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Supplementary Memorandum of Understanding
between
Central Board of Excise and Customs
&
Institute of Company Secretaries of India

Supplementary Memorandum of Understanding

Whereas Institute of Company Secretaries of India (ICSI) and Central Board of Excise and Customs (CBEC) had entered into a Memorandum of Understanding on 25th June, 2010 for setting up ACES Certified Facilitation Centre.

AND WHEREAS it has been agreed between CBEC and ICSI that the following amendments/ modifications may be made in the aforesaid Memorandum of Understanding dated 25th June, 2010.

1. Para 4 specifying “Eligibility and Qualifications” shall be substituted as under:

“A Certified Facilitation Centre (CFC) can be set up and operated by a Company Secretary in practice fulfilling the following criteria:

- (i) He/She should be a member of the ICSI and should have valid Certificate of Practice issued by the ICSI;
- (ii) He/She should possess experience of at least one year in practice;
- (iii) He/She should not have been held guilty of any professional misconduct under the Company Secretaries Act, 1980 during three years immediately preceding the date of application or violated any laws being enforced by the CBEC, as communicated by CBEC to ICSI;
- (iv) He/She should meet the technical eligibility criteria for operation of the CFC Scheme as indicated under Para 5 below;
- (v) He/She should not be facing any investigation or enquiry by the CBEC for any violations as communicated by the CBEC to the ICSI including the Service Tax laws and Rules.”

2. Reference to the words “Company Secretary in practice/proprietary concern(s)/firm(s) of Company Secretaries in practice” wherever they occur should be taken as “Company Secretary in practice”.

3. Point (x) of para 7 pertaining to “Obligations to the CFC” stands omitted.

4. Para 8 specifying “Mode of Application and Application fee” will be substituted as under:

“A member qualified and eligible to set up and operate a CFC in accordance with the provisions contained in the Scheme may apply to ICSI for recognition as CFC and for issuance of a Certificate under this Scheme in prescribed application form.

After scrutiny, if the application is found satisfying the terms and conditions of the Scheme, the ICSI will forward the data in the prescribed format to the CBEC. The CBEC will issue User ID and Password to the applicant via e-mail

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with information to ICSI. The ICSI will then issue CFC Certificate to the applicant (hereinafter referred to as the Certificate). The CBEC will not collect any fees from the applicants. The ICSI may collect nominal fees towards the administrative charges for processing of applications and subsequent regulation of the CFCs. Applications under this Scheme would be accepted on a continuing basis.

The ICSI shall maintain a register of the approved CFC wherein the name and address along with contact particulars of the approved CFC shall be mentioned.

The ICSI may prescribe any other mode of receipt, processing and verification of applications, on-line or off-line, as considered most efficient and feasible by them in-consultation with CBEC.”

5. Second para of para 9 relating to “Suspension and Cancellation of Certification” shall be omitted.

The Supplementary Memorandum of Understanding shall form part of the Memorandum of Understanding on 25th June, 2010 entered between CBEC and ICSI.

IN WITNESSETH WHEREOF, the Parties of this Supplementary Memorandum of Understanding have set their hand on this 27th September, 2010 in Presence of the Witnesses mentioned.

Signed and delivered by Shri D P Dash, Add, Director General, DG Systems, CBEC. For and on behalf of The Central Board of Excise and Customs (CBEC), Department of Revenue , Ministry of Finance , Government of India.	Signed and delivered by Shri N.K Jain, Secretary and CEO, ICSI. For and on behalf of the Institute of Company Secretaries of India , New Delhi
Witnesses 1.	2.

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