case the amount is in foreign currency, rupee equivalent to be stated) (in INR). (In case of modification of charge after such modification)"
9	CIN, if applicable	CIN entered in this field shall be a valid CIN and shall be different from the CIN entered in field number 1 i.e., "Corporate identity number (CIN) or foreign company registration number (FCRN)".
10 (a)	Maximum Amount secured by the charge (In case the amount is in foreign currency, rupee equivalent to be stated) (in INR.).(In case of modification of charge, enter the	Amount entered in this field cannot be equal to or less than zero.



Field No	Field Name	Instructions	
	amount secured by the charge after such modification)		
10 (b)	Maximum Amount secured by the charge in words	 i. This field shall be prefilled based on the value entered in field number 10 (a) i.e., "Maximum Amount secured by the charge (In case the amount is in foreign currency, rupee equivalent to be stated) (in INR.).(In case of modification of charge, enter the amount secured by the charge after such modification)" ii. This field shall be prefixed with Rupees. iii. User shall not be allowed to edit this field. 	
11(a)	Date of Creating Security Interest by actual/ constructive deposit of title deeds within bank/ housing finance company (DD/MM/YYYY)	Date entered in this field shall be less than / equal to the current date.	
12	In case of acquisition of property, subjected to charge, furnish the details relating to the existing charge on the property so acquired	If any of the fields from 12(a) to 12(f) is filled, then remaining sub-fields shall also become mandatory.	
12(a)	Date of instrument creating or evidencing the charge (DD/MM/YYYY)	Date entered in this field shall not be greater than the system date.	
12 (c)	Date of acquisition of the property (DD/MM/YYYY)	Date entered in this field cannot precede the date of instrument creating/evidencing the charge. Date entered in this field shall not be greater than the system date.	
12 (d)	Charge ID	Charge id entered in this field shall be valid and shall exist in the MCA database.	
12 (e)	Amount of the charge (in INR)	User shall only be allowed to enter positive integer values greater than 0.	
15 (b)(i)	CIN / LLPIN of the company in whose name property or interest therein is registered (if applicable)	 i. CIN entered in this field shall be a valid CIN / LLPIN ii. The CIN entered shall be different than the CIN entered in field 1 i.e., "Corporate identity number (CIN) or foreign company registration number (FCRN)". 	
15 (b)(iii)	Name of entity / individual person in whose name it is registered	 This field shall be displayed and mandatory if 'Yes' is selected in field number 15(a) i.e. "Whether any of the property or interest therein under reference is not registered in the name of the company" 	



Field No	Field Name	Instructions	
		 ii. In case CIN / LLPIN is provided in field number 15(b)(i) i.e., "CIN / LLPIN of the company in whose name property or interest therein is registered (if applicable)", then the name of the company / LLP shall be prefilled on the basis of master associated with such CIN / LLPIN. 	
16	Date of creation/last modification prior to the present modification (DD/MM/YYYY)	 i. This field shall be displayed and enabled in case 'Modification' is selected in field number 3 (a) i.e. "This form is for registration of". ii. This field shall be prefilled based on charge master associated with the charge ID provided in field number 3(b) i.e., "Charge ID of the charge to be modified or rectified" (if available) iii. Date entered in this field shall be less than / equal to the system date. 	
	Attachments:	All the attachments shall be either in pdf or .jpg format. The size of each individual attachment can be up to 2MB.	
(a)	Instrument(s) of creation or modification of charge	This attachment is mandatory.	
(b)	Instrument(s) evidencing creation or modification of charge in case of acquisition of property which is already subject to charge together with the instrument evidencing such acquisitions;	This attachment shall be displayed and mandatory in case values are entered in field number 12 i.e. "In case of acquisition of property, subjected to charge, furnish the details relating to the existing charge on the property so acquired".	
(c)	Optional attachments, if a ny	 i. This field can be used to provide any other information. ii. Please note that the user has an option to upload up to five optional attachments. 	
	Declaration		
	I am authorized by the Board of Directors of the Company vide resolution number	Enter the serial number of the resolution, authorizing the signatory to submit the application.	
	datedto 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. In case CIN is provided in field number 1 i.e., "Corporate identity number (CIN) or foreign company registration number (FCRN)" then the date entered should be greater than or equal to the date of incorporation of the company. ii. In case FCRN is provided in field number 1 i.e., "Corporate identity number (CIN) or foreign company registration number (FCRN)" then date 	



Field No	Field Name	Instructions
		 entered should be greater than or equal to the date of establishment of place of business in India as per the master associated with the FCRN. iii. Date entered cannot succeed the system date.
	To be digitally signed by	
	Director or manager or secretary or CEO or CFO or IRP/RP/Liquidator (In case of an Indian company), or an authorised representative (In case of a foreign company) Designation	 i. Director/manager/Company secretary/CEO/CFO can be selected only in case of Indian company (if CIN is provided in field number1). ii. Authorised representative can be selected only in case of foreign company (if FCRN is provided in field number 1). iii. Following dropdown options 'IRP/RP/Liquidator' under this field shall be enabled only if 'Modification' is selected in field number 3 (a) i.e. "This form is for registration of". iv. In case IRP/RP/Liquidator" is selected as Signatory, the status of the company should be "Under CIRP" OR "Under Liquidation".
	DIN of the director; PAN of the manager or CEO or CFO or authorised representative or IRP/RP/Liquidator or membership number of company secretary;	 i. In case Director is selected in field "Designation" then DIN shall be enquired. ii. In case 'Manager', 'CFO', 'CEO' or 'IRP/RP/Liquidator' is selected in field "Designation" then DIN or PAN shall be enquired. iii. In case "Secretary" is selected in field "Designation" membership number shall be enquired.
	To be digitally signed by	memoersnip number snun ee enquireu.
	PAN of the charge holder	 i. This field shall be enabled and mandatory if check box for 2nd declaration above "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." is not selected. ii. PAN entered should be a valid PAN.
	To be digitally signed by	
	ARC or Assignee	i. This field shall be displayed and mandatory if 'Yes' is selected in field 6 (a) i.e. "Whether charge is modified in favour of a sset reconstruction company (ARC) or assignce".
	PAN of the ARC or assignee	i. This field shall be displayed and mandatory if 'Yes' is selected in field 6 (a) i.e. "Whether charge is modified



Field No	Field Name	Instructions		
		in favour of asset reconstruction company (ARC) or assignce".ii. Enter a valid PAN in this field.		
	Certificate by practicing professional	These fields pertaining to 'Certificate by practicing professional' shall be optional in case CIN provided in field 1 is associated with OPC / Small company else shall be mandatory.		
	To be digitally signed by Chartered accountant (in whole-time practice) or Cost accountant (in whole-time practice) or Company secretary (in whole-time practice)	The webform shall be certified by a chartered accountant (in whole-time practice) or cost accountant (in whole-time practice) or company secretary (in whole-time practice) by digitally signing the webform.		
	Whetherassociateorfellow	Select the relevant category of the professional and whether he/ she is an associate or fellow.		
	Membership Number Certificate of Practice Number	 i. In case the professional is a chartered accountant (in whole-time practice) or cost accountant (in whole-time practice), enter the membership number. ii. In case the professional is a company secretary (in 		
		 whole-time practice), enter the certificate of practice number. iii. Please ensure that the membership/ certificate of practice number of the professional corresponds to the 'Associate' or 'Fellow' member category selected in the webform. 		



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3.2 **Other instructions to fill Form No. CHG-1**

Buttons	Particulars
Choose File	 i. Click the 'Choose File' button to browse and select a document that is required to be attached.as a supporting to Form No. CHG-1. ii. All the attachments should be uploaded in <i>pdf or .jpg format</i>. The total size of the document being submitted can be up to 10 MB. iii. The user has an option to attach multiple files as attachments within the form.
Remove	The user has an option to remove files from the attachment section using the "Remove" option provided against each attachment.
Download	The user has an option to download the attached file(s) using the "Download" option provided against each attachment.
Save	 i. Click on Save button for saving the application in a draft form at any given point in time prior to submitting the webform. ii. The 'Save' option will be enabled only after entering the <i>CIN</i>. iii. This is an optional field. iv. On saving the webform, all the information filled in the webform will be saved and can be edited/updated till the time webform is submitted. v. The previously saved drafts can also be accessed (at a later point in time) using the application history functionality.
Submit	 i. This is a mandatory field. ii. When the user clicks on the submit button the details filled in the webform are auto saved and the system verifies the webform. Incase errors are detected the user will be taken back to webform and all the relevant error messages shall be displayed. iii. In case at the submission of webform no errors are detected by the system the submission will be successful.



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4 PART IV – KEY POINTS FOR SUCCESSFUL SUBMISSION

4.1 Fee rules

S#	Purpose	Normal	Additional	Logic for A	ditionalFees	Logic for Ad	-valoremfees
	of webform	Fee	(Delay Fee)	Event Date	Time limit (days) for filing	Event Date	Time limit (days) for filing
1	Creation of new charge /Modificat ion of charge	The Compani (Registration Fee) Rules, 20 (Please refer t table 2 below)	of offices and 14 able 1 and	Date of Creation/ Modification of Charge	30 Days (Refer table 2 below)	Date of Creation/ Modification of Charge	60 days (Refer table 2 below)

Fee payable is subject to changes in pursuance of the Act, or any rule or regulation made, or notification issued thereunder.

4.1.1 The Companies (Registration of offices and Fees) Rules, 2014

Table 1 – Normal Fee

Fees (In case of Indian company having share capital)

Nominal Share Capital	Fee applicable (INR)
Less than 1,00,000	200
1,00,000 to 4,99,999	300
5,00,000 to 24,99,999	400
25,00,000 to 99,99,999	500
1,00,00,000 or more	600
Fees (In case of Indian company not having share capital)	- INR 200
Fees (In case of Foreign company)	- INR 6000

Table 2 - Additional Fee

Additional feerules

Period of delay	Small Companies and One Person Company	Other than Small Companies and One Person Company



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Up to 30 days Three		
valor the ar	dition to a) and b), an ad rem fee of 0.025 percent of mount secured by the charge, ect to the maximum of INR akh.	In addition to a) and b), an ad valorem fee of 0.05 percent of the amount secured by the charge, subject to the maximum of INR Five lakhs.

Refer section 2(85) of Companies Act, 2013 for definition of Small Company.

4.2 Processing Type

Mode	Description
E-filing of CHG-1 and subsequent processing in the STP mode	 The form is signed by both the charge holder and the company The form will be processed in the STP mode and shall be taken on record through electronic mode without any further processing. Ensure that all particulars in the webform are correct. There is no provision for resubmission of this webform."
E-filing of CHG-1 and subsequent processing in the non-STP mode	 The form is signed by only the charge holder The form will be processed in Non STP mode In case the form is signed only by the charge holder, a response will be sought from the user pursuant to filing of CHG-1 form by the charge holder

4.3 Usefullinks

1. Link to access Form No. CHG-1: https://www.mca.gov.in/content/mca/global/en/mca/e-filing/company-

forms-download.html

- 2. FAQs related to e-filing: <u>https://www.mca.gov.in/MinistryV2/efiling.html</u>
- 3. Payment and Fee related Services: <u>https://www.mca.gov.in/MinistryV2/paymentservices.html</u>



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5 ANNEXURES

5.1 Annexure A – PIN Code Master

Please refer the below link to view the Pin Codes: <u>https://data.gov.in/catalog/all-india-pincode-directory/</u> File name in the link: All India Pin code Directory

5.2 Annexure B – List of Charge holders

Please refer the embedded document to view the list of charge holders:



(Please access the attachment icon in the left-hand pane to view the attachment)