

TO BE PUBLISHED IN THE GAZETTE OF INDIA, EXTRAORDINARY, PART
II, SECTION 3, SUB-SECTION (i)]
Government of India
Ministry of Corporate Affairs
Notification

New Delhi, dated, 05.07.2018,

G.S.R. ____ (E). - In exercise of the powers conferred by section 73 and section 74 read with sub-section (1) and sub-section (2) of section 469 of the Companies Act, 2013 (18 of 2013), the Central Government in consultation with the Reserve Bank of India , 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, 2018.

(2) They shall come into force on **15 August, 2018**

2.

In the Companies (Acceptance of Deposits) Rules, 2014

(a) in rule 4, in sub-rule (1), after the proviso, the following proviso shall be inserted, namely: –

“Provided further that a certificate of the statutory auditor of the company shall be attached in Form DPT-1, stating that the company has not committed default in the repayment of deposits or in the payment of interest on such deposits accepted either before or after

payment of interest on such deposits accepted either before or after the commencement of the Act and in case a company had committed a default in the repayment of deposits accepted either before or after the commencement of the Act or in the payment of interest on such deposits, a certificate of the statutory auditor of the company shall be attached in Form DPT-1, stating that the company had made good the default and a period of five years has lapsed since the date of making good the default as the case may be.”;

(b) rule 5 shall be omitted;

(c) in rule 13, for the proviso, the following shall be substituted, namely:-

“Provided that the amount remaining deposited shall not at any time fall below twenty per cent. of the amount of deposits maturing during the financial year.”;

(d) in rule 14, in sub-rule (1), clause (k) shall be omitted;

(e) in the Annexure,-

i) for Form DPT-1, the following Form shall be substituted , namely:-

“FORM DPT-1
CIRCULAR OR CIRCULAR IN THE FORM OF ADVERTISEMENT
INVITING DEPOSITS

[Pursuant to section 73 (2)(a) and section 76 and rule 4(1) and 4(2) of the

The circular or circular in the form of advertisement shall contain the following:

1. GENERAL INFORMATION

- (a) Name, address, website and other contact details of the company;
- (b) Date of incorporation of the company;
- (c) Business carried on by the company and its subsidiaries with the details of branches or units, if any;
- (d) Brief particulars of the management of the company;
- (e) Names, addresses, DIN and occupations of the directors;
- (f) Management's perception of risk factors;
- (g). Details of default, including the amount involved, duration of default and present status, in repayment of -
 - (i) statutory dues;
 - (ii) debentures and interest thereon;
 - (iii) loan from any bank or financial institution and interest thereon.

2. PARTICULARS OF THE DEPOSIT SCHEME

- (a) Date of passing of board resolution;
- (b) Date of passing of resolution in the general meeting authorizing the invitation of such deposits;
- (c) Type of deposits, i.e., whether secured or unsecured;
- (d) Amount which the company can raise by way of deposits as per the Act and the rules made thereunder, and the aggregate of deposits actually held on the last day of the immediately preceding financial year and on the date of issue of the Circular or advertisement and amount of deposit proposed to be raised and amount of deposit repayable within the next twelve months;
- (e) Terms of raising of deposits : Duration, Rate of interest, mode of payment and repayment;
- (f) Proposed time schedule mentioning the date of opening of the Scheme and the time period for which the circular or advertisement is valid;
- (g) Reasons or objects of raising the deposits;
- (h) Credit rating obtained; Name of the Credit Rating Agencies, Rating obtained, Meaning of the rating obtained, Date on which rating was

obtained;

- (i) Short particulars of the charge created or to be created for securing such deposits, if any;
- (j) Any financial or other material interest of the directors, promoters or key managerial personnel in such deposits and the effect of such interest in so far as it is different from the interests of other persons.

3. DETAILS OF ANY OUTSTANDING DEPOSITS

- (a) Amount Outstanding;
- (b) Date of acceptance;
- (c) Total amount accepted;
- (d) Rate of interest;
- (e) Total number of depositors;
- (f) Default, if any, in repayment of deposits and payment of interest thereon, if any, including number of depositors, amount and duration of default involved;
- (g) Any waiver by the depositors, of interest accrued on deposits.

4. FINANCIAL POSITION OF THE COMPANY

- (a) Profits of the company, before and after making provision for tax, for the three financial years immediately preceding the date of issue of circular or advertisement;
- (b) Dividends declared by the company in respect of the said three financial years; interest coverage ratio for last three years (Cash profit after tax plus interest paid or interest paid) ;
- (c) A summary of the financial position of the company as in the three audited balance sheets immediately preceding the date of issue of circular or advertisement;
- (d) Audited Cash Flow Statement for the three years immediately preceding the date of issue of circular or advertisement;
- (e) Any change in accounting policies during the last three years and their effect on the profits and the reserves of the company.

5. A DECLARATION BY THE DIRECTORS THAT-

- (a) the company has not defaulted in the repayment of deposits accepted either before or after the commencement of the Act or payment of interest on such deposits and where a default had occurred, the company made good the default and a period of five years had lapsed since the date of making good the default;
- (b) the board of directors have satisfied themselves fully with respect to the affairs and prospects of the company and that they are of the opinion that having regard to the estimated future financial position of the company, the company will be able to meet its liabilities as and when they become due and that the company will not become insolvent within a period of one year from the date of issue of the circular or advertisement;
- (c) the company has complied with the provisions of the Act and the rules made thereunder;
- (d) the compliance with the Act and the rules does not imply that repayment of deposits is guaranteed by the Central Government;
- (e) the deposits accepted by the company before the commencement of the Act have been repaid (or will be repaid along with interest within ___ days (days to be specified) and until they are repaid, they shall be treated as unsecured and ranking pari passu with other unsecured liabilities);
- (f) in case of any adverse change in credit rating, depositors will be given a chance to withdraw deposits without any penalty;
- (g) the deposits shall be used only for the purposes indicated in the Circular or circular in the form of advertisement;
- (h) the deposits accepted by the company (other than the secured deposits, if any, aggregate amount of which to be indicated) are unsecured and rank pari passu with other unsecured liabilities of the company.

Attachments

- 1. *Auditor's certificate;
- 2. Optional attachment, if any.

Attach
Attach
Attach

List of attachments "

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Remove attachment

(ii) for Form DPT-3, the following Form shall be substituted, namely:-

"FORM DPT-3

Return of deposits

[Pursuant to rules 3 and 16 of the
Companies (Acceptance of Deposits)
Rules, 2014]



Form language ☐ English ☐ Hindi

Refer the instruction kit for filing the form.

1. (a) *Corporate Identity Number (CIN)

Pre fill

(b) Global Location Number (GLN)

2. (a) Name of the company

(b) Registered office address

(c) *email 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-

S. No.	Particulars	Amount (in Rupees)
(a) (i)	Paid up share capital	
(ii)	Free reserves	
(iii)	Securities Premium Account	
(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 all companies other than specified IFSC public companies and private companies)	

8. * (a) Total number of deposit holders as on 1st April
 (b) Total number of deposit holders at the end of financial year
 9. *Particulars of deposits (In Rupees)
 (a) Amount of existing deposits as on 1st April
 (b) Amount of deposits renewed during the year
 (c) Amount of new deposits accepted during the year
 (i) Secured deposits
 (ii) Unsecured deposits
 (d) Amount of deposits repaid during the year
 (e) Balance of deposits outstanding at the end of the year
 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 on or before 31st march next year

and following next year

(b) Amount required to be invested in liquid assets

(c) Details of liquid assets

Particulars		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 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

Attachments

1.Auditor's certificate;

2.Copy of trust deed;

Attach

Attach

List of attachments

3. Copy of instrument creating charge;
4. List of depositors;
5. Details of liquid assets;
6. Optional attachment, if any.

Attach

Attach

Attach

Attach

Remove attachment

Declaration

I am authorized by the Board of Directors of the Company vide resolution number*
dated * to sign this form and declare that all the requirements of Companies Act, 2013
and the rules made thereunder in respect of the subject matter of this form and matters incidental thereto
have been complied with. I also declare that all the information given herein above is true, correct and complete
including the attachments to this form and nothing material has been suppressed.

*To be digitally signed by

DSC Box

*Designation

*DIN of the director; or DIN or PAN of the manager or

CEO or CFO; or membership number of the company secretary

Note: Attention is also drawn to provisions of Section 448 and 449 which provide for punishment for false statement and false evidence.

Modify

Check Form

Prescrutiny

Submit

For office use only:

Affix filing details

eForm Service request number (SRN)

eForm filing date

(DD/MM/YYYY)

This e-Form is hereby registered

Digital signature of the authorising officer

Confirm submission

Date of signing

(DD/MM/YYYY)

[File No 1/8/2013-CL-V]

(K V R Murty)

Joint Secretary to the Government of India

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 :-

- (1) Vide notification number G.S.R. 386(E) dated the 6th June, 2014;
- (2) Vide notification number G.S.R. 241(E) dated the 31st March, 2015;
- (3) Vide notification number G.S.R. 695(E) dated the 15th September, 2015;
- (4) Vide notification number G.S.R. 639(E) dated the 29th June, 2016;
- (5) Vide notification number G.S.R. 454(E) dated the 11th May, 2017; and
- (6) Vide notification number G.S.R. 1172(E) dated the 19th September, 2017.