**[Penalty for late filing of the e-forms under Companies Act, 2013](http://taxguru.in/company-law/penalty-late-filing-eforms-companies-act-2013.html)**

Beware friends!! Don’t delay the filing of e-forms under companies act by more than 270 days from the last date of filing the form!!

Let’s start with discussing the charging section of penalties.

**Section 403:**

**Brief:**

If an assessee delays filing of e-form by more than 270 days from the time period granted for filing of the respective e-form, then penalty as given in the concerned section will be imposed.

For eg: If the resolution to be attached in MGT-14 is passed on 21.01.2015, then normal time to file the form is 30 days. Penalty will be imposed if the person doesn’t file the form within 300 days from 21.01.2015 or if the form is not filed within 270 days from 20.02.2015.

**Bare law:**

**Sec 403.**(*1*) Any document, required to be submitted, filed, registered or recorded, or any fact or information required or authorised to be registered under this Act, shall be submitted, filed, registered or recorded within the time specified in the relevant provision on payment of such fee as may be prescribed:

Provided that any document, fact or information may be submitted, filed, registered or recorded, after the time specified in relevant provision for such submission, filing, registering or recording, within a period of **two hundred and seventy days** from the date by which it should have been submitted, filed, registered or recorded, as the case may be, on payment of such additional fee as may be prescribed:

 Provided further that any such document, fact or information may, without prejudice to any other legal action or liability under the Act, be also submitted, filed, registered or recorded, after the first time specified in first proviso on payment of fee and additional fee specified under this section.

(*2*) Where a company fails or commits any default to submit, file, register or record any document, fact or information under sub-section (*1*) before the expiry of the period specified in the first proviso to that sub-section with additional fee, the company and the officers of the company who are in default, shall, without prejudice to the liability for payment of fee and additional fee, **be liable for the penalty or punishment provided under this Act for such failure or default.**

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| **S.No.** | **Particulars** | **Section** | **Penalty** |
| 1. | Commencement of Business | Section 11(2) | Company – upto Rs. 5,000/-Officer – upto Rs. 1,000/- per day |
| 2. | Return of Allotment | Section 39(5) | Company & officer in default: Rs. 1000/- per day or 1 lakh, whichever is less. |
| 3. | Intimate alteration of Capital | Section 64(2) | Company & officer in default: Rs. 1000/- per day or 5 lakh, whichever is less. |
| 4. | Deposits | Section 66(11) | Officer will be liable u/s 447 and company will have to pay from Rs. 5 lakh to 25 lakh. |
| 5. | Charges | Section 86 | Company: Rs. 1 lakh to 10 lakhOfficer: Imprisonment upto 6 months and/or fine of Rs. 25000/- to 1 lakh |
| 6. | Annual Return | Section 92 (5) | Company: Rs. 50,000/- to 5,00,000/-Officer: Rs.  50,000/- to 5,00,000/- and/or imprisonment of 6 months |
| 7. | Filing of resolutions    | Section 117 (2) | Company: Rs. 5 Lakh to 25 Lakh.Officer: Rs. 1 Lakh to 5 Lakh. |
| 8. | Retirement of Auditor | Section 140(3) | Auditor: Rs. 50,000/- to Rs. 5 Lakh |
| 9. | Intimation of DIN | Section 157 (2) | Company: Rs. 25,000/- to Rs. 1 lakhOfficer: Rs.  25,000/- to Rs. 1 lakh |
| 10. | Disclosure of Interest | Section 184 (4) | Director: Rs. 50,000/- to Rs. 1 lakh and/or imprisonment upto 1 year. |

**Now, let’s discuss the penalty.**

 This isn’t the complete list, but for sure to make us aware of the stringent provisions of Companies Act, 2013.

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