



THE INSTITUTE OF CHARTERED ACCOUNTANTS OF INDIA
(Set up by an Act of Parliament)

Corporate Laws & Corporate Governance Committee
The Institute of Chartered Accountants of India
12th January, 2022

ANNOUNCEMENT

Sub: **Amendment in Section 403 of the Companies Act, 2013 and notification of Companies (Registration Offices and Fees) Amendment Rules, 2022 w.e.f. 01st July, 2022**

This is to inform you that the Central Government has appointed the 01st July, 2022 as the date on which the following provisions of the Companies (Amendment) Act shall come into force namely:

S No.	Section of the Companies (Amendment) Act	Section of the Companies Act, 2013	Particulars
1	Second and third proviso to clause (i) of Section 80 of the Companies (Amendment) Act, 2017	First and second proviso to Section 403(1)	Fee for filing etc.
2	Section 56 of the Companies (Amendment) Act, 2020	Third proviso to Section 403(1)	Fee for filing etc.

Accordingly, revised Section 403(1) of the Companies Act, 2013 is as follows:

(1) Any document, required to be submitted, filed, registered or recorded, or any fact or information required or authorised to be registered under this Act, shall be submitted, filed, registered or recorded within the time specified in the relevant provision on payment of such fee as may be prescribed.

Provided that where any document, fact or information required to be submitted, filed, registered or recorded, as the case may be, under section 92 or 137 is not submitted, filed, registered or recorded, as the case may be, within the period provided in those sections, without prejudice to any other legal action or liability under this Act, it may be submitted, filed, registered or recorded, as the case may be, after expiry of the period so provided in those sections, on payment of such additional fee as may be prescribed, which shall not be less than one hundred rupees per day and different amounts may be prescribed for different classes of companies.

Provided further that where the document, fact or information, as the case may be, in cases other than referred to in the first proviso, is not submitted, filed, registered or recorded, as

the case may be, within the period provided in the relevant section, it may, without prejudice to any other legal action or liability under this Act, be submitted, filed, registered or recorded as the case may be, on payment of such additional fee as may be prescribed and different fees may be prescribed for different classes of companies.

Provided also that where there is default on two or more occasions in submitting, filing, registering or recording of such document, fact or information, as may be prescribed, it may, without prejudice to any other legal action or liability under this Act, be submitted, filed, registered or recorded, as the case may be, on payment of such higher additional fee, as may be prescribed.

Further, it is to be noted that pursuant to the aforementioned amendment in section 403 of Companies Act, 2013, the Ministry of Corporate Affairs has notified Companies (Registration Offices and Fees) Amendment Rules, 2022 which shall come into force w.e.f. 01st July, 2022.

Accordingly, with the introduction of the said Amendment Rules, the following table has been substituted in sub-item B of Annexure of the Companies (Registration Offices and Fees) Rules, 2014.

Therefore, following table of additional fee and higher additional fee (in certain cases) shall be applicable for delay in filing of forms other than for increase in Nominal share capital or forms under section 92/137 of the Act or forms for filing charges.

TABLE

SI. No	Period of delays	Additional fee as a multiple of normal fees	Higher additional fee as a multiple of normal fees (for certain cases)
(1)	(2)	(3)	(4)
1	Upto 15 days (sections 139 and 157)	One time of normal fees	-
2	More than 15 days and upto 30 days (Section 139 and 157) and upto 30 days in remaining forms	2 times of normal filing fees	3 times of normal filing fees
3	More than 30 days and upto 60 days	4 times of normal filing fees	6 times of normal filing fees
4	More than 60 days and upto 90 days	6 times of normal filing fees	9 times of normal filing fees
5	More than 90 days and upto 180 days	10 times of normal filing fees	15 times of normal filing fees
6	Beyond 180 days	12 times of normal filing fees	18 times of normal filing fees

Note 1: Higher additional fees shall be payable, if there is a delay in filing e-form INC-22, or e-form PAS-3, as the case may be, on two or more occasions, within a period of three hundred and sixty five days from the date of filing of the last such belated e-form for which additional fee or higher additional fee, as the case may be, was payable.

Note 2: Wherever higher additional fee is payable, additional fee shall not be charged.

Note 3: E-form INC-22, or e-form PAS-3, as the case may be, filed prior to the commencement of the Companies (Registration Offices and Fees) Amendment Rules, 2022 shall not be reckoned for the purposes of determining higher additional fee.

Members may note the above.

Notification is available at the link-

- Commencement notification of Section 56 of the Companies (Amendment) Act, 2020
<https://www.mca.gov.in/bin/dms/getdocument?mds=%252F1gywEL3uai%252Fowv0QtPAKw%253D%253D&type=open>
- Commencement notification of Section 80 of the Companies (Amendment) Act, 2020
<https://www.mca.gov.in/bin/dms/getdocument?mds=O7YNA0Zg2jjii0fhNar4%252Bw%253D%253D&type=open>
- Notification of Companies (Registration Offices and Fees) Amendment Rules, 2022
<https://www.mca.gov.in/bin/dms/getdocument?mds=%252FwqhpSXC6%252BFxaMTdJJWnnA%253D%253D&type=open>

Sincerely Yours,

Chairman and Vice Chairman
Corporate Laws & Corporate Governance Committee
The Institute of Chartered Accountants of India