

To,
The Stakeholders,

Date: 31.05.2010

Dear Sir/Madam,

We are pleased to inform you that the Ministry of Corporate Affairs in exercise of the powers under Section 611(2) and 637B (b) of the Companies Act, 1956 has decided to introduce a Scheme namely, **“Company Law Settlement Scheme, 2010,”** which shall come into force from 30th May, 2010 and shall remain in force till 31st August, 2010 condoning the delay in filing documents with the Registrar of Companies, which the Companies due to some reasons have not filed timely in due compliance of the Act. Such Companies are now permitted to file the documents under the scheme with the Registrar of Companies granting immunity from the prosecution and charging only 25% of the actual additional fee payable for filing belated documents.

In relation to the above we would like to offer our professional services for filing belated documents and returns of the Companies with the Registrar of Companies under the Scheme who are burdened with Additional fee and facing prosecution for non filing under Section 162, 168, 210(5), 220(3).

Since the scheme is in force for a limited tenure and is beneficial for the Companies who have not filed the documents from many years, as the company will be paying only 25% of the total additional fee, and getting immunity certificate from the Registrar of Companies for the prosecution for non filing, therefore the benefits of this scheme should be availed at the earliest before it gets over.

In case you need any further clarification in this regard, feel free to reach us.

Regards,

DPA & Associates
dpaandassociates.com

Encl. Salient Features of the Scheme

Company Law Settlement Scheme, 2010

Salient Features:

1. The scheme shall come into force on the 30th May, 2010 and shall remain in force up to 31st August, 2010.
2. **Applicability:** - Any “defaulting company” is permitted to file belated documents in accordance with the provisions of this Scheme:

Provided that any defaulting private company or public company which has not increased its paid capital up to the threshold limit of rupees one lakh and rupees five lakh respectively as provided in sub section (3) and (4) of section 3 of the Companies Act, 1956, as the case may be, shall first file its documents to increase their paid up capital up to the threshold limit under the scheme and thereafter would be allowed to file other belated documents;

3. Withdrawal of appeal against prosecution launched for the offences- If the defaulting company has filed any appeal against any notice issued or complaint filed before the competent court for violation of the provisions under the Act in respect of which application is made under this Scheme, the applicant shall before filing an application for issue of immunity certificate, withdraw the appeal and furnish the proof of such withdrawal along with the application;
4. Scheme not to apply to certain documents - (a) This Scheme shall not apply to the filing of documents for incorporation or establishment of place of business in India or where specific order for condonation of delay or prior approval under the provisions of the Companies Act, 1956 is to be obtained from the Company Law Board or the Central Government or Court or any other Competent Authority is required;

(b) This Scheme shall not apply to companies against which action under sub-section (5) of section 560 of the Act has been initiated by the Registrar of Companies;

After granting the immunity, the Registrar concerned shall withdraw the prosecution(s) pending if any before the concerned Court(s);

5. At the conclusion of the Scheme, the Registrar shall take necessary action under the Companies Act, 1956 against the companies who have not availed this Scheme and are in default in filing of documents in a timely manner.