

# Form NO. CHG-9

Pursuant to sections 71(3), 77,78 & 79 and pursuant to Section 384 read with 71(3), 77,78 and 79 of The Companies Act, 2013 and Rule 3 of The Companies( Registration of charges) Rules 2014]



Application for registration of creation or modification of charge for debentures or rectification of particulars filed in respect of creation or modification of charge for debentures

Form Language ☐ English ☐ Hindi

## Refer instruction kit for filling of forms

1. (a) \*Corporate identity number (CIN) or foreign company registration number (FCRN) of the company
- (b) Global location number (GLN) of company
2. (a) Name of the company
- (b) Address of the registered office or of the principal place of business in India of the company
- (c) e-mail ID of the company
3. (a) \*This form is for ☐ Creation of charge ☐ Modification of charge ☐ Rectification of charge
- (b) \*Type of debentures ☐ Debentures ☐ Debenture Stock ☐ Bond ☐ Any other instrument
- (c) SRN of the form for which rectification is being filed
- (d) Charge ID of the charge to be modified or rectified
- (e) SRN of form INC.28
- (f) Rectification to be made in regard to
- |   |   |
|---|---|
| <input type="checkbox"/> Type of debentures   | <input type="checkbox"/> Number of trustees or debenture holders        |
| <input type="checkbox"/> Particulars related to series of debentures                    | <input type="checkbox"/> Particulars related to present issue of series |
| <input type="checkbox"/> Amount secured by charge                                       | <input type="checkbox"/> Description / Particulars of property charged  |
| <input type="checkbox"/> Principal terms and conditions, extent and operation of charge | <input type="checkbox"/> Extent of charge                               |
| <input type="checkbox"/> Particulars of commissions, allowances or discount             |   |
4. (a) Whether applicant is ☐ The Company ☐ Trustee of debenture holders or Charge holder
- (b) Whether the form is being filed
- (i) \*Beyond 30 days but within 300 days from the date of creation or modification ☐ Yes ☐ No
5. \*Number of trustee(s) of debenture holders or charge holder(s)

**Particulars of the trustee of debenture holders or charge holder(In case charge is modified in favour of ARC or assignee, enter particulars of ARC or assignee)**

\*Name of chargeholder

In case of others, specify

CIN, if applicable

Name

\*Address Line I

Line II

\*City

\*State

\*ISO country code

Country

\*Pin code

\*e-mail ID

6. \*Date of creation of charge  (DD/MM/YYYY)

7. Whether the charge is for ☐ Entire series of debentures ☐ Any issue in a series of debentures

8. (a) Whether the series of debentures are registered with the Registrar of Companies (RoC) ☐ Yes ☐ No

9. (a) \*Date of present issue of series  (DD/MM/YYYY)

(b) \*Amount of present issue of series (amount secured by the charge) (in Rs.)

(c) (In case of modification of charge, enter the amount secured by the charge after such modification )

Amount secured by the charge in words

10. \*Date of resolution authorising the issue of the series  (DD/MM/YYYY)

11. (a) \*Description of the property charged indicating whether it is 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 (not being pledge)                         | <input type="checkbox"/> Floating charge             | <input type="checkbox"/> Motor Vehicle (Hypothecation)              |
| <input type="checkbox"/> Any Property for Securing the issue of the 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  |  |   |

(c) \*Particulars of the property charged (including location of the property)

12. \*Brief of the principal terms and conditions, (including rate of interest, date of redemption and creation of debenture redemption reserve) extent and operation of charge

13. \*Particulars as to amount or rate percent of the commission, allowances or discount (if any) paid, or made either directly or indirectly by the company to any person(s) in consideration of their subscribing or agreeing to subscribe, whether absolutely or conditionally, or procuring or agreeing to procure subscriptions, whether absolute or conditional, for any of the debentures included in this return.

#### Modification of charge

14. (a) \*Whether charge is modified in favour of asset reconstruction company(ARC) or assignee ☐ Yes ☐ No

15. (a) \*Description of the instrument modifying the charge

- (b) \*Date of instrument modifying the charge  (DD/MM/YYYY)

16. \*Particulars of the present modification

(Please ensure that correct particulars are entered as the same shall be displayed in the certificate of modification of charge)

#### Attachments

##### List of attachments

1. Copy of the resolution authorising the issue of the debenture series
2. Instrument of creation or modification of charge
3. Order of the Central Government for rectification of change;
4. Optional attachment(s) - if any

#### Declaration

☐ I am authorized by the Board of Directors of the Company vide resolution no.  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.

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

Designation

DIN of the director; DIN or 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.

**To be digitally signed by**

Trustee of debenture holders or Charge Holder

PAN

**To be digitally signed by**

ARC or assignee

PAN

**To be digitally signed by**

Designation

PAN

**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.

- ☐ 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

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**For office use only:**

eForm Service request number (SRN)  eForm filing date  (DD/MM/YYYY)

It is certified that the above document for charge creation or modification for debentures is hereby registered

**Digital signature of the authorising officer**

Date of signing

(DD/MM/YYYY)