

**COMPANIES (ACCEPTANCE OF  
DEPOSIT) AMENDMENTS  
RULES, 2019**

Ministry of Corporate Affairs has amended the Companies (Acceptance of deposit) Rules, 2014 vide its notification dated January 22, 2019, which inter-alia effective date and compliances with respect to these amended rules have been briefed below:

**EFFECTIVE DATE**

They shall come into force on the date of their publication in the Official gazette i.e January 22, 2019

**AMENDMENTS IN COMPANIES (ACCEPTANCE OF DEPOSIT) RULES, 2014**

**(i) In sub clause xviii of clause c of Sub rule (1) of Rule 2 of the Companies (Acceptance of deposit) Rules following words in inserted:**

After the words "Infrastructure Investment Trusts" the words "Real Estate Investment Trusts" is inserted. It means that any amount received by a company from "Real Estate Investment Trusts" shall also not be considered as deposit.

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**(ii) In Rule 16 of the Companies(Acceptance of deposit) Rules, following explanation is inserted:**

**Explanation.-** It is hereby clarified that Form DPT-3 shall be used for filing return of deposit or particulars of transaction not considered as deposit or both by every company other than Government company.

**It means that following companies are required to file such Annual Return on or before the 30<sup>th</sup> day of June, of every year:**

1. Every Company who has received any money or loan considered as deposits.
2. Every Company who has received any money or loan but not considered as deposits in terms of clause (c) of sub-rule 1 of rule 2.
3. Every Company who has received any money or loan considered as deposit and also received any money or loan but not considered as deposits in terms of clause (c) of sub-rule 1 of rule 2.

The form DPT-3 shall be used for the filing of return of deposit or particulars of transaction not considered as deposit as per the clause c of Sub rule (1) of Rule 2 of the Companies (Acceptance of deposit) Rules

**(iii) In Rule 16A of the Companies(Acceptance of deposit) Rules, after sub rule (2), sub rule (3) is inserted:**

Every company other than Government company shall file an onetime return of outstanding receipt of money or loan by a company but not considered as deposits, in terms of clause (c) of sub-rule 1 of rule 2 from the 01<sup>st</sup> April, 2014 to the date of publication of this notification in the Official Gazette, as specified in Form DPT-3 within ninety days from the date of said publication of this notification along with fee as provided in the Companies (Registration Offices and Fees) Rules, 2014.

it means that every company other than Government company who has received any money or loan and outstanding as on date but not considered as deposits, in terms of clause (c) of sub-rule 1 of rule 2 of said rules during the period of 01.04.2014 and upto the date of publication of this notification in the Official Gazette i.e from 01.04.2014 to 22.01.2019, mandatorily required to file a one-time return of outstanding receipt of above said money or loan, in the E- form DPT-3 within **90 days** from the date of publication of this notification i.e **22.04.2019** shall be the last date to file this return.

### **AUDITOR'S CERTIFICATE**

Every Company is required to take a certificate from their Statutory Auditors for the confirmation of outstanding balances of deposit/ money or loan received but not considered as deposits, in terms of clause (c) of sub-rule 1 of rule 2 of said rules.

For the detailed reading of original notification you may click on the below given hyperlink:  
[http://mca.gov.in/Ministry/pdf/AcceptanceDepositsAmendmentRule\\_22012019.pdf](http://mca.gov.in/Ministry/pdf/AcceptanceDepositsAmendmentRule_22012019.pdf)

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**Suggestions may be send to [rupesh@cacsindia.com](mailto:rupesh@cacsindia.com)**

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