



# S.K. GAUR & ASSOCIATES

PRACTICING COMPANY

SECRETARY OFFICE-1- FLAT NO.-2, KAVERI  
APARTMENT,

SECTOR -5, RAJENDER NAGAR, SAHIBABAD, UP-201005

OFFICE-2- NF-29, SHASTRI NAGAR

DELHI – 110052.

Mobile No.: 9953950017, E-mail: [gaur\\_sk2001@yahoo.com](mailto:gaur_sk2001@yahoo.com)

Website: [www.skgassociate.com](http://www.skgassociate.com)

## CORPORATE UPDATE

### ANALYSIS OF COMPANIES (ACCEPTANCE OF DEPOSITS) AMENDMENT RULES, 2019 NOTIFICATION DATED 22.01.2019-

Accordingly, in order to protect and safeguard the interest of deposit holders or creditors of the company, the Central Government in consultation with the Reserve Bank of India (RBI), hereby, makes the Companies (Acceptance of Deposits) Amendment Rules, 2019 to amend the Companies (Acceptance of Deposits) Rules, 2014.

#### **Key points of the new notification and its applicability-**

1. **All companies** (Private, Public, OPC, etc.) **except Government Companies** are required to file form DPT-3.
2. **One Time** return in form DPT-3 is required to be filed within 90 days from date of publication of this notification in Official Gazette i.e. 90 days from 22nd January, 2019.
3. Filing is required to be done for **both secured & unsecured** outstanding money/loan not considered as deposits.
4. **Period** of outstanding loan/money shall be **from April 01, 2014 till January 22, 2019**.
5. The form shall **also be filed in case the loan/money outstanding is taken from its holding/subsidiary or associate company**.
6. If a company **does not accept a loan or does not have any outstanding loan, there is no need to comply with the provisions** of this rule.
7. Fees shall be payable as per the Companies (Registration Offices and Fees) Rules, 2014.

8. Rule 2(1)(c) of Companies (Acceptance of Deposits) Rules, 2014 enlist transactions which are not treated as deposits. DPT-3 need to file in respect of these transactions.  
[http://www.mca.gov.in/Ministry/pdf/AcceptanceDepositsAmendmentRule\\_22012019.pdf](http://www.mca.gov.in/Ministry/pdf/AcceptanceDepositsAmendmentRule_22012019.pdf)

**IMPACT OF NEW NOTIFICATION:**

- Form DPT-3 shall be used for filing return of deposit or
- Particulars of the transaction not considered as a deposit (as specified in rule 2(1)(c) of Companies(Acceptance of Deposits) Rules, 2014) or
- Both

By every company other than Government company required to be filed on One Time Basis.

**SOURCES:**

- Companies Act, 2013 – Section 73 & 469 – Prohibition of Acceptance of Deposits from Public & Power of Central government to make rules.
- Companies (Acceptance of Deposits) Rules, 2014 – Rule 16, Rule 16A & Form DPT 3 – Insertion of explanation, Insertion of sub-rule and Modification of Form DPT 3
- The Companies (Acceptance of Deposits) Amendment Rules, 2019 – Published in the official Gazette on 22<sup>nd</sup> January 2019.

**PROCESSING TYPE**

The e-Form will be processed by the office of Registrar of Companies (Non STP).

**CONCLUSION: Every Company other than Government Company need to file form DPT-3 within 90 days from 22.01.2019 i.e. Date of Notification, having outstanding balance on account of receipt of Money or Loan which have not considered as deposit as per Rule 2(1)(c) of Companies (Acceptance of Deposits) Rules, 2014 as on 22.01.2019 including deposit or both.**

**DISCLAIMER-** The above information is my personal interpretation of notifications issued by MCA for general guidance and academic point of view and is true to the best of my knowledge and experience.