

**GOVERNMENT OF INDIA
MINISTRY OF CORPORATE AFFAIRS**

**LOK SABHA
UN-STARRED QUESTION NO. 93
MONDAY, JULY 19, 2021/ ASHADHA 28, 1943 (SAKA)**

SCHEMES FOR COMPANIES

QUESTION

**93. SHRI ARJUN LAL MEENA:
SHRI P. P. CHAUDHARY:**

**Will the Minister of CORPORATE AFFAIRS
be pleased to state:**

कारपोरेट कार्य मंत्री

(a) the details of the schemes framed by the Government to remove hurdles faced by companies in this pandemic era for the smooth operation of business using technology; and

(b) whether there is any specific demand or schemes by corporates which ministry thinks need a consultation with all stakeholders and if so, the details thereof?

ANSWER

MINISTER OF STATE (INDEPENDENT CHARGE) OF THE MINISTRY OF STATISTICS AND PROGRAMME IMPLEMENTATION; MINISTER OF STATE (INDEPENDENT CHARGE) OF THE MINISTRY OF PLANNING; AND MINISTER OF STATE FOR CORPORATE AFFAIRS

[RAO INDERJIT SINGH]

(a) and (b): The Government in the Ministry of Corporate Affairs (MCA) administers the provisions of the Companies Act, 2013 (herein after called as the Act), the Limited Liability Partnerships ('LLPs') Act, 2008 and the Insolvency and Bankruptcy Code (IBC), 2016. Information pertaining to MCA is as under:

1. Companies Fresh Start Scheme (CFSS) 2020:- Through the General Circular no. 12/2020 dated 30.3.2020, the Ministry launched the "Companies Fresh Start Scheme, 2020 which, *inter-alia*, provides opportunities to Companies to make good any filing related defaults, regardless of duration of defaults, and make a fresh start as a fully compliant entity. The Scheme condoned the delay in filing the belated documents and gives immunity from prosecutions and proceedings for imposition of penalty which might arise on account of such delayed filing of documents. No additional fees was charged for late filing during a moratorium period from 1st April to 31st December, 2020 in respect of documents, returns etc. required to be filed in MCA-21 Registry. As per records, 473125 number of Indian Companies and 1065 number of Foreign Companies have been benefited by availing the CFSS, 2020 scheme for filing their pending documents.

2. LLP Settlement Scheme, 2020:- This Ministry vide notification dated 04.03.2020 introduced LLP Settlement Scheme, 2020 to provide one-time relaxation in additional fees to the defaulting Limited Liability Partnerships ('LLPs') to make good their defaults by filing pending documents with the Registrar of Companies ('ROC' or 'Registrar') to ease the hassle of business enterprises. The LLP settlement scheme was initially rolled out from 16.03.2020 to 31.03.2020 for certain filings by LLPs. Further, due to the COVID-19 pandemic the said scheme was further modified and expanded from 01.04.2020 to 31.12.2020 to cover all e-forms. As per records 105643 number of LLPs have been benefited by availing the LLP settlement scheme 2020 for filing their pending documents.

3. Scheme for relaxation of time for filing forms related to creation or modification of charges under the Companies Act, 2013:- In pursuance of the Government of India's efforts to provide relief to law abiding companies and in the wake of COVID 19 pandemic, the Ministry of Corporate Affairs, has introduced the Scheme for relaxation of time for filing forms related to creation or modification of charges under the Companies Act, 2013, vide General Circular no. 23/2020 dated 17th June, 2020. As per the scheme:-

(i) where the date of creation/ modification of charge is before 01.03.2020, but the timeline for filing such form had not expired under section 77 of the Act as on 01.03.2020 and if the form is filed on or before 31.12.2020, the fees payable as on 29.02.2020 under the Fees Rules for the said form shall be charged. If the form is filed thereafter, the applicable fees shall be charged under the Fees Rules after adding the number of days beginning from 01.01.2021 and, ending on the date of filing plus the time period lapsed from the date of the creation of charge till 29.02.2020.

(ii) where the date of creation/ modification of charge falls on any date between 01.03.2020 to 31.12.2020 and If the form is filed before 31.12.2020, normal fees shall be payable under the Fees Rules. If the form is filed thereafter, the First day after the date of creation/ modification of charge shall be reckoned as 01.01.2021 and the number of days till the date of filing of the form shall be counted accordingly for the purposes of payment of fees under the Fees Rules.

4. Scheme for Condonation of delay for Restored Companies by NCLT between 01st December, 2020 to 31st December, 2020:- In order to provide benefit of filing overdue forms and to provide waiver of additional fees for restored companies by National Company Law Tribunal (NCLT), the Ministry vide Circular No. 3/2021 dated 15.01.2021 announced a Condonation of Delay Scheme for Companies restored by NCLT between 1st December, 2020 to 31st December, 2020 under section 252 of the Companies Act, 2013. The Scheme provides to condone delay in filing forms with the Registrar, and spares payment of additional fees. Certain other terms are stipulated and are available in the Scheme document. This Scheme was in operation from 01st February 2021 and was available for filing of any overdue e-forms by such companies till 31st March 2021.