

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

GOVERNMENT OF INDIA  
MINISTRY OF CORPORATE AFFAIRS

Notification

New Delhi, the 24<sup>th</sup> December, 2008.

G.S.R.888(E).- In exercise of the powers conferred by sub-sections (5) and (8) of section 25 and sub-section (2) of section 609 read with sections 610A, 610B and 610E of the Companies Act, 1956 (1 of 1956), the Central Government hereby makes the following regulations further to amend the Companies Regulations, 1956, namely :-

1. (1) These Regulations may be called the Companies (Amendment) Regulations, 2008.

(2) They shall come into force with effect from 15<sup>th</sup> February, 2009.

2. In the Companies Regulations, 1956, for regulation 17, the following shall be substituted namely:-

“(1) The Registrar shall examine or cause to be examined, every application or e-Form or document required or authorised or filed by or under the Act and rules made thereunder, filed with or delivered to, in the electronic form, the Ministry of Corporate Affairs on its website [www.mca.gov.in](http://www.mca.gov.in), for approval and registration or taking on record or rectification by the Registrar:

Provided that the e-Forms identified as informatory in nature and filed under Straight Through Process (STP) may be examined by the Registrar any time.

(2) Where the Registrar, on examining any such application or e-Form or document referred to in sub-regulation (1), finds it necessary to call further information or finds such application or e-Form or document to be defective or incomplete in any respect, he shall give intimation of such information called for or defect or incompleteness noticed electronically, by placing it on the website and by e-mail on the last intimated e-mail address of the person or the company, which has filed such application or e-Form or document, directing him or it to furnish such information or to rectify such defects or incompleteness or to re-submit such application or e-Form or document:

Provided that in case the e-mail address of the person or company in question is not available, such intimation shall be given by the Registrar by post at the last intimated address or registered office of such person or company as the case may be. The Registrar shall preserve the facts of such intimation in the electronic record.

(3) Except as otherwise provided in the Act, the Registrar shall give an opportunity allowing thirty days time to such person or such company which has filed such application or e-Form or document, for furnishing further information or for rectification of the defects or incompleteness or for re-submission of such application or e-Form or document:

Provided that he shall allow fifteen days time only, for furnishing further information or for rectification of the defects or incompleteness or for re-submission of e-Form or documents filed under section 18(1) (a) and (b) of the Act.

(4) In the event, such further information called for has not been provided or has been furnished partially or has not been provided to the satisfaction of the Registrar or defect or incompleteness has not been rectified or has been rectified partially or has not

been rectified to the satisfaction of the Registrar, despite opportunity provided under sub-regulation (3), the Registrar shall either reject or treat and label such application or e-Form or document as the case may be as "invalid" in the electronic record, and shall not take on record such invalid application or e-Form or document and shall inform such person or company, as the case may be, accordingly in the mode, as specified in sub-regulation (2) .

(5) Where any document has been recorded as invalid by the Registrar, such document may be rectified by the company only through fresh filing with payment of fee and additional fee as applicable, without prejudice to any other liability under the Act.

(6) Except as otherwise provided in the Act, the Registrar shall not keep any document pending for approval and registration or for taking on record or for rejection or otherwise for more than one hundred twenty days, from the date of its filing excluding the cases in which an approval from the Central Government or Regional Director or Company Law Board or any other competent authority is required.

(7) The Registrar, in case, finds any such e-Form or document filed under Straight Through Process (STP), referred in proviso under sub-regulation (1), as defective or incomplete in any respect, at any time, he shall treat and label such e-Form or document as "defective" in the electronic registry and shall issue a notice pointing out such defects or incompleteness in such e-form or document at the last intimated e-mail address (if available) of the person or the company which has filed the document and in writing by post at the address of such person or registered office address of such company, calling upon such person or company to file such e-form or document afresh

with fee and additional fee as applicable, after rectifying such defects or incompleteness within a period of thirty days from the date of such notice.

(8) The Registrar shall re-examine, within a period of sixty days, every application or e-Form or document filed electronically and pending in his office for more than thirty days from the date of filing as on the date of commencement of these regulations, found as defective or incomplete in any respect, and shall intimate such defects or incompleteness in such application or e-Form or document, by placing them on the web site, and by e-mail (in case e-mail address is not available, then by post ) on the last intimated address of the person or registered office address of the company which has filed such application or document directing him or it to rectify such defects or incompleteness or to re-submit the application or e-Form or document within a period of thirty days from the date of such intimation, failing which such application or e-Form or document shall be treated as invalid and shall not be approved or registered or taken on record, as the case may be:

Provided that in case such person or company fails to rectify the defects or incompleteness or to re-submit such application or e-Form or document complete in all respect within the time provided in this sub-regulation , the Registrar shall either reject the same or treat and label such application or e-Form or document as invalid and shall not take on record such invalid application or e-Form or document, and such person or company shall be informed accordingly in the mode in which intimation was given in this sub-regulation:

Provided further that, except as otherwise provided in the Act , the Registrar shall not keep any document, referred in this sub-regulation, pending for approval and

registration or for taking on record or for rejection or otherwise for more than one hundred fifty days from the date of commencement of these regulations excluding the cases as specified in sub-regulation (6) ” .

[F.NO 1/8/2008 CLV]

Jitesh Khosla,  
Joint Secretary.

Note: The principal regulations were published in the Gazette of India vide number SRO 432B dated 18-2-1956 and subsequent amended by the following notifications:-

S.no.	Notification number	Notification date
1	G.S.R. 188	09-01-1958
2	G.S.R. 399	24-03-1962
3	G.S.R. 1850	01-12-1966
4	G.S.R. 1445	16-09- 1967
5	G.S.R. 668	10 -06- 1973
6	G.S.R. 523	11 -07- 1989
7	S.O. 367(E)	31 -05- 1991
8	G.S.R. 924(E)	14 12- 1992
9	G.S.R. 610(E)	23 -12- 2005
10	G.S.R. 157(E)	16- 03 - 2006
11	G.S.R. 497(E)	21 -08- 2006
12	G.S.R 556(E)	14 -09- 2006.