

KYC BY EVERY DIRECTOR

Introduction:

Know your customer (alternatively, know your client or 'KYC') is the process of a business identifying and verifying the identity of its clients.

Ministry of Corporate Affairs (MCA) is conducting KYC of every Individual Director who has been allotted Director Identification Number (DIN) on or before 31 March 2018 through a new e-form viz. DIR-3 KYC.

1. Person required to file:

MCA made it mandatory for every Individual director who has been allotted DIN on or before 31 March 2018 is required to file his /her particulars in Form DIR-3 KYC **on or before August 31, 2018.**

Further, DIR-3 KYC needs to be filed by all individuals director for every Financial year on or before by April 30th each financial year.

DIR-3 KYC is mandatory for all the Directors even when the director is disqualified under the provisions of Act. Hence, any individual holding valid DIN is required to file DIR-3 KYC **on or before 31.08.2018 and subsequently on or before April 30th** each financial year.

2. Filing fees:

There is no filing fee for DIR-3 KYC upto 31.08.2018.

3. Pre-requisites:

S. NO.	PARTICULARS	
1	DIN	<ul style="list-style-type: none">• These details must be as per PAN.• Single alphabet shall not be allowed.
2	First Name	
3	Last Name	
4	Middle Name	
5	Father's First Name	
6	Last Name	
7	Middle Name	
8	Nationality	<ul style="list-style-type: none">• Foreign Nationals should select the nationality as declared in the Passport.

9	Citizenship	
	Residential Status	
10	Date of Birth	
11	Income Tax PAN	<ul style="list-style-type: none"> Income Tax PAN is mandatory in case for Indian citizens.
12	Voters ID Card	<ul style="list-style-type: none">
13	Passport (mandatory for foreign national holding DIN)	<ul style="list-style-type: none"> Passport is mandatory if citizenship other than India. If having passport, then passport number must be entered .
14	Driving Licence	<ul style="list-style-type: none">
15	Aadhaar Card Number	<ul style="list-style-type: none"> If having Aadhaar Card Number, then Aadhaar Card number must be entered
16	Email ID	<ul style="list-style-type: none"> Personal E-mail ID and Personal Mobile number* of director is mandatory. <p>(*Mobile No should belong to country where director resides, since form does not accept Mobile No. with Indian Code i.e 91 for Person Resident outside India)</p>
17	Mobile No.	
18	Permanent Residential address	<ul style="list-style-type: none"> Permanent Residential address must match exactly with proof of permanent address.
		<ul style="list-style-type: none"> If a person is NRI then Indian address is mandatory
19	Present residential Address	<ul style="list-style-type: none"> Present Residential address must match exactly with proof of permanent address.
20	DSC of the DIN holder	

4. Copy of following self-attested and attested by Professional documents is required to be filed with the Form:

Sr. No.	Particulars
1	Aadhaar Card
2	Passport
3	Proof of Present residential address
4	Proof of Permanent residential address

5. Penalties and Consequences upon non-filing:-

If an Individual files form after the due date, he/she will have to pay Rs. 5,000 as an additional filing fee. In addition to the above penalty, any wrong information, if any provided in the form, will also liable for penalty under Section 448 and 449 of the Companies Act, 2013.

Further, Central Government or Regional Director (Northern Region) is authorized to deactivate DIN against which DIR-3 KYC is not filed. A deactivated DIN means a person cannot act as a Director while his DIN is deactivated and any act done by him/her will be invalid and which might attract various penalties under Companies Act, 2013.

If DIN de-activated due to non-filing of Form DIR-3 KYC, it shall be re-activated only after filing of Form DIR-3 KYC.

Note : (i) Once KYC Form is filed it cannot be filed again, even if the wrong information is file in said Form.

(ii) Name of the director in PAN and DSC must be match if name does not match then the DSC to be made as per PAN.

(iii) Name of the Foreign Director in DSC and Passport must be same, if not same then DSC to be made as per Passport.

(iv) OTP will be available after pre-scrutiny of the Form and OTP will be valid for 30 minutes as per our understanding.