
[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, dated 21st February, 2019

G.S.R.(E). In exercise of the powers conferred by sub-section (9) of section 12 and sub-sections (1) and (2) of section 469 of the Companies Act, 2013 (18 of 2013), the Central Government hereby makes the following rules further to amend the Companies (Incorporation) Rules, 2014, namely: -

1. (1) These rules may be called the Companies (Incorporation) Amendment Rules, 2019.

(2) They shall come into force with effect from **25th February, 2019**

2. In the Companies (Incorporation) Rules, 2014 (hereinafter referred to as the said rules), after rule 25, the following shall be inserted, namely:-

“25A. Active Company Tagging Identities and Verification (ACTIVE).-(1) 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.**

Provided that any company which has not filed its due financial statements under section 137 or due annual returns under section 92 or both with the Registrar shall be restricted from filing e-Form-ACTIVE, unless such company is under management dispute and the Registrar has recorded the same on the register:

Provided further that 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:

Provided also that 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 -

- (i) SH-07 (Change in Authorized Capital);
- (ii) PAS-03 (Change in Paid-up Capital);
- (iii) DIR-12 (Changes in Director except cessation);
- (iv) INC-22 (Change in Registered Office);
- (v) INC-28 (Amalgamation, de-merger)

(2) 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".

3. in the said Rules, after Form INC-22, the e-form ACTIVE (INC-22A) shall be inserted, namely:-

"FORM NO. INC-22A
[Rule 25A of The Companies
(Incorporation) Rules, 2014]



ACTIVE (Active Company Tagging
Identities and Verification)

Form language English Hindi
 Refer the instruction kit for filing the form.

1. *(a)Corporate Identity Number (CIN) of the company

Prefill

*(b) Name of the Company

*(c) Address of registered office(Photo of the Registered Office also showing therein atleast one Director(s)/KMP who has affixed his/her Digital Signature to this form is mandatory)

Latitude	Longitude

(d) *email ID of the company

Send OTP

(e) *Enter OTP for email ID of the company

Verify OTP

(f) *Whether the company is listed Yes No

2. *(a) Number of Directors

Prefill

(b) The Maximum Number of Directors are beyond limits prescribed in Companies Act, 2013 based on resolution dated

RN of Form No. MGT-14

*(c) List of Directors as on date of filing.

Sr. No.	DIN	Name of Director	Status of DIN

(Before filing Active Company Tagging Identities and Verification (ACTIVE) eform, please ensure that the DINs of all Directors are in 'approved' status and are neither 'De-activated due to non-filing of DIR-3 KYC' nor 'Disqualified u/s 164(2)')

3. *Details of statutory auditor(s).

*Number of auditor(s) appointed

I. *Category of Auditor

Individual

Auditor's Firm

*Income Tax permanent account number of auditor or auditor's firm

*Name of the auditor or auditor's firm

*Membership Number of auditor or auditor's firm's registration number

*Period of account for which appointed From

4. Whether the company is required to appoint Cost Auditor

Yes

No

Prefill

Number of cost auditor(s)

I. Category of Auditor

Individual

Partnership firm

Limited liability partnership

Membership number of the Cost Auditor/ member representing the Cost Auditor's Firm/LLP

Name of the cost auditor or member representing the firm/LLP

Firm Registration Number(FRN) of the Cost Auditor/Cost Auditor's firm/LLP

Name of the Cost auditor's firm/LLP

Financial year to be covered by the cost auditor(s) From

5. Details of the Managing director or Chief Executive Officer (CEO) or Manager or Whole-time Director of the company

Number of roles

DIN/PAN

Name

Designation

Whether the company has Managing Director or CEO

Yes

No

6. Details of Company Secretary of the company, if applicable.

PAN

Name

Membership Number

7. Details of the Chief Financial Officer (CFO) of the company, if applicable.

PAN

Name

8. *Details of forms AOC-4/AOC-4 XBRL and MGT-7 filed for FY 2017-18

*SRN of AOC-4/ AOC-4 XBRL

*SRN of MGT-7

Attachments

List of attachments

1. *Photograph of Registered Office showing external building and inside office also showing therein atleast one director/KMP who has affixed his/her Digital Signature to this form.

Attach

2. Optional Attachment(s), if any

Attach

Remove attachment

Declaration

I hereby declare that the registered Office is situated in the address mentioned above, the details of directors, KMP, auditors are presently associated with the company are correct.

Verification

I, hereby confirm and verify that the particulars given in the Form herein above are true and also are in agreement with the documents maintained by the company.

To be digitally signed by one director in case of OPC.

To be digitally signed by one director and one KMP or two directors in case of other than OPC

*Designation

DSC BOX

*DIN

DSC BOX

*Designation

* DIN of the director; or DIN or PAN of the manager or CEO or CFO; or Membership number of the secretary

Certification

I declare that I have been duly engaged for the purpose of certification/verification of this form. It is hereby certified that:

* I have satisfied myself about the identity of the company and its address based on the perusal of the original of the attached document.

* All required attachments have been completely attached to this application

* I have gone through the provisions of The Companies Act, 2013 and rules thereunder for the subject matter of this form and matters incidental thereto and I have verified the above particulars (including attachment(s)) from the original records maintained by the Company/applicant which is subject matter of this form and found them to be true, correct and complete and no information material to this form has been suppressed.

*I further certify that:

- *email ID belong to the Company.
- * All the required attachments have been completely and legibly attached to this form;
- *I have kept a copy of this form and attachments thereto, in my records for further reference.
- *It is understood that I shall be liable for action under section 448 of The Companies Act, 2013 for wrong certifications, if any found at any stage.

*To be digitally signed by

DSC Box

*Category

*Whether Associate or Fellow Associate Fellow

*Membership Number

*Certificate of Practice Number

Note: Attention is drawn to the provisions of sections 7(5) and 7(6) which, *inter-alia*, provides that furnishing of any false or incorrect particulars of any information or suppression of any material information shall attract punishment for fraud under section 447. Attention is also drawn to provisions of Section 448 and 449 which provide for punishment for false statement / certificate and punishment for false evidence respectively.

This e-Form has been taken on file maintained by the register of companies through electronic mode and on the basis of statement of correctness given by the Director and professional"

[F. No. 1/13/2013 CL-V, part-I, Vol.II]


21/2/19
K.V.R. MURTY, Joint Secretary.

Note: The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), *vide* number G.S.R. 250(E), dated the 31st March, 2014 and subsequently amended *vide* the following notifications:-

Serial Number	Notification Number	Notification Date
1.	G.S.R. 349 (E)	01-05-2015
2.	G.S.R. 442 (E)	29-05-2015
3.	G.S.R. 99 (E)	22-01-2016
4.	G.S.R.336(E)	23-03-2016
5.	G.S.R.743(E)	27-07-2016
6.	G.S.R.936(E)	01-10-2016
7.	G.S.R.1184 (E)	29-12-2016
8.	G.S.R. 70 (E)	25-01-2017
9.	G.S.R. 955 (E)	27-07-2017
10.	G.S.R. 49 (E)	20-01-2018
11.	G.S.R.284 (E)	23-03-2018
12.	G.S.R. 708 (E)	27-07-2018
13.	G.S.R. 1219 (E)	18-12-2018
