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# AMENDMENT TO E FORMS UNDER COMPANIES ACT, 2013

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# 2022

## 1. Changes in E form DPT 3 and DPT 4 – Enhanced Disclosures on Acceptance of deposits

The MCA has modified the Companies (Acceptance of Deposits) Rule, 2014 and the forms attached along with it. The format of the “return on deposits” and on “exempted deposits”, that is, form DPT-3 has been amended pursuant to the notification of the Companies (Acceptance of Deposit) Amendment Rules, 2022 (“Amendment Rules”) on 29th August 2022. The revised format will be actually relevant for the filing of form DPT-3 for FY 2022-23, and the companies are required to file the same before 30th June 2023. It is interesting to note there is specifically one addition w.r.t. the money received by a company, but not considered as deposit, i.e., exempted deposits.

The following are the amendments to the form

- Particulars of charge – The erstwhile format required details of the charge created in favour of deposit holders. The revised format requires to specify the number of charges and the SRN of the form filed for creation of such charges. This facilitates direct linking of the form, to enable system-based verification.
- SRN of GNL form in which DPT-1 is filed – A company receiving deposits is required to provide an advertisement or circular for providing information about the company to the prospective depositors, in form DPT-1. Such information is required to be filed with the ROC in GNL-1. The SRN of the GNL form is required to be provided in the revised form itself. This again, will facilitate system-based verification.
- Additional attachments – The copy of trust deed and list of depositors is required to be attached. Please note that the same, though not included earlier in the format itself, was required to be attached as a mandatory attachment, as also required in the help kit to DPT-3.
- Certification by statutory auditor – In terms of Rule 16 of the Deposit Rules, the statutory auditor is required to certify the return of deposits. Earlier, the statutory auditor’s certificate was attached with the form. In the revised format, the statutory auditor’s certification will be included in the form itself.

The following statement has been included in the format to that effect –

“I hereby duly certify that the amount specified in ‘Particular of deposits’ and ‘Particulars of liquid assets’ is correct and in line with the relevant provisions of the Companies Act, 2013.”

We would like to clarify that the requirement of auditor’s certification does not arise for return of exempted deposits.

- The particulars of receipt of money or loan by a company, but not considered as deposits, that is to say, the exempted deposits, remains the same. The disclosures have been made more comprehensive. The revised format requires reporting of the following with respect to the "exempted deposits". the revised format requires disclosure of the complete movement of funds, beginning with the opening balance, any addition/repayment during the year, other adjustments, if any, (this may include writing-off of the liabilities, change in terms etc), along with the closing balance. Additionally, the aging schedule of these loans is required to be provided in the form itself.

## 2. Revised Forms for Director's KYC Notified

The MCA vide notification dated 29th August 2022 has replaced the existing DIR-3 KYC (web) and DIR-3-KYC (e-forms ) with a new web based forms to align the same with the new portal. The revised form additionally captures the "Jurisdictional Police Station" in the address details of the Director.

<https://www.mca.gov.in/bin/dms/getdocument?mds=99KwRbJSkMXjVLv09KTgJg%253D%253D&type=open>

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