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NEWSLETTER

YOUR MOST UNHAPPY CUSTOMERS ARE YOUR GREATEST SOURCE OF LEARNING

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G Prerna & Co. | Company Secretaries

The Companies (Removal of Names of Companies from the Register of Companies) Second Amendment Rules, 2022

MCA vide its notification dated August 24, 2022 has notified "the Companies (Removal of Names of Companies from the Register of Companies) Second Amendment Rules, 2022" which shall come into force on the date of its publication in the Official Gazette. The aforesaid rules made amendment in Form No. STK 1, Form No. STK – 5 and Form No. STK-5A pertaining to opting the checkpoint: "the company is not carrying on any business or operations, as revealed after the physical verification carried out under Section 12(9) of the Companies Act, 2013".

For details:

https://www.mca.gov.in/bin/dms/getdocument?mds=z76om3NiBGIHmWy4e0HtcA%253D%253D&type=open

The Companies (Acceptance of Deposits) Amendment Rules, 2022

According to the amendment in rule 16 of the Companies (Acceptance of Deposits) Rules, 2014: every company to which these rules apply, shall file return of deposit in **E Form DPT-3** and furnish the information contained therein as on the 31st day of March of that year duly audited by the auditor of the company and declaration to that effect shall be **submitted by the auditor in E Form DPT3**. Also, the E Form DPT-3 and E Form DPT-4 are substituted.

For details:
https://www.mca.gov.in/bin/dms/getdocument?mds=99KwRbJSkMXjVLv09KTgJg%253D%253D&type=open

The Companies (Appointment and Qualification of Directors) Third Amendment Rules, 2022

The Ministry of Corporate Affairs (MCA) has notified "the Companies (Appointment and Qualification of Directors) Third Amendment Rules, 2022" and according to the amendment the **E Form DIR-3-KYC** and **Form DIR-3-KYC-WEB** are substituted.

For details:
https://www.mca.gov.in/bin/dms/getdocument?mds=slrNNMj6rSE43YrWxXorGw%253D%253D&type=open

The Companies (Registration of Charges) Second Amendment Rules, 2022

The Ministry of Corporate Affairs (MCA) has inserted rule 13 by stating that, **signing of charge e-forms** (i.e. Form No**. CHG-1, CHG-4, CHG-8 and CHG-9**) **by insolvency professional or resolution professional** or liquidator for companies under resolution or liquidation, as the case may
be and filed with the Registrar. Further, the **E Form No. CHG-1 is substituted**.

For details:
https://www.mca.gov.in/bin/dms/getdocument?mds=4o6aHVQPVnWMaUqWvlFEow%253D%253D&type=open

Guidelines for launching of prosecution under the Central Goods & Services Tax Act, 2017

Prosecution should normally be launched where amount of tax evasion, or misuse of ITC, or fraudulently obtained refund in relation to offences specified under sub-section (1) of section 132 of the CGST Act, 2017 is more than Five Hundred Lakh rupees. However, in following cases, the said monetary limit shall not be applicable:

(i) Habitual evaders: Prosecution can be launched in the case of a company/taxpayer habitually involved in tax evasion or misusing Input Tax Credit (ITC) facility or fraudulently obtained refund. A company/taxpayer would be treated as habitual evader, if it has been involved in two or more cases of confirmed demand (at the first adjudication level or above) of tax evasion/fraudulent refund or misuse of ITC involving fraud, suppression of facts etc. in past two years such that the total tax evaded and/or total ITC misused and/or fraudulently obtained refund exceeds Five Hundred Lakh rupees. DIGIT database may be used to identify such habitual evaders.

(ii) Arrest Cases: Cases where during the course of investigation, arrests have been made under section 69 of the CGST Act.

For details:

https://taxinformation.cbic.gov.in/viewpdf/1000439/ENG/Instructions