

[To be published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-Section (i)]

**MINISTRY OF CORPORATE AFFAIRS
NOTIFICATION**

New Delhi, the 5th July, 2017

G.S.R. ____ (E).— In exercise of the powers conferred by the second proviso to sub-section (1), sub-section (4), clause (f) of sub-section (6) of section 149, sub-sections (3) and (4) of section 150, section 151, sub-section (5) of section 152, section 153, section 154, section 157, section 160, sub-section (1) of section 168 and section 170 read with section 469 of the Companies Act, 2013 (18 of 2013), the Central Government hereby makes the following rules further to amend the Companies (Appointment and Qualification of Directors) Rules, 2014, namely:—

1. (1) These rules may be called the Companies (Appointment and Qualification of Directors) Amendment Rules, 2017.

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

2. In the Companies (Appointment and Qualification of Directors) Rules, 2014 (hereinafter referred to as the principal rules), rule 4 shall be numbered as sub-rule (1) and after sub-rule (1) as so renumbered, the following sub-rule shall be inserted namely :-

“(2) The following classes of unlisted public company shall not be covered under sub-rule (1), namely:-

- (a) a joint venture;
- (b) a wholly owned subsidiary; and
- (c) a dormant company as defined under section 455 of the Act.”.

3. In the principal rules, in the Annexure, for Form DIR-5, the following Form shall be substituted, namely:-

FORM DIR-5

[Pursuant to section 153 of the Companies Act, 2013 and rule 11 of the Companies (Appointment and Qualification of Directors) Rules, 2014]



Application for surrender of
Director Identification
Number

Form language English Hindi

Refer the instruction kit for filing the form.

1. *Name of the DIN holder

(a) First name
(b) Last name
(c) Middle name

Photograph
of the DIN
holder

2. *Father's name

(a) First name
(b) Last name
(c) Middle name

3. *Reason for surrender of DIN

- Having multiple DINs
- DIN was obtained in a wrongful manner or by fraudulent means
- Death of the concerned individual
- Concerned individual is declared as a person of unsound mind by a competent court
- Concerned individual has been adjudicated as insolvent
- Concerned individual is/was not associated with any company/LLP

4. *Whether DIN holder is retaining any DIN Yes No

Pre-fill

The number of oldest DIN which is being retained

(Note: DIN being retained will replace all the other DINs for which surrender application is filed by the user)

5. *Specify the number of DIN(s) being surrendered by the applicant

*Particulars of the DIN(s) being surrendered

I

(i) *DIN
(ii) Name
(iii) Father's name

6. (a) *Contact number of the applicant

(b) *e-mail ID of the applicant

(c) Other information, if any, which the applicant intends to submit with regard to this application

7. (a) *Whether the application is being digitally signed by the holder of DIN himself o Yes o No

(b) *Particulars of the applicant

(i) Name

(ii) Relation with the DIN holder

(iii) DIN of the applicant (if any)

(iv) PAN

Attachments

- (1) *Proof of identity of the applicant;
- (2) *Proof of residence of the applicant;
- (3) Affidavit including declaration that retained DIN will be updated with all associated CIN/LLPIN;
- (4) Copy of court order declaring DIN holder as insolvent/unsound mind
- (5) Copy of death certificate
- (6) Optional Attachment-if any.

Attach

Attach

Attach

Attach

Attach

Attach

List of attachments

Remove attachment

Declaration

- *I hereby declare that Information and other particulars given in this form are true and correct.
- I further declare that I have never been appointed as director/designated partner in any company/LLP and the DIN has never been used for filing of any document with any authority.

*To be digitally signed by

DSC Box

*Name

*DIN/PAN

Certificate by practicing professional

- *I declare that I have been duly engaged for the purpose of certification of this form.
- *I have satisfied myself about the identity of the applicant based on perusal of the original of the