

[TO BE PUBLISHED IN THE GAZETTE OF INDIA, EXTRAORDINARY,
PART – II, SECTION 3, SUB-SECTION (i)]

GOVERNMENT OF INDIA
MINISTRY OF CORPORATE AFFAIRS
NOTIFICATION

New Delhi, 24th April, 2009.

G.S.R 284(E). – In exercise of the powers conferred by sub-section (1) of section 642 read with section 610B of the Companies Act, 1956 (1 of 1956), the Central Government hereby makes the following rules to amend the Companies (Central Government's) General Rules and Forms, 1956, namely: –

1. (1) These rules may be called the Companies (Central Government's) General Rules and Forms (Third Amendment) Rules 2009.
- (2) These rules shall come into force from 19th July , 2009.
2. In the Companies (Central Government's) General Rules and Forms, 1956, in the Annexure 'A', -

(a) for Form 8, the following Form shall be substituted, namely:-

FORM 8

[Pursuant to sections 125, 127, 130, 132 and 135 and Pursuant to section 600 read with 125, 127, 130, 132 and 135 of the Companies Act, 1956]

Particulars for creation or modification of charge (other than those related to debentures) including particulars of modification of charge by asset reconstruction companies in terms of Securitisation and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002 (SARFASI)

Note - All fields marked in * are to be mandatorily filled.

1.(a) *Corporate identity number (CIN) or foreign company registration number of the company

(b) Global location number (GLN) of company

2.(a) Name of the company

(b) Address of the registered office or of the principal place of business in India of the company

(c) e-mail ID of the company

3. *This form is for Creation of charge Modification of charge

4. Charge identification (ID) number of the charge to be modified

Note : In case of modification of charge, the details to be provided in fields below should be in accordance with the status of the charge after the modification. Refer instruction kit for details.

5.(a) Whether charge is modified in favour of asset reconstruction company (ARC) or assignee Yes No

(b) Whether charge holder is authorised to assign the charge as per the charge agreement Yes No

6.(a) *Type of charge

A charge on:

- | | |
|--|---|
| <input type="checkbox"/> Uncalled share capital | <input type="checkbox"/> Calls made but not paid |
| <input type="checkbox"/> Immovable property | <input type="checkbox"/> Ship |
| <input type="checkbox"/> Any interest in immovable property | <input type="checkbox"/> Goodwill |
| <input type="checkbox"/> Book debts | <input type="checkbox"/> Patent, license under a patent |
| <input type="checkbox"/> Movable property (not being pledge) | <input type="checkbox"/> Trademark |
| <input type="checkbox"/> Floating charge | <input type="checkbox"/> Copyright or license under a copyright |
| <input type="checkbox"/> Others | |

(b) If others, specify

7.(a) *Whether consortium finance is involved Yes No

(b) *Whether joint charge involved Yes No

(c) *Number of charge holder(s)

Note : If more than one charge holder involved, name of charge holders, details of extent of charge, particulars of property charged, amount secured to be provided in attachment.

8. Particulars of the charge holder (In case charge is modified in favour of ARC or assignee, enter particulars of ARC or assignee)

*Category

If others, specify

CIN, in case charge holder or ARC or assignee is a company

Pre-fill

*Name

*Address Line I

Line II

*City

*State

*ISO country code

Country

*Pin code

*e-mail ID

9. *Nature, description and brief particulars of the instrument(s) creating or modifying the charge

10. *Date of the instrument creating or modifying the charge (DD/MM/YYYY)

11.(a) *Whether charge is created or modified outside India Yes No

(b) In case of charge created or modified outside India on the property situated outside India, the date of receipt of the instrument(s) in india (DD/MM/YYYY)

12.(a) *Amount secured by the charge

(In case the amount is in foreign currency, rupee equivalent to be stated) (in Rs.)

(In case of modification of charge, enter the amount secured by the charge after such modification)

(b) Amount secured by the charge in words

(c) In case amount secured by the charge is in foreign currency, mention details

13. Brief particulars of the principal terms and conditions and extent and operation of the charge

(a) *Rate of interest

(b) *Terms of repayment

(c) *Margin

(d) *Extent and operation of the charge

(e) Others

14. In case of acquisition of property, subjected to charge, furnish the details relating to the existing charge on the property so acquired

(a) Date of instrument creating or evidencing the charge

(DD/MM/YYYY)

(b) Description of the instrument creating or evidencing the charge

(c) Date of acquisition of the property

(DD/MM/YYYY)

(d) Amount of the charge

(in Rs.)

(e) Particulars of the property charged

--

15. *Short particulars of the property or asset(s) charged (including complete address and location of the property)

(i)	
(ii)	
(iii)	
(iv)	
(v)	
(vi)	
(vii)	
(viii)	
(ix)	
(x)	

16.(a) *Whether any of the property or interest therein under reference is not registered in the name of the company

Yes No

(b) If yes, in whose name it is registered

17. Date of last modification prior to the present modification (DD/MM/YYYY)

18. Particulars of the present modification

(Please ensure that correct particulars are entered as the same shall be displayed in the certificate of modification of charge)

Attachments

List of attachments

1. *Instrument(s) of creation or modification of charge

Attach

2. Instrument(s) evidencing creation or modification of charge in case of acquisition of property which is already subject to charge

Attach

3. Particulars of all joint charge holder

Attach

4. Optional attachment(s) - if any

Attach

Remove attachment

Verification

I confirm that all the information and particulars mentioned above are true and correct as per the company's record and as per the attached charge instrument(s) or document(s). A copy of the attached charge instrument(s) or document (s) is/ are available at the registered office or principal place of business in India of the company.

I have been authorised by the Board of directors' resolution number dated (DD/MM/YYYY) to sign and submit this form.

To be digitally signed by

Managing Director or director or manager or secretary (In case of an Indian company) or an authorised representative (In case of a foreign company)

Designation

Director identification number of the director or Managing Director; or Income-tax permanent account number (income-tax PAN) of the manager or authorised representative; or

Membership number, if applicable or income-tax PAN of the secretary (secretary of a company who is not a member of ICSI, may quote his/ her income-tax PAN)

Verification

I/ we confirm that the attached charge instrument(s) or document(s) is/ are true copies of the original which is/ are available with the charge holder and/ or assignee and all the information and particulars mentioned above are derived there from and are concisely and correctly stated.

I/ we am/ are duly authorised to sign this form.

To be digitally signed by

*Designation

Charge holder

To be digitally signed by

Designation

ARC or assignee

For office use only:

It is certified that the above document for charge creation or modification (other than those related to debentures) is hereby registered

Digital signature of the authorising officer

(b) for Form 10, the following Form shall be substituted, namely:-

FORM 10	Particulars for registration of charges for debentures
[Pursuant to sections 125, 127, 128, 129, 130, 132, 134 and 135 and Pursuant to section 600 read with 125, 127, 128, 129, 130, 132, 134 and 135 of the Companies Act, 1956]	

Note - All fields marked in * are to be mandatorily filled.

1.(a) *Corporate identity number (CIN) or foreign company registration number (FCRN) of the company

(b) Global location number (GLN) of company

2.(a) Name of the company

(b) Address of the registered office or of the principal place of business in India of the company

(c) e-mail ID of the company

3. *This form is for Creation of charge Modification of charge

4. Charge identification (ID) number of the charge to be modified

Note : In case of modification of charge, the details to be provided in fields below should be in accordance with the status of the charge after the modification. Refer instruction kit for details.

5. *Number of trustee(s) of debenture holders or charge holder(s)

Particulars of the trustee of debenture holders or charge holder (In case charge is modified in favour of ARC or assignee, enter particulars of ARC or assignee)

CIN	<input type="text"/>	<input type="button" value="Pre-fill"/>
*Name	<input type="text"/>	
*Address	Line I	<input type="text"/>
	Line II	<input type="text"/>
*City	<input type="text"/>	
*State	<input type="text"/>	
*ISO country code	<input type="text"/>	
Country	<input type="text"/>	
*Pin code	<input type="text"/>	
*e-mail ID	<input type="text"/>	

6. *Date of creation of charge (DD/MM/YYYY)

7. *Whether the charge is for Entire series of debentures Any issue in a series of debentures

8.(a) *Whether the series of debentures are registered with the Registrar of Companies (RoC) Yes No

(b) If yes, (i) The total amount secured by the whole series (in Rs.)

(ii) Date of registration of series (DD/MM/YYYY)

9.(a) *Date of present issue of series (DD/MM/YYYY)
(b) *Amount of present issue of series (amount secured by the charge) (in Rs.)
(In case of modification of charge, enter the amount secured by the charge after such modification)

(c) Amount secured by the charge in words

10. *Date of resolution authorising the issue of the series (DD/MM/YYYY)

11.(a) *Description of the property charged indicating whether it is a charge on
 Immovable properties Plant and machinery Furniture and fixtures Stock in trade
 Book debts Vehicles Shares and debentures Fixed deposits
 Intangible assets Uncalled share capital Others

(b) If others, specify

(c) *Particulars of the property charged (including location of the property)

12. *Brief of the principal terms and conditions, (including rate of interest, date of redemption and creation of debenture redemption reserve) extent and operation of charge

13. *Particulars as to amount or rate percent of the commission, allowances or discount (if any) paid, or made either directly or indirectly by the company to any person(s) in consideration of their subscribing or agreeing to subscribe, whether absolutely or conditionally, or procuring or agreeing to procure subscriptions, whether absolute or conditional, for any of the debentures included in this return.

Modification of charge

14.(a) *Whether charge is modified in favour of asset reconstruction company (ARC) or assignee Yes No

(b) Whether trustee of debenture holders or charge holder is authorised to assign the charge Yes No

15.(a) *Description of the instrument modifying the charge

(b) *Date of instrument modifying the charge (DD/MM/YYYY)

(c) *Is modification of charge done outside India Yes No

(d) Date of receipt of instrument modifying the charge (DD/MM/YYYY)

16. *Particulars of the present modification

(Please ensure that correct particulars are entered as the same shall be displayed in the certificate of modification of charge)

Attachments

1. *Copy of the resolution authorising the issue of the debenture series

Attach

2. *Instrument of creation or modification of charge

Attach

3. Optional attachment(s) - if any

Attach

List of attachments

Remove attachment

Verification

I confirm that all the information and particulars mentioned above are true and correct as per the company's record and as per the attached charge instrument(s) or document(s). A copy of the attached charge instrument(s) or document (s) is/ are available at the registered office or principal place of business in India of the company.

I have been authorised by the Board of directors' resolution number dated (DD/MM/YYYY) to sign and submit this form.

To be digitally signed by

Managing Director or director or manager or secretary (In case of an Indian company) or an authorised representative (In case of a foreign company)

Designation

Director identification number of the director or Managing Director; or Income-tax permanent account number (income-tax PAN) of the manager or authorised representative; or

Membership number, if applicable or income-tax PAN of the secretary (secretary of a company who is not a member of ICSI, may quote his/ her income-tax PAN)

Verification

I/ we confirm that the attached charge instrument(s) or document(s) is/ are true copies of the original which is/ are available with the charge holder and/ or assignee and all the information and particulars mentioned above are derived there from and are concisely and correctly stated.
I/ we am/ are duly authorised to sign this form.

To be digitally signed by

*Designation

Trustee of debenture holders or charge holder

To be digitally signed by

Designation

ARC or assignee

Certificate

It is hereby certified that I have verified the above particulars (including attachment(s)) from the records of

and found them to be true and correct. I further certify that all the required attachment(s) have been completely attached to this form.

- Chartered accountant (in whole-time practice) or Cost accountant (in whole-time practice) or Company secretary (in whole-time practice)

*Whether associate or fellow Associate Fellow

*Membership number or certificate of practice number

For office use only:

It is certified that the above document for charge creation or modification for debentures is hereby registered

Digital signature of the authorising officer

(c) for Form 17, the following Form shall be substituted, namely:-

FORM 17 [Pursuant to section 138 and pursuant to section 600 of the Companies Act, 1956]	Particulars for satisfaction of charges
--	--

Note - All fields marked in * are to be mandatorily filled.

1. (a) *Corporate identity number (CIN) or foreign company registration number (FCRN) of the company

(b) Global location number (GLN) of company

2. (a) Name of the company

(b) Address of the registered office or of the principal place of business in India of the company

(c) *e-mail ID of the company

3. *Whether charge is satisfied in favour of asset reconstruction company (ARC) or assignee Yes No

4. *Charge creation identification (ID) number

(a) Particulars of the charge holder or ARC or assignee

CIN

Name

Address

*e-mail ID

(b) Particulars of creation of original charge and subsequent modifications

(i) Charge creation date (DD/MM/YYYY)

(ii) Charge last modified date (DD/MM/YYYY)

(iii) *Final amount secured
(In case the amount is in foreign currency, rupee equivalent to be stated) (in Rs.)

(iv) Amount secured by the charge in words

(v) In case amount secured by the charge is in foreign currency, mention details

5. *Date of satisfaction of charge in full (DD/MM/YYYY)

Attachments

1. Letter of the charge holder stating that the amount has been satisfied

Attach

List of attachments

2. Optional attachment(s) - if any

Attach

Remove attachment

Verification

I confirm that all the information and particulars mentioned above are true and correct as per the company's record.

I have been authorised by the Board of directors' resolution number * dated * (DD/MM/YYYY) to sign and submit this form.

To be digitally signed by

Managing Director or director or manager or secretary (In case of an Indian company) or an authorised representative (In case of a foreign company)

*Designation

*Director identification number of the director or Managing Director; or Income-tax permanent account number (income-tax PAN) of the manager or authorised representative; or

Membership number, if applicable or income-tax PAN of the secretary (secretary of a company who is not a member of ICSI, may quote his/ her income-tax PAN)

Verification

To the best of my knowledge and belief, the information given in this form and its attachment(s) is correct and complete. I am duly authorised to sign this form.

To be digitally signed by

Designation

Charge holder (financial institution or bank or debenture holder etc.)

To be digitally signed by

Designation

ARC or assignee

Certificate

It is hereby certified that I have verified the above particulars (including attachment(s)) from the records of

and found them to be true and correct. I further certify that all the required attachment(s) have been completely attached to this form.

Chartered accountant (in whole-time practice) or Cost accountant (in whole-time practice) or

Company secretary (in whole-time practice)

*Whether associate or fellow Associate Fellow

*Membership number or certificate of practice number

Modify

Check Form

Prescrutiny

Submit

For office use only:

It is certified that the above document for charge satisfaction is hereby registered

Digital signature of the authorising officer

Confirm submission

(d) for Form 61, the following Form shall be substituted, namely:-

FORM 61

Form for filing an application with Registrar of Companies

[Pursuant to section 166, 210, 394, 560, 621A of the Companies Act, 1956]

Note - All fields marked in * are to be mandatorily filled.

1. *Category of applicant

2. *Name of office of the Registrar of Companies (RoC) to which application is being made

3.(a) Corporate identity number (CIN) or foreign company registration number (FCRN) of the company or Form 1A reference number (Service request number (SRN) of Form 1A) **Pre-fill**

(b) Global location number (GLN) of company

4.(a) Name of the company

(b) Address of the registered office or of the principal place of business in India of the company

(c) e-mail ID of the company

5. Details of applicant (in case category is others)

(a) Name

(b) Address Line I

Line II

(c) City

(d) State

(e) ISO country code

(f) Country

(g) Pin code

(h) e-mail ID

6. *Application filed for

Compounding of offences

Extension of period of annual general meeting by three months under section 166(1)

Extending the period of annual accounts upto eighteen months under section 210(4)

Declaring a defunct company under section 560

Scheme of arrangement, amalgamation

Others

7. If others, then specify

8. *Details of application

9. In case of application for compounding of offences, provide the following details

(a) Whether application for compounding offence is filed in respect of

Company Director Manager or secretary Other

(b) Number of person(s) for whom the application is being filed

(c) Details of person(s) for whom the application is being filed

(i)	Category <input type="text"/>	Director identification number (DIN) or income-tax permanent account number (income-tax PAN) or passport number <input type="text"/>	<input type="button" value="Pre-fill"/>
	Name <input type="text"/>		
(ii)	Category <input type="text"/>	DIN or income-tax PAN or passport number <input type="text"/>	<input type="button" value="Pre-fill"/>
	Name <input type="text"/>		
(iii)	Category <input type="text"/>	DIN or income-tax PAN or passport number <input type="text"/>	<input type="button" value="Pre-fill"/>
	Name <input type="text"/>		
(iv)	Category <input type="text"/>	DIN or income-tax PAN or passport number <input type="text"/>	<input type="button" value="Pre-fill"/>
	Name <input type="text"/>		
(v)	Category <input type="text"/>	DIN or income-tax PAN or passport number <input type="text"/>	<input type="button" value="Pre-fill"/>
	Name <input type="text"/>		
(vi)	Category <input type="text"/>	DIN or income-tax PAN or passport number <input type="text"/>	<input type="button" value="Pre-fill"/>
	Name <input type="text"/>		
(vii)	Category <input type="text"/>	DIN or income-tax PAN or passport number <input type="text"/>	<input type="button" value="Pre-fill"/>
	Name <input type="text"/>		
(viii)	Category <input type="text"/>	DIN or income-tax PAN or passport number <input type="text"/>	<input type="button" value="Pre-fill"/>
	Name <input type="text"/>		

(d) Whether application is being filed

- Suo-motu In pursuance to notice received from RoC or any other competent authority

(e) Notice number and date of notice

--

(f) Section for which application is being filed

--

(g) Brief particulars as to how the default has been made good

--

10. In case of application under section 166(1) or 210(4), mention financial year end date in respect of which the application is being filed (DD/MM/YYYY)

11.(a) Service request number of Form 23

(b) Date of passing special or ordinary resolution (DD/MM/YYYY)

(c) Date of filing Form 23 (DD/MM/YYYY)

12. Particulars of payment of stamp duty

Total number of stamp duty payment(s) for which details to be entered

(i)

State or Union territory in respect of which stamp duty is paid	<input type="text"/>
Total amount of stamps or stamp paper (in Rs.)	<input type="text"/>
Particulars of instrument(s) on which stamp duty is paid	
Mode of payment of stamp duty	<input type="text"/>
Name of vendor authorised to collect stamp duty or to sell stamp papers on behalf of the Government	
Serial number of stamps or stamp paper	
Registration number of vendor	
Date of purchase of stamps or stamp paper	<input type="text"/> (DD/MM/YYYY)
Place of purchase of stamps or stamp paper	

Attachments

- 1. Board resolution
- 2. Scheme of arrangement, amalgamation
- 3. *Detailed application
- 4. Copy of notice received from RoC or any other competent authority
- 5. Optional attachment(s) - if any

Attach
Attach
Attach
Attach
Attach

List of attachments

Remove attachment

Verification

To the best of my knowledge and belief, the information given in this application and its attachments is correct and complete.

- I have been authorised by the Board of directors' resolution number dated (DD/MM/YYYY) to sign and submit this application.
- I am duly authorised to sign and submit this application.

To be digitally signed by

Managing Director or director or manager or secretary (in case of an Indian company) or an authorised representative (in case of a foreign company) or other

Designation

DIN of the director or Managing Director; or income-tax PAN of the manager or authorised representative; or Membership number, if applicable or income-tax PAN of the secretary (secretary of a company who is not a member of ICSI, may quote his/ her income-tax PAN)

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)

Whether associate or fellow Associate Fellow

Membership number or certificate of practice number

Modify

Check Form

Prescrutiny

Submit

For office use only:

Digital signature of the authorising officer

This e-Form is hereby approved

This e-Form is hereby rejected

Confirm submission

[F No 1/15 /2008 CL.V]

(Renuka Kumar),
Joint Secretary.

Note: The principal rules were published in the Gazette of India Part II, section 3, sub-section (i) vide number G.S.R. 432 dated the 18th January, 1956 and subsequently amended vide the following notifications:-

Serial Number	Notification Number	Notification Date
1.	SRO 2535	1.11.1956
2.	SRO 3135	21.12.1956
3.	SRO 237	19.01.1957
4.	SRO 2105	29.1.1957
5.	SRO 3038	28.9.1957
6.	SRO 3867	7.12.1957
7.	GSR 48	22.2.1958
8.	GSR 723	23.8.1958
9.	GSR 750	30.8.1958
10.	GSR 1026	1.11.1958
11.	GSR 14	3.01.1959
12.	GSR 548	9.05.1959
13.	GSR 1140	17.10.1959
14.	GSR 1224	7.11.1959
15.	GSR 1364	12.12.1959
16.	GSR 220	27.2.1960
17.	GSR 595	28.5.1960
18.	GSR 195	18.2.1961
19.	GSR 814	24.6.1961
20.	GSR 1105	9.9.1961
21.	GSR 1408	25.11.1961
22.	GSR 653	12.5.1962
23.	GSR 344	2.3.1963

24.	GSR 628	13.4.1963
25.	GSR 97	16.1.1965
26.	GSR 822	12.6.1965
27.	GSR 1570	30.10.1965
28.	GSR 368	19.3.1966
29.	GSR 421	18.3.1966
30.	GSR 499	9.4.1966
31.	GSR 743	21.5.1966
32.	GSR 847	4.6.1966
33.	GSR 1266	13.8.1966
34.	GSR 130	20.1.1968
35.	GSR 667	30.6.1973
36.	GSR 327(E)	10.6.1975
37.	GSR 414(E)	16.7.1975
38.	GSR 2596	1.11.1975
39.	GSR 2828	13.12.1975
40.	GSR 154	31.1.1976
41.	GSR 248(E)	24.3.1976
42.	GSR 627	14.5.1977
43.	GSR 24(E)	9.1.1979
44.	GSR 1256	6.10.1979
45.	GSR 555(E)	4.9.1982
46.	GSR 479(E)	22.4.1988
47.	GSR 694(E)	10.6.1988
48.	GSR 782(E)	13.7.1988
49.	GSR 908(E)	7.9.1988
50.	GSR 1032(E)	26.10.1988
51.	GSR 449 (E)	17.4.1989
52.	GSR 510(E)	24.5.1990
53.	GSR 795(E)	18.9.1990
54.	GSR 289(E)	31.5.1991
55.	GSR 614(E)	3.10.1991
56.	GSR 754(E)	26.12.1991
57.	GSR 312(E)	6.3.1992
58.	GSR 353(E)	26.3.1992
59.	GSR 484(E)	11.5.1992
60.	GSR 581 (E)	27.8.1993
61.	GSR 621 (E)	24.9.1993

62.	GSR 286(E)	1.3.1994
63.	GSR 598(E)	28.7.1994
64.	GSR 697(E)	20.9.1994
65.	GSR 283(E)	21.3.1995
66.	GSR 424(E)	26.5.1995
67.	GSR 251(E)	21.6.1996
68.	GSR 97(E)	28.2.1997
69.	GSR 126(E)	1.3.1997
70.	GSR 16(E)	6.1.1999
71.	GSR 23(E)	12.1.1999
72.	GSR 130(E)	23.2.1999
73.	GSR 788(E)	29.11.1999
74.	GSR 58(E)	17.1.2000
75.	GSR 363 (E)	27.4.2000
76.	GSR 638(E)	26.7.2000
77.	GSR 836(E)	24.10.2000
78.	GSR 24(E)	15.01.2001
79.	GSR 35(E)	24.01.2001
80.	GSR 51(E)	31.01.2001
81.	GSR 96(E)	14.02.2001
82.	GSR 330(E)	07.05.2002
83.	GSR 5(E)	03.01.2003
84.	GSR 479(E)	12.06.2003
85.	GSR 580(E)	24.07.2003
86.	GSR 56(E)	10-02-2006
87.	GSR 555(E)	14-09-2006
88.	GSR 399 (E)	30-05-2007
89.	GSR 500 (E)	24-07-2007
90	GSR 720(E)	16-11-2007
91	GSR 655(E)	12-9-2008
92	GSR 788(E)	14-11-2008
93	GSR 824 (E)	28-11-2008
94	GSR 835(E)	04-12-2008
95	GSR 868(E)	22-12-2008
96	GSR 872(E)	23-12-2008
97	GSR 876(E)	24-12-2008
98	GSR 183(E)	20-03-2009
99	GSR 257(E)	17-04-2009