

Balance Sheet, Profit Loss, Directors report, Notice of AGM or any other documents filed with Regional Director/ Registrar of Companies under Companies Act, 2013 SHALL NOT be uploaded using SD/- in place of actual signature of Directors/ Professional.

AS per Chapter XXIV i.e, The Companies (Registration Offices and Fees) Rules, 2014 Companies Act, 2013, no documents attached with any e-form shall be uploaded by using SD/- as a Substitute of actual signature of Directors/ Professional.

Many of Directors/Professional in erstwhile act, were uploading the e-forms using SD/- as a Substitute of actual signature of Directors.

Let's us observe Companies Act, 2013 regarding authentication of documents attached with e-forms.

"RULE 8" of The Companies (Registration Offices and Fees) Rules, 2014, says about Authentication of documents

Sub rule (6) - Scanned image of documents shall be of original signed documents relevant to the e-forms or forms and the scanned document image Shall Not Be Left Blank without bearing the actual signature of authorised person."

Consequence of filing the documents using SD/- as a Substitute of actual signature

"Sub rule (9) and Sub rule (10) of RULE 8" of The Companies (Registration Offices and Fees) Rules, 2014.

Sub rule (9)- Where any instance of filing document, application or return etc, containing a false or misleading information or omission of material fact, requiring action under section 448 or section 449 is observed, the person shall be liable under section 448 and 449 of the Act.

Sub rule (10)- Without prejudice to any other liability, in case of certification of any form, document, application or return under the Act containing wrong or false or misleading information or omission of material fact or attachments by the person, the Digital Signature Certificate shall be de-activated by the Central Government till a final decision is taken in this regard.

Ministry of Corporate affairs vide its General Circular- 10/2014 dated 07-05-2015 issued to all Regional Director and all Register of Companies, regarding certification of E-forms/non e- forms under Companies Act, 2013 by the Practicing Professional's:

"Point 3 "of the said Circular

Where any instance of filing of documents, application or return or petition etc. containing false or misleading information or omission of material fact or incomplete information is observed, the Regional Director or the Registrar as the case may be, shall conduct a quick inquiry against the professionals who certified the form and signatory thereof including an officer in default who appears prima facie responsible for submitting false or misleading or incorrect information pursuant to requirement of above said Rules; 15 days' notice may be given for the purpose.

"Point 4 "of the said Circular

The Regional Director or the Registrar will submit his/her report in respect of the inquiry initiated, irrespective of the outcome, to the E-Governance cell of the Ministry within 15 days of the expiry of period given for submission of an explanation with recommendation in initiating action u/s 447 and 448 of the Companies Act, 2013 wherever applicable and also regarding referral of the matter to the concerned professional Institute for initiating disciplinary Proceedings.

Therefore all directors, professional shall take all due care while attaching Digital signature certificate with e-forms.

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