

MINISTRY OF CORPORATE AFFAIRS

NOTIFICATION

New Delhi, the 31st March, 2015

G.S.R. 241(E).—In exercise of the powers conferred by Sections 73 and 76 read with sub-section (1) of Section 469 of the Companies Act, 2013 (18 of 2013), the Central Government hereby makes the following rules further to amend the Companies (Acceptance of Deposits) Rules, 2014, namely:—

1. (1) These rules may be called the Companies (Acceptance of Deposits) Amendment Rules, 2015.

(2) They shall come into force from the date of their publication in the Official Gazette.

2. In the Companies (Acceptance of Deposits) Rules, 2014,—

(1) in rule 2, in sub-rule (1), in clause (c),—

(a) in sub-clause (vii), in Explanation (a), the following proviso shall be inserted, namely:—

“Provided that unless otherwise required under the Companies Act, 1956 (1 of 1956) or the Securities and Exchange Board of India Act, 1992 (15 of 1992) or rules or regulations made thereunder to allot any share, stock, bond, or debenture within a specified period, if a company had received any amount by way of subscriptions to any shares, stock, bonds or debentures before the 1st April, 2014 and disclosed it in the balance sheet for the financial year ending on or before the 31st March, 2014 against which the allotment is pending on the 31st March, 2015, the company shall, by the 1st June 2015, either return such amounts to the persons from whom these were received or allot shares, stock, bonds or debentures or comply with these rules.”

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(b) in sub-clause (xii), in item (b),—

(A) for the words “consideration for property”, the words “consideration for an immovable property” shall be substituted;

(B) for the words “against the property”, the words “against such property” shall be substituted;

(c) in sub-clause (xii), in the Explanation, for the words “referred to in the first proviso”, the words “referred to in the proviso” shall be substituted;

(2) in rule 3, after sub-rule (7), the following sub-rule shall be inserted, namely:—

“(8) Every eligible company shall obtain, at least once in a year, credit rating for deposits accepted by it in the manner specified herein below and a copy of the rating shall be sent to the Registrar of Companies along with the return of deposits in Form DPT-3;

Name of the agency	Minimum investment Grade Rating
(a) The Credit Rating Information Services of India Ltd.	FA- (FA Minus)
(b) ICRA Ltd.	MA- (MA Minus)
(c) Credit Analysis and Research Ltd.	CARE BBB(FD)
(d) Fitch Ratings India Private Ltd.	tA-(ind)(FD)
(e) Brickwork Ratings India Pvt. Ltd.	BWR F A
(f) SME Rating Agency of India Ltd.	SMERA A”

(3) in rule 5, in sub-rule (1), for the proviso, the following proviso shall be substituted, namely:—

“Provided that the companies may accept deposits without deposit insurance contract till the 31st March, 2016 or till the availability of a deposit insurance product, whichever is earlier.”

(4) in Annexure, for Form “DPT-3” the following form shall be substituted, namely:—

Form DPT-3 Return of deposits <i>[Pursuant to rule 16 of the Companies (Acceptance of Deposits) Rules, 2014]</i>
1. (a) CIN: (b) GLN:
2. (a) Name of the company: (b) Registered office address: (c) E-mail Id:
3. Whether the company is Public company Private company

4. Whether the company is a Government company:

YES

NO

5. Objects of the company:

6. (a) Date of issue of advertisement or circular:

(b) Date of last closing of accounts:

(c) Date of expiry of validity of advertisement or circular:

7. Net Worth as per the latest audited balance sheet preceding the date of the return-

(a) (i) Paid up share capital

(ii) Free reserves

(b) (i) Accumulated loss

(ii) Balance of deferred revenue expenditure

(iii) Accumulated unprovided depreciation

(iv) Miscellaneous expense and preliminary expenses

(v) Other intangible assets

(c) Net worth (a-b)

(d) Maximum limit of deposits (i.e., 35% of the above in case of Government Company or 25% in case of others)

8. Particulars of deposits (to be furnished in respect of deposits from shareholders and others separately)

(a) Amount of existing deposits as at 1st April

(b) Amount of deposits accepted or renewed during the year

(i) Secured deposits

(ii) Unsecured deposits

(c) Amount of deposits repaid during the year

(d) Balance of deposits outstanding at the end of the year (a+b-c)

9. Details of outstanding deposits:

Particulars	Date of receipt of deposit	Rate of interest	Repayable after

10. (a) Amount of deposits that have matured but not claimed:

(b) Amount of deposits that have matured and claimed but not paid:

11. Particulars of liquid assets

(a) Amount of deposits maturing before 31st March next year and following next year:

(b) Amount required to be invested in liquid assets:

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(c) Details of liquid assets—

	Date of investment/deposit	Amount
(a) Amount in current or other deposits account, free from charge or lien, with any scheduled bank		
(b) Unencumbered securities of Central/State Government		
Face value		
Market value		
(c) Unencumbered trust securities		
Face value		
Market value		

12. Particulars of deposit insurance:

- (a) Date of entering into deposit insurance contract
- (b) Name of the insurer
- (c) Premium payable
- (d) Premium paid upto:
- (e) Maximum ceiling limit for every depositor

13. Particulars of charge

- (a) Date of entering into trust deed
- (b) Name of the trustee
- (c) Short particulars of the property on which charge is created for securing depositors
- (d) Value of the property

14. Credit Rating obtained

From: _____

Rating: _____

Date: _____

Signature

Place: _____

Attachment:

- 1. Auditor's certificate;
- 2. Deposit insurance contract;
- 3. Copy of trust deed;
- 4. Copy of instrument creating charge;

- 5. List of depositors indicating name, address, amount deposited, repaid during the year and outstanding, interest due, paid and payable as at the close of the Financial Year and separately indicating deposits not yet matured,

matured, claimed and paid and matured, claimed but not paid and matured but not claimed for payment. List of deposits matured, cheques issued but not yet cleared to be shown separately.

6. Copy of rating obtained.

7. Optional attachment, if any.

[F. No. 1/8/2013-CL-V]

AMARDEEP SINGH BHATIA, Jt. Secy.

Note.—The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), *vide* number G.S.R. 256(E), dated the 31st March, 2014 and were subsequently amended *vide* number G.S.R. 386(E), dated the 6th June, 2014.