



## Companies (Acceptance of Deposits) Amendment Rules, 2019

Rules Amended	Rule 2(1)(c)(xviii), Rule 16 and insertion of new Rule 16A in the Companies (Acceptance of Deposits) Rules 2014 (“Rules”); Form DPT-3 amended.
Context	<p>The Ministry of Corporate Affairs (“MCA”) vide its Notification dated January 22, 2019 has amended the Companies (Acceptance of Deposits) Rules 2014. The amendments as highlighted in red are given below:</p> <ol style="list-style-type: none"><li><u>Amendment to Rule 2(1)(c)(xviii):</u> "deposit" includes any receipt of money by way of deposit or loan or in any other form, by a company, but does not include –  Any amount received by a company from Alternate Investment Funds, Domestic Venture Capital Funds, Infrastructure Investment Trusts, <b>Real Estate Investment Trusts</b> and Mutual Funds registered with the Securities and Exchange Board of India in accordance with regulations made by it.</li><li><u>Amendment to Rule 16: Return of Deposits to be filed with the Registrar:</u>  Every company to which these rules apply, shall on or before the 30th day of June, of every year, file with the Registrar, a return in Form DPT-3 along with the fee as provided in Companies (Registration Offices and Fees) Rules, 2014 and furnish the information contained therein as on the 31st day of March of that year duly audited by the auditor of the company.  <b><i>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.</i></b></li><li><u>Amendment to Rule 16A: Disclosures in the financial statement` :</u><ol style="list-style-type: none"><li>Every company, other than a private company, shall disclose in its financial statement, by way of notes, about the money received from the director.</li><li>Every private company shall disclose in its financial statement, by way of notes, about the money received from the directors, or relatives of directors.</li></ol></li></ol>



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	<p><i>(3) Every company other than Government company shall file a 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 1st 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.</i></p>
Applicability and Effective Date	<p>Applicability: All companies – Public, Private, Section 8 Company, Producer Company, etc. except Government Companies. <i>Note: These Rules do not apply to a banking company and non-banking financial company as per proviso to Section 73(1) of the Companies Act, 2013</i></p> <p>Effective Date: January 22, 2019.</p>
Implications	<ol style="list-style-type: none"><li>1. As per amendment to Rule 2, the definition of deposits excludes – any amount received by a company from Real Estate Investment Trusts registered with SEBI in accordance with regulations made by it, in addition to the other institutions mentioned therein.</li><li>2. Form DPT-3 (i.e. return of deposit) now has to be filed for deposits as well as transactions <i>not considered as deposit</i>* by every company other than Government Company <u>on or before the 30th day of June, every year.</u></li><li>3. A onetime return of outstanding receipt of money or loan [not considered as deposits] is to be filed by <u>April 22, 2019</u> by all companies for the period outstanding from April 1, 2014 to January 22, 2019.</li></ol> <p>* <i>For ease of reference, matters covered in Rule 2(1)(c) are enclosed in an excel sheet.</i></p>
Particulars of Notification	<p>Notification G.S.R. 42(E) dated January 22, 2019 enclosed.</p>