



# The Companies Act 2013

*Enlightening Nation*

## *E-newsletter*

August, 2018 issue

### About the E-newsletter

Dear Users,

Thecompaniesact2013.com imports yet another innovation for all the valuable users in the form of e-newsletter. This is the first issue of the July month comprising contemporary articles, latest notifications, circulars & orders.

The notion is to render all the updates about Company law of the current month in a compiled format and serve a better pavement for easy accessibility to the users.

### Contents

Article

Notifications

Website Updates



## Article

### **DIR-3 KYC**

DIR-3 KYC is a new process launched by MCA to identify the details of the Companies and its Director. As a part of updating its directors database, MCA has notified [The Companies \(Appointment and Qualification of Directors\) Fourth Amendment Rules, 2018](#) vide notification dt. 05.07.2018. With the said amendment, MCA has launched the format of **E-form DIR-3 KYC** under new Rule 12A for updating its registry of directors and companies.

### **Who is required to file DIR-3 KYC?**

**“12A Directors KYC:** – Every individual who has been allotted a Director Identification Number (DIN) as on 31st March of a financial year as per these rules shall, submit e-form DIR-3-KYC to the Central Government on or before 30th April of immediate next financial year.

**Provided that** every individual who has already been allotted a Director Identification Number (DIN) as at 31st March, 2018 shall submit **E-form DIR-3 KYC** on or before **15th September, 2018**.

**“NOTE:** – As per notification dt. 21<sup>st</sup> of August, 2018, the words and numbers DIR-3 KYC on or before 31<sup>st</sup> of August, 2018 shall be substituted with “DIR-3 KYC on or before 15<sup>th</sup> of September, 2018” ( In simple words, MCA has extended the due date of filing of Form DIR-3 KYC from 31<sup>st</sup> of August, 2018 to 15<sup>th</sup> of September, 2018).

#Mandatory to file for all Directors even for disqualified director

### **Mandatory Details for Filing Form DIR-3 KYC:**

1. Director Identification Number (DIN)
2. Full Name of the Director
3. Fathers Name of the Director Other
4. Whether a citizen of India or not
5. Nationality
6. Whether resident in India or not
7. PAN
8. Date of Birth
9. Gender
10. Aadhar Card Number
11. Passport Number (Mandatory in case of Foreign National)
12. Personal Mobile and Personal Email Id of the Director for OTP verification
13. Permanent Residential address Present Residential address

### Mandatory Attachments to E-form DIR-3 KYC:-

1. Proof of Identity: - PAN (Self attested Copy)
2. Proof of Address: - Aadhar Card with updated Mobile Number with UIDAI (Self attested Copy)
3. Self attested Copy of Passport (if available)
4. Digital Signature of Director (Registered on MCA Portal)

### NOTE:-

- In case of Foreign Nationals, Passport is Mandatory.
- Mobile number and E-mail ID shall be of director's himself only.
- The E-form DIR-3 KYC shall be duly certified by Practicing Chartered Accountant, Practicing Company Secretary or Practicing Cost Accountant.

### Safeguards to be taken by any professional before certification of E-form DIR-3 KYC

A word of caution to professional before he certify-Form DIR-3 KYC:

- To obtain Declaration cum Engagement Letter from the applicant confirming (a) his Mobile Number with a copy of mobile bill , (b) Email- ID belongs to him only and (c) he is qualified or disqualified to be Director by MCA ;
- Check Originals of the Client to verify and attest the entire KYC documents submitted by the client.
- To keep a copy of e-Form DIR 3 KYC with all attachments attached thereto for his records.

### Fees for filing E-form DIR-3 KYC

Fees for filing E-form DIR-3 KYC under Rule 12A of Companies (Appointment and Qualification of Directors) Rules, 2014

<b>1</b>	Fee payable till the 30th April of every financial year in respect of e-form DIR-3 KYC as at the 31st March of immediate previous year.	<b>Not Applicable</b>
<b>2</b>	Fee payable in delayed cases i.e. after <b>15<sup>th</sup> September, 2018</b>	<b>Rs. 5000/-</b>

### Consequences of not filing DIR-3 KYC

- In case, a director failed to intimate his particular in E-Form DIR-3 KYC within stipulated time in accordance with Rule 12A, then the Director's Identification Number (DIN) of Directors shall be deactivated and the MCA21 system will mark all approved DINs (allotted on or before 31<sup>st</sup> March 2018 ) against which DIR-3 KYC form has not been filed as 'Deactivated'.

However, the de-activated DIN shall be Re-activated only after filing of E-Form DIR-3 KYC along with prescribed fees as prescribed under Companies( Registration Offices and Fees) Rules, 2014

- Secondly, Late Fees Penalty amount to Rs. 5000 from 16<sup>th</sup> of September 2018 will be levied.

Since every individual is required to file e-Form DIR-3 KYC with his / her own Digital Signature (DSC), he/she need to have DSC , for which following documents and details are required to obtain DSC.

Sr. No	Documents required for getting Digital Signature Certificate
1	Photograph in JPEG format
2	<p><b>Self certified Proof of identity : (Any one of the following)</b></p> <ul style="list-style-type: none"> <li>(i) PAN Card (Mandatory for Indian National)</li> <li>(ii) Passport (Mandatory for foreign National)</li> <li>(iii) Voter Identity Card</li> <li>(iv) Driving License</li> <li>(v) Passport</li> <li>(vi) Aadhar Card</li> </ul>
3	<p><b>Self certified Proof of residence (Any one of the following):</b></p> <ul style="list-style-type: none"> <li>(i) Voter Identity Card (For Resident Only)</li> <li>(ii) Driving License</li> <li>(iii) Passport</li> <li>(iv) Aadhar Card (For Resident Only)</li> <li>(v) Electricity Bill not older than 1 <b>month</b></li> <li>(vi) Telephone Bill not older than 1 <b>month</b></li> <li>(vii)Utility Bill for Gas or Water not older than 1 <b>month</b></li> </ul>
4	<b>Email ID for video verification</b>
5	<p>Mobile number for verification (in case Foreign Director – Indian Mobile number for verification)</p>
<b>Note:</b>	<p><b>If Director is residing outside India:</b></p> <p>Supporting documents should be apostilled/ attested by the Consulate of the Indian Embassy or Foreign Notary Public .</p>



## Notifications

### **A. Amendments in the Companies (Registration Offices and Fees ) Rules, 2014**

Dated- 05.07.2018

1. (1) These rules may be called the Companies (Registration Offices and Fees) Third Amendment Rules, 2018.

(2) Save as otherwise provided in these rules, they shall come into force with effect from 10.07.2018.

2. In the Companies (Registration Offices and Fees) Rules, 2014, in the Annexure, after item VI relating to Fees for Removal of Names of Companies from the Registrar of Companies under section 248 (2) of the Act, in the Annexure, the following item shall inserted, namely:-

"VII. FEE FOR FILING e- Form DIR-3 KYC under rule 12A of the Companies (Appointment And Qualification of Directors) Rules, 2014.

### **B. Amendments in the Companies (Appointment and Qualification of Directors) Rules, 2014**

Dated- 05.07.2018

1. (1) These rules may be called the Companies (Appointment and .Qualification of Directors) fourth Amendment Rules, 2018.

(2) They shall come into force from 10th July, 2018.

### **C. Amendments in the Companies (Appointment and Qualification of Directors) Rules, 2014**

Dated- 21.08.2018

1. (1) These rules may be called the Companies (Appointment and .Qualification of Directors) fifth Amendment Rules, 2018.

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

## Website Updates

- [https://thecompaniesact2013.com/uploads/1530947037\\_CompaniesRegistrationOfficesFeesRule\\_06072018.pdf](https://thecompaniesact2013.com/uploads/1530947037_CompaniesRegistrationOfficesFeesRule_06072018.pdf)
- [https://thecompaniesact2013.com/uploads/1530946252\\_CompaniesAppointmentQualificationRules\\_06072018.pdf](https://thecompaniesact2013.com/uploads/1530946252_CompaniesAppointmentQualificationRules_06072018.pdf)
- [https://thecompaniesact2013.com/uploads/1535002102\\_AppointmentQualificationRule21\\_22\\_082018.pdf](https://thecompaniesact2013.com/uploads/1535002102_AppointmentQualificationRule21_22_082018.pdf)

## Editorial Column

An Initiative by [www.thecompaniesact2013.com](http://www.thecompaniesact2013.com)

In Association with:

Arms & Associates, LLP  
Practicing Company Secretaries  
24 ka 1 Jyoti Nagar, Jaipur  
Ph.No. 0141-3263017, 3111777

## Disclaimer

TheCompaniesAct2013 e-newsletter is designed to provide information of a general nature and is not intended as a substitute for professional consultation and advice in a particular matter. The opinions and interpretations expressed within are those of the author only and may not reflect those of other identified parties.

TheCompaniesact2013 e-newsletter does not warrant the accuracy and completeness of this newsletter, nor endorse or make any representations about its content. In no event will TheCompaniesAct2013 be liable for any damages whatsoever arising out of the use of or reliance on the contents of this e-newsletter.