

## MCA clarification for holding Extra Ordinary General Meetings (EGM) and Annual General Meetings (AGM)

Due to physical restrictions on account of COVID imposed by the Government of India since March 2020, various companies sought clarifications to allow relaxation in passing ordinary and special resolutions. MCA issued various notifications allowing the convening of meetings through Video Conferencing (VC) or Other Audio-Visual (OAV) means (OAVM), subject to the fulfilment of the conditions mentioned therein. It was therefore clarified:

### A. In respect of an EGM - The companies:

- a. who are required to provide the e-voting/ballot facility to the members (listed companies having a minimum of 1,000 members)
- b. who were otherwise not required to provide e-voting/postal ballot facility,

can conduct the meetings through VC or OAVM through the e-voting process by adhering to the clauses provided in the notification, considering the impossibility of holding the meetings physically due to COVID restrictions. Also, where postal ballot voting was necessary, the companies were allowed to conduct remote e-voting till 30 June 2020, or a date further extended due to COVID reasons.

On 8 December 2021, MCA has clarified that such EGMs mentioned above can be conducted through VC or OAVM till 30 June 2022.

[Click here for the circular](#)

### B. In respect of an AGM - The companies:

- a. who are required to provide the e-voting facility to their members
- b. who were otherwise not required to provide e-voting/postal ballot facility,

can conduct their AGMs through VC/OAVM subject to the fulfilment of the relevant conditions of the notification.

Companies whose AGM was due in	Timeline for conducting AGM through VC or OAVM	Remarks
Calendar year 2020	By 30 June 2022	The given relaxation is not an extension in time for holding the AGM as per the Companies Act.
Calendar year 2021		

On 8 December 2021, MCA has decided to allow the companies whose AGM is due in 2021 to be held latest by 30 June 2022 through VC/OAVM. However, the same is not considered an extension in the date for holding AGM as per the Act.

[Click here for the circular](#)

## Therefore

For EGMs, the due date for conducting meetings through VC/OAVM is 30 June 2022.

However, only those AGMs which fell due in 2021 can now be conducted till 30 June 2022. There is no relaxation for AGMs, which were legally to be held in earlier calendar years. The circular further clarifies that companies who fail to abide by the said circular would be liable to legal actions as mentioned in the Act.