

[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, 7th April, 2017

G.S.R.(E).—In exercise of the powers conferred by 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 (Registration of Charges) Rules, 2014, namely:—

1. (1) These rules may be called the Companies (Registration of Charges) Amendment Rules, 2017.

(2) They shall come into force from the date of their publication in the Official Gazette.

2. In the Companies (Registration of Charges) Rules, 2014, (hereinafter referred to as the principal rules) for Form No. CHG-1, the following form shall be substituted, namely:-

FORM NO. CHG-1

[Pursuant to sections 77,78 and 79 and pursuant to Section 384 read with 77,78 and 79 of the Companies Act, 2013 and Rule 3(1) of the Companies (Registration of Charges) Rules 2014]



Application for registration of creation, modification of charge (other than those related to debentures) including particulars of modification of charge by Asset Reconstruction Company in terms of Securitization and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002 (SARFAESI)

Form Language English Hindi

Refer the instruction kit for filing the form.

1. (a) *Corporate identity number (CIN) or foreign company registration number (FCRN) of the company Pre-fill
(b) Global Location Number (GLN) of company
2. (a) Name of the company
(b) Address of the registered office or principal place of business in India of the company

(c) email id of the company
3. (a) *This form is for registration of
 Creation of charge Modification of charge
(b) Charge ID of the charge to be modified
4. *Whether the applicant is The company The charge holder
5. Whether the form is being filed
(i) *Beyond 30 days but within 300 days from the date of creation or modification Yes No
(ii) If yes, give reasons for the delay and mention the duration of delay

(iii) Beyond 300 days Yes No
(if yes, an application will be required to be made to Central Government for extension of further time)
6. (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
7. (a) *Date of the instrument creating or modifying the charge
(b) *Nature, description and brief particulars of the instrument(s) creating or modifying the charge
- (c) *Whether charge is created or modified outside India Yes No

8. Type of charge

*(a) A charge on

<input type="checkbox"/> Uncalled share capital	<input type="checkbox"/> Calls made but not paid	<input type="checkbox"/> Immovable property or any interest therein
<input type="checkbox"/> Movable property	<input type="checkbox"/> Floating charge	<input type="checkbox"/> Motor Vehicle (Hypothecation)
<input type="checkbox"/> Any property for securing the issue of secured deposits	<input type="checkbox"/> Goodwill	<input type="checkbox"/> Patent
<input type="checkbox"/> Licence under a patent	<input type="checkbox"/> Trade mark	<input type="checkbox"/> Copyright
<input type="checkbox"/> Book debts	<input type="checkbox"/> Ship or any share in a ship	<input type="checkbox"/> Solely of Property situated outside India
<input type="checkbox"/> Others		

(b) If others, specify

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

If yes, enter Lead Banker's name

(b) *Whether joint charge is involved o Yes o No

(c) *Number of charge holder(s)

(d) Whether charges rank *pari passu* o Yes o No
Ranks of the charge holder(s)

Rank	Charge holder

(Note: Please attach a complete list of charge holders, details of their extent to the charge, particulars of property charged, amount secured etc.)

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

Category

If others, specify

Get List of Charge holders

Name

In case of others, specify

CIN, if applicable Pre-fill

*Name

Address *Line I

Line II

*City

*State

Country ISO country code

*Pin code

*e-mail id

*Whether charge holder is having a valid Income Tax PAN Yes No

Income tax-Permanent Account Number (PAN)

BSR Code / Branch Code

11. (a) *Amount secured by the charge (in Rs.)

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

(In case of modification/ rectification 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

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

(a) Date of Creating Security Interest by actual/ constructive deposit of title deeds within bank/ housing finance company	<input type="text"/>
	(DD/MM/YYYY)
(b) Borrower's customer/account number	
(c) *Rate of interest	
(d) Repayment term (in months)	
(e) *Terms of Repayment	
(f) Nature of facility	
(g) Date of Disbursement	<input type="text"/>
	(DD/MM/YYYY)
(h) Miscellaneous narrative information	
(i) *Margin	
(j) *Extent and operation of the charge	
(k) Others	

13. 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

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

(c) Date of acquisition of the property

(d) Amount of the charge (in Rs.)

(e) Particulars of the property charged

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

Plot Unit Dwelling Interest

Evaluated Price of Asset as on Security interest Creation date	Nature of Property	Plot ID number	Survey number /Gate number etc. *
Street Number and Name	Sector /Block Number	Locality	Landmark
Village/Town	Taluka	District	State
Pin Code	Latitude	Longitude	Area of plot (Square feet/meter, Acre, Gunta, Cents, Hectares)

Evaluated Price of Asset as on Security interest Creation date	Nature of Property	Plot ID number	Survey number/Gate number*
Dwelling Unit ID Number	Floor number	Building Name and Society Name	Street number and name
Sector/Block Number	Locality	Landmark	Village/Town Name
Taluka	District	State	Pin Code
Latitude	Longitude	Area of dwelling (Square feet/meter)	

Bounded by

By North	By South	By East	By West

*Survey number, GAT number, Khesra number, khwela number, Mouza number, Phase number or any other such similar representation in various states or union territories can be captured in this field.

(All the fields should be captured as appearing in the revenue record, flat no, house no, Municipal Office/Municipal Corporation / Gram panchayat are to be specified and also the area of the immovable property as well as boundaries)

15. Description of the document by which the company acquired the title

Number of title documents deposited by customer

I	Document type	
	Document Number	
	Sub-registrar	
	Taluka	
	District	
	State	
	Country code	
	Pin Code	

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, name of the person in whose name it is registered

17. *Date of creation/last modification prior to the present modification

18. Particulars of the present modification (please ensure that the correct particulars are entered as the same shall be displayed in the certificate of modification of charge)

Attachments

- (1) *Instrument(s) of creation or modification of charge;
- (2) Instrument(s) evidencing creation or modification of charge in case of acquisition of property which is already subject to charge together with the instrument evidencing such acquisitions;
- (3) Particulars of all joint charge holders;
- (4) Optional attachments, if any

List of attachments

Remove Attachment

Declaration

- (i) I am authorized by the Board of Directors of the Company vide resolution number * *dated to sign this form and declare that all the requirements of Companies Act, 2013 and the rules made thereunder in respect of the subject matter of this form and matters incidental thereto have been complied with. I also declare that all the information given herein above is true, correct and complete and as per the attached charge instrument(s) or document(s) and nothing material has been suppressed. 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.
- (ii) I further declare that:
 - (a) the delay in filing the particulars of creation/modification, was accidental or due to inadvertence or some other sufficient cause and are or is not of a nature to prejudice the position of the charge holder, shareholders or creditors of the company;
 - (b) no prejudice would be caused to the charge holder(s) or any other creditor(s) of the company, if the delay is condoned;
 - (c) the company has not created or modified any other charge(s) whatsoever on the assets of the company, since the creation / modification of the present charge, for which the application for condonation of delay is being filed;
 - (d) the company is carrying on the business as on the date of filing this application and no proceedings to wind-up the company have commenced or are pending against the company;
 - (e) there is no litigation proceedings pending before any court of law for which condonation of delay is being filed;

(f) the company has not applied for striking off the name of the company from the register of Registrar of Companies

To be digitally signed by

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

DSC Box

Designation

DIN of the director; PAN of the manager or CEO or CFO or
authorised representative; or membership number of company secretary

Declaration

- 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 are concisely and correctly stated. I/we am/are duly authorised to sign this form.
- I/we am/are a multilateral/International financial institution who has/have been exempted from payment of income tax in India under the UN Privileges and Immunities Act.

To be digitally signed by

DSC Box

Charge Holder

PAN of the charge holder

To be digitally signed by

DSC Box

ARC or assignee

PAN of the ARC or assignee

Certificate by practicing professional

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

- i. The said records have been properly prepared, signed by the required officers of the Company and maintained as per the relevant provisions of the Companies Act, 2013 and were found to be in order;
- ii. All the required attachments have been completely and legibly attached to this form.

To be digitally signed by

DSC Box

- 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

Certificate of Practice number

Note: Attention is also drawn to provisions of Section 447, section 448 and 449 of the Companies Act, 2013 which provide for punishment for fraud, punishment for false statement and punishment for false evidence respectively.

<input type="text"/>	Check Form	Prescrutiny	<input type="text"/>
For office use only:			
eForm Service request number (SRN)	<input type="text"/>	eForm filing date	<input type="text"/> (DD/MM/YYYY)
Digital signature of the authorising officer	<input type="text"/>	<input type="text"/>	
This e-Form is hereby registered	<input type="text"/>	<input type="text"/>	
Date of signing	<input type="text"/>	<input type="text"/>	(DD/MM/YYYY)
OR			
This eForm has been taken on file maintained by the registrar of companies through electronic mode and on the basis of statement of correctness given by the filing company			

3. In the principal rules, for 'Form No. CHG-4', the following form shall be substituted, namely:-

FORM NO. CHG-4 [Pursuant to section 82(1) of the Companies Act, 2013 and Rule 8(1) of the Companies (Registration of Charges) Rules, 2014]	 सत्यमेव जयते	Particulars for satisfaction of charge thereof
Form Language <input type="radio"/> English <input type="radio"/> Hindi Refer the instruction kit for filing the form		
1. (a) *Corporate identity number (CIN) or <input type="text"/> foreign company registration number (FCRN) of the company	<input type="text"/>	Pre-fill
(b) Global location number (GLN) of company	<input type="text"/>	
2. (a) Name of the company	<input type="text"/>	
(b) Address of the registered office or principal place of business in India of the company	<input type="text"/>	
(c) email ID of the company	<input type="text"/>	
3. *This form is for registration of <input type="radio"/> Satisfaction of charge		
4. (a) (i) *Whether the form is being filed beyond 30 days <input type="radio"/> Yes <input type="radio"/> No		
If yes, give reasons for the delay and mention the duration of delay	<input type="text"/>	
(ii) *Whether the applicant is <input type="radio"/> Company <input type="radio"/> Charge holder		

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

*Charge creation identification (ID) number

6. (a) *Particulars of the charge holder or ARC or assignee

*Name of chargeholder

In case of others,

CIN, if applicable

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

7. *Date of Satisfaction of charge in full

Attachments

- *Letter of the charge holder stating that the amount has been satisfied;
- Optional attachment(s) - if any

List of attachments

Declaration

- I am authorized by the Board of Directors of the Company vide resolution number* dated* to sign this form and declare that all the requirements of Companies Act, 2013 and the rules made thereunder in respect of the subject matter of this form and matters incidental thereto have been complied with. I also declare that all the information given herein above is true, correct and complete and as per the attached charge instrument(s) or document(s) and nothing material has been suppressed.