

## E-Form ACTIVE (INC-22A)- Mandatory Compliance For Companies

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Ministry of Corporate Affairs on 21-02-2019 has bring a new concept Active Company

Tagging Identities and Verification by the Companies (Incorporation) Amendment Rules, 2019 notified with effect from 25th February 2019 and which introduces new E-FORM ACTIVE (INC-22A).

### **Applicability: –**

Pursuant to the provisions of the amended rules, **every company incorporated on or before the 31st December, 2017 shall file the particulars of the company and its registered office, in E-Form ACTIVE (Active Company Tagging Identities and Verification) on or before 25.04.2019.**

### **Fee:-**

No fee is payable till 25th April 2019 thereafter fee of Rs.10,000/- is payable.

### **INC-22A E-form Active can not be filed in following cases:**

1. If the no of directors is less than minimum prescribed under the Act
2. If DIN Status of any director is not approved
3. If the Company does not have any KMP (MD/WTD/CS/CEO/CFO)
4. If the Company does not have cost Auditor if mandatory as per the Act
5. If balance sheet and Annual Returns for F.Y 2017-2018 are not filed

### **Information Required:-**

1. Two Photo of Registered office along with director, Longitude & Latitude of Registered office,
2. email id of the company for OTP,
3. Number of directors with DIN,
4. Details of Statutory Auditors,
5. Details of Cost Auditors,
6. Details of MD, CEO, Manager, WTD, Details of CFO, Details of Company Secretary, SRN of AOC-4 & MGT-7 filed for FY 2017-2018.

### **Exemptions:-**

The companies which have been struck off or are under process of striking off or under liquidation or amalgamated or dissolved, as recorded in the register, shall not be required to file e Form ACTIVE

## Consequences of Non-Filing of the Form

In case a company does not intimate the said particulars, the Company shall be marked as "ACTIVE-non-compliant" on or after 26th April, 2019 and shall be liable for action under sub-section (9) of section 12 of the Act:

Provided also that no request for recording the following event based information or changes shall be accepted by the Registrar from such companies marked as "ACTIVE non compliant". Unless " **e-Form ACTIVE**" is filed –

1. SH-07 (Change in Authorized Capital);
2. PAS-03 (Change in Paid-up Capital);
3. DIR- 12 (Changes in Director except cessation);
4. INC-22 (Change in Registered Office);
5. INC-28 (Amalgamation, de-merger)

Where a company files "e-Form ACTIVE", on or after 26th April' 2019, the company shall be marked as "ACTIVE Compliant", on payment of fee of TEN THOUSAND RUPEES".

All those Companies whose paid up Capital is % Crore or above will have to appoint a Whole time Company Secretaries within 2 months i.e 25 April 2019 to keep the status Active of the Company.