

Filing of DPT -3 for the Deposits in a Company in India

1. Introduction on filling of DPT-3

- (i) MCA has published Companies (Acceptance of Deposits) Amendment Rules. These are applicable from January 22, 2019.
- (ii) **Deposits 'to Includes' the followings:-**
 - Any receipt of money 'by a company' by way of deposits or loan's or in any other form/mode.

2. Deposits 'Not to Include' the followings:-

- (a) As an advance received by a company for the supply of goods or provision of services and such advance is 'not' appropriated against supply of goods or provision of services within a period of '365' days but the matter is pending for the legal proceedings before any court of law, the said time limit of '365' days shall not apply.
- (b) As an advance received by a company in connection with 'consideration for an immovable property' under an agreement or arrangement, provided that such advance is also adjusted against such property in accordance with the terms of agreement or arrangement beside adjusted beyond '365' days.
- (c) As 'Security Deposits' received by a company for the performance of the contract for supply of goods or provision of services.
- (d) As advance received by a company under long term projects for 'Supply of Capital Goods' except those already covered under item (b) above:
- (e) Any amount received by a company from 'foreign' Governments, 'foreign' or international banks and multilateral financial institutions.
- (f) Any amount received by a company from the 'Central' Government or a 'State' Government, or any amount received from any other source whose repayment is guaranteed by the Central Government or a State Government
- (g) Any amount received by a company as a loan or facility from any 'banking' company or from the State Bank of India or any of its subsidiary banks or from a banking institution notified by the Central Government
- (h) Any amount received by a company as a loan or financial assistance from 'Public' Financial Institutions

- (i) Any amount received by a company against issue of 'commercial paper' or any other instruments issued in accordance with the guidelines or notification issued by the Reserve Bank of India.
- (j) Any amount received by a company from any other company which is commonly known as 'Inter corporate deposits'.
- (k) Any amount received by a company against subscription to any securities including 'share application money' or advance towards allotment of securities pending allotment, so long as such amount is appropriated only against the amount due on allotment of securities applied for.
- (l) Any amount received by a company from a person who at the time of the receipt of the amount was a 'director' of the company or the relative of the director of a 'private' limited company
- (m) (ma) Any amount received by a company against issue of 'bonds or debentures' as Secured by a first charge or a charge ranking pari passu with the first charge on any assets referred to in Schedule III of the Act excluding intangible assets of the company.
(mb) Any amount received by a company against bonds or debentures 'compulsorily convertible' into shares of the company within 10 years.
- (n) Any amount received by a company against issue of 'non-convertible debentures' not constituting a charge on the assets of the company and listed on recognized stock exchange as per applicable regulations made by Securities and Exchange Board of India.
- (o) Any amount received by a company from an 'employee' of the company 'not exceeding' his annual salary under a contract of employment with the company in the nature of non-interest bearing security deposit.
- (p) Any amount received by a company as 'non-interest' bearing amount received and held as trustee
- (q) **Any amount received for the business of the company from the followings:-**
 - (qa) Any amount received by a company as an advance towards consideration for providing future services in the form of a 'warranty or maintenance contract' as per written agreement, if the period for providing such services does not exceed the period prevalent as per common business practice or 5 years, from the date of acceptance of such service whichever is less.

- (qb) Any amount received by a company as advance received and allowed by any 'sectorial regulator' or in accordance with directions of Central or State Government.
- (qc) Any amount received by a company as an advance for subscription against publication, whether in print or electronic to be adjusted against receipt of such 'publications'.
- (r) Any amount received by a company amount from 'promoters' of the company by way of unsecured loans in pursuance of the stipulation of any lending financial institution or a bank.
- (s) Any amount received by a 'Nidhi company' in accordance with the rules made under section 406 of the Act.
- (t) Any amount received by a company against subscription for 'chit' under the Chit Funds Act, 1982(4 of 1982).
- (u) Any amount received by company under any 'collective Investment scheme' in compliance with regulations framed by the Securities and Exchange Board of India.
- (v) Any amount of '25 lakh' rupees or more received by a 'startup' company, by way of convertible note (convertible into equity shares or repayable within a period not exceeding 5 years from the date of issue) in a single tranche, from a person.
- (w) **Any amount received by a company from the followings:-**
- (wa) Alternate Investment Funds
 - (wb) Domestic venture Capital Funds
 - (wc) Infrastructure Investments Trusts
 - (wd) Real Estate Investment Trusts
 - (we) Mutual Funds registered with the Securities and Exchange Board of India
- (x) **Loans or Deposits by a 'Private' Limited Company from the followings:-**
- (xa) Directors from its OWN Funds
 - (xb) Relative of the Directors from its own Funds
 - (xc) Shareholders up to 100% of Paid up Share Capital + Free Reserves + Security Premium Account

3. 'Mandatory' conditions to include the following:-

- (a) A Form DPT-3 is to be used by a company for filing return of the deposits and for 'not' consider as deposits or both up to June 30th every year.
- (b) A Form DPT-3 is 'not' to be used where 'no' deposits and also 'not' consider as deposits are existed as on 31 march.

4. 'Deemed' Deposits to include the followings:-

- Any amount received by a company for the business as an advance for the supply of goods or provision of services where such advance is 'not' appropriated (adjusted) against supply of goods or provision of services within a period of '365' days.

5. 'Non' Filling of DPT-3 permitted for the following companies:

- (i) Government company
- (ii) Banking company
- (iii) Non-banking financial company (NBFC) registered with the Reserve Bank of India
- (iv) Housing finance company (HPC) registered with the National Housing Bank established under the National Housing Bank Act, 1987

6. Information's to include for filling the DPT-3 under Rule 16A are following:-

- (i) 'All' outstanding receipt of deposits and 'not' consider as deposits as on March 31 Every year.
- (ii) 'Net Worth' as per the latest 'audited' balance sheet preceding to the date of return.
- (iii) Form DPT-3 is a dynamic form and as to be work on the basis of radio button selected by the user.
- (iv) Statutory Auditor's certificate is mandatory along with DPT-3 where return of deposits is filed with radio button 2 or 4 is selected.
- (v) Form DPT-3 is 'not' required to be certified by a professional like a CA/CS
- (vi) Form DPT-3 is not an STP form. Hence filed DPT-3 is to be approved by the ROC.
- (vii) Amount of Deposits is to be filled along with interest as on March 31.

7. Important Clarification's and Penal Provisions for 'Delay or not Filing' of DPT-3

- (i) Statutory Auditor certificate is 'not' required for 'one time' return of deposits. (DPT-3).
- (ii) 'One time' and 'annual' returns are not required to file where NIL deposits.
- (iii) Radio button Number. 4 is to be used for loans /Deposits from directors and Shareholders by a 'private' limited company which are treated as 'not included' for the purpose of treating as deposits.
- (iv) **Additional** fee for 'delay' filing of DPT-3 will be levy from 2 times to 12 times of the 'normal filing fee' for delay from 30 days to beyond 180 days respectively.
- (v) **Penalty** for 'not' filing DPT-3 will be rupees 5,000 as 'one time' and also rupees 500 'per day' for continuity of contravention on company and every responsible officer 'both' under DPT-3 Rules 21 for punishment for 'not' filing.

• Disclaimer

The entire contents of this document have been prepared on the basis of relevant provisions and as per the information as available at the time of the preparation. Although care has been taken to ensure the accuracy, completeness and reliability of the information provided, I assume no responsibility therefore. Users of this information are expected to refer to the relevant existing provisions of applicable Laws. The user of the information agrees that the information is not a professional advice and is subject to change without notice. I assume no responsibility for the consequences of use of such information. **In Any Event I Shall Not Be Liable For Any Direct, Indirect, Special Or Incidental Damage Resulting From, Arising Out Of Or In Connection With The Use Of The Information**

FORM NO. DPT- 3

Return of deposits

[Pursuant to rule 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. * Purpose of the Form

- Onetime Return for disclosure of details of outstanding money or loan received by a company but not considered as deposits in terms of rule 2(1)(c) of the Companies (Acceptance of Deposits) Rules, 2014
- Return of Deposit
- Particulars of transactions by a company not considered as deposit as per rule 2 (1) (c) of the Companies (Acceptance of Deposit) Rules, 2014
- Return of Deposit and Particulars of transactions by a company not considered as deposit

4. Whether the company is Public company Private company

5. * Whether the company is a government company Yes No

6. Objects of the company

Other business activities n.e.c.

7. * (b) Date of last closing of accounts

8. * 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	<input type="text"/>
(ii)	Free reserves	<input type="text"/>
(iii)	Securities Premium Account	0
(b) (i)	Accumulated Loss	0
(ii)	Balance of deferred revenue expenditure	0
(iii)	Accumulated unprovided depreciation	0
(iv)	Miscellaneous expense and preliminary expenses	0
(v)	Other intangible assets	0
(c)	Net worth (a) - (b)	<input type="text"/>

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

15. *Particulars of receipt of money or loan by a company but not considered as deposits, at the end of financial year, in terms of clause (c) of sub-rule 1 of rule 2 of the Companies (Acceptance of Deposits) Rules, 2014

	Amount
(a) Any amount received from -	
(i) the Central Government; or	<input type="text"/>
(ii) a State Government; or any amount received from any other source whose repayment is guaranteed by the Central Government or State Government; or	<input type="text"/>
(iii) any amount received from a local authority; or	<input type="text"/>
(iv) any amount received from statutory authority constituted under an Act of Parliament or a State Legislature.	<input type="text"/>

<p>(b) Any amount received from -</p> <ul style="list-style-type: none"> (i) Foreign Governments; or (ii) Foreign or international banks; (iii) Multilateral financial institutions; (iv) Foreign Governments owned development financial institutions; (v) Foreign export credit agencies; (vi) Foreign collaborators; (vii) Foreign body corporates; (viii) Foreign citizens; (ix) Foreign authorities or; (x) Persons residents outside India subject to the provisions of Foreign Exchange Management Act, 1999 (42 of 1999). 	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
<p>(c) Any amount received as -</p> <ul style="list-style-type: none"> (i) A loan or facility from any banking company; or (ii) From the state Bank of India or any of its subsidiary banks; or (iii) From a banking institution notified by the Central Government under section 51 of the Banking Regulation Act, 1949 (10 of 1949); or (iv) A corresponding new bank as defined in clause (d) of section 2 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 (40 of 1980); or (v) From a cooperative bank as defined in clause (b-ii) of section 2 of the Reserve Bank of India Act, 1934 (2 of 1934). 	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
<p>(d) Any amount received as loan or financial assistance from -</p> <ul style="list-style-type: none"> (i) Public Financial Institutions notified by the Central Government; or (ii) Any regional financial institutions; or (iii) Insurance companies; or (iv) Scheduled Banks as defined in the Reserve Bank of India Act, 1934 (2 of 1934). 	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>

(e) Any amount received against issue of commercial paper or any other instruments issued in accordance with the guidelines or notification issued by the Reserve Bank of India.	<input type="text"/>
(f) Any amount received by the company from any other company	<input type="text"/>
(g) Any amount received and held pursuant to an offer made in accordance with the provisions of the Act towards subscription to any securities including share application money or advance towards allotment of securities pending allotment, so long as such amount is appropriated only against the amount due on allotment of securities applied for.	<input type="text"/>
(h) Any amount received from a person who, at the time of the receipt of the amount, was a director of the company or the relative of the director of a private company.	<input type="text"/>
(i) (A) Any amount raised by the issue of bonds or debentures secured by a first charge or a charge ranking pari passu with the first charge on any assets referred to in Schedule III of the Act excluding intangible assets of the company; or (B) bonds or debentures compulsorily convertible into shares of the company within ten years.	<input type="text"/> <input type="text"/>
(j) Any amount raised by the issue of non-convertible debentures not constituting a charge on the assets of the company and listed on recognized stock exchange as per applicable regulations made by Securities and Exchange Board of India.	<input type="text"/>
(k) Any amount received from an employee of the company not exceeding his annual salary under a contract of employment with the company in the nature of non-interest bearing security deposit.	<input type="text"/>
(l) Any non-interest bearing amount received and held in trust.	<input type="text"/>

<p>(m) Any amount received in course of, or for the purposes of the business of the company-</p> <p>(i) As an advance for supply of goods or provision of services accounted for in any manner whatsoever provided that such advance is appropriated against supply of goods or provision of services within a period of three hundred and sixty-five days from the date of acceptance of such advance.</p> <p>(ii) As advance accounted for in any manner whatsoever, received in connection with consideration for immovable property under an agreement or arrangement, provided that such advance is adjusted against such property in accordance with the terms of agreement or arrangement.</p> <p>(iii) As security deposit for performance of the contract of supply of goods or provision of services.</p> <p>(iv) As advance received under long term projects for supply of capital goods except those covered under item (b) of sub-clause (xii) clause (c) of sub-rule (1) of rule (2) of the Companies (Acceptance of Deposits) Rules, 2014.</p> <p>(v) As an advance towards consideration for providing future services in the form of a warranty or maintenance contract as per written agreement, if the period for providing such services does not exceed the period prevalent as per common business practice or five years, from the date of acceptance of such service whichever is less.</p> <p>(vi) As advance received and allowed by any sectoral regulator or in accordance with directions of Central or State Government.</p> <p>(vii) As an advance for subscription towards publication, whether in print or electronic to be adjusted against receipt of such publications.</p>	<input data-bbox="1094 155 1455 201" type="text"/> <input data-bbox="1094 365 1455 411" type="text"/> <input data-bbox="1094 558 1455 604" type="text"/> <input data-bbox="1094 663 1455 709" type="text"/> <input data-bbox="1094 810 1455 856" type="text"/> <input data-bbox="1094 1052 1455 1098" type="text"/> <input data-bbox="1094 1150 1455 1197" type="text"/>
<p>(n) Any amount brought in by promoters of the company by way of unsecured loans in pursuance of the stipulation of any lending financial institution or a bank.</p>	<input data-bbox="1094 1276 1455 1323" type="text"/>
<p>(o) Any amount received by a Nidhi company in accordance with the rules made under section 406 of the Act.</p>	<input data-bbox="1094 1434 1455 1480" type="text"/>
<p>(p) Any amount received by way of subscription in respect of chit under the Chit Funds Act, 1982(4 of 1982).</p>	<input data-bbox="1094 1554 1455 1600" type="text"/>

(q) Any amount received by company under any collective Investment scheme in compliance with regulations framed by the Securities and Exchange Board of India.	<input type="text"/>
(r) Any amount of twenty-five lakh rupees or more received by a startup company, by way of convertible note (convertible into equity shares or repayable within a period not exceeding five years from the date of issue) in a single tranche, from a person.	<input type="text"/>
(s) Any amount received by a company from - (i) Alternate Investment Funds; (ii) Domestic venture Capital Funds; (iii) Infrastructure Investments Trusts; (iv) Real Estate Investment Trusts; (v) Mutual Funds registered with the Securities and Exchange Board of India.	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>

16. Credit Rating obtained:

(a) From (Name of the agency)

(b) Rating

(c) Date

Attachments

- 1. Auditor's certificate
- 6. Optional attachment, if any.

List of attachments

Declaration

I am authorized by the Board of Directors of the Company vide resolution number * date 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

*Designation

*Director identification number 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.

For office use only:

eForm Service Request number eForm Filing Date (DD/MM/YYYY)

This e-Form is hereby registered

Digital signature of the authorizing officer

Date of signing (DD/MM/YYYY)

OR

This eForm has been taken on file maintained by the Registrar of Companies through electronic mode and on the basis of statement of correctness given by the company