



## **Frequently asked questions (FAQs) on e-form PAS-6 for share capital reconciliation audit for Unlisted Public Companies**

**Ques 1.** What is the Non-Applicability of this form ?

**Ans:** Filing of Form PAS-6 is not applicable on unlisted public company which is either a Nidhi company, a Government company or a wholly owned subsidiary.

**Ques 2.** For which period PAS-6 is required to be filed ?

**Ans:** PAS-6 is required to be filed on half yearly basis and it shall be filed within sixty days from the conclusion of each half year duly certified by a company secretary in practice or chartered accountant in practice.

**Ques 3.** Whether PAS-6 is required to be filed for half year ended 30.09.2019 ?

**Ans:** Yes. As per MCA General Circular No. 16/2019 dated 28.11.2019, Form PAS-6, for the half-year ended on 30.09.2019, will be filed within sixty days from the date of deployment of the form on MCA Portal i.e. sixty days from 15.07.2020 without any additional fees.

**Ques 4.** Whether unlisted public Company needs to take International Securities Identification Number ?

**Ans:** Yes, Company shall secure International security Identification Number (ISIN) for each type of security and shall inform all its existing security holders about such facility.

For one ISIN one form can be filed if the Company has more than one ISIN, it shall file equal number of forms equivalent to ISINs.

**Ques 5.** If the Company had filed GNL-2 for the share capital audit whether it needs to file PAS-6 ?

**Ans.** Yes, Company shall be required to file the prescribed form PAS-6 in terms of General circular No. 16/2019.

**Ques 6.** Whether a private limited company which subsidiary of public limited company is required to file PAS-6 ?

**Ans:** As per Section 2 (71) of the Companies Act, 2013 a private company which is a subsidiary of public company shall be deemed to be public company even where such subsidiary company continues to be a private company in its articles.

Accordingly, filing of PAS-6 is applicable on such private limited company.



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**Ques 7.** Whether Rule 9A of Companies (Prospectus and Allotment of Securities) Rules, 2014 is also applicable on transmission of shares ?

**Ans.** No, the provisions of Rule 9A Companies (Prospectus and Allotment of Securities) Rules, 2014 put restrictions only on transfer of shares.

**Ques 8.** Whether private limited companies whose shares are in Demat form, are required to file PAS-6 under the said rules ?

**Ans.** No, private limited companies are not required to file PAS-6.

**Ques 9.** What if the Company has not yet dematerialized its shares ?

**Ans:** Company shall file PAS-6 by mentioning the details of the number of shares under the head of the physical column mentioned in the form. The Company shall obtain ISIN prior to filing of e-form PAS-6 as it is a mandatory field in the e-form.

**Ques 10.** Can ISIN be obtained now ?

**Ans:** Yes, ISIN can be obtained now.

**Disclaimer:** *The information in this document is for general information purposes only. This should not be relied upon as a legal advice or opinion which may differ on the facts of each case.*

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