

FORM NO. DPT- 3

Return of deposits

[Pursuant to rule 16 of the Companies
(Acceptance of Deposits) Rules, 2014]



सत्यमेव जयते

DPT-3

QUERIES

Queries on Form DPT-3

- ▶ Each radio Button in the purpose of the e-form DPT-3 at serial no. 3 to be seen and understood clearly.

Queries on Form DPT-3

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

Queries on Form DPT-3

- ▶ **Our FY ends on Dec 31 every year, we have audited financials as on 20.5.2019 for the FY ending 31.12.2018. Now for the purpose of net worth, Do we need to take the figures of 31.12.2017 or 31.12.2018?**
- ▶ *Reply: Latest audited Balance Sheet i.e. 31.12.2018. to be taken into consideration while filing DPT-3.*

- ▶ **We have non fund based facilities from banks; like Bank guarantees, we have given bank guarantee to certain authorities for various purposes. Are we required to mention the amount of such outstanding bank guarantees?**
- ▶ *Reply: Yes (Serial No.3 Third Radio button)*

Queries on Form DPT-3

- ▶ **Is Auditor Certificate mandatory for radio buttons 1 and 3 of e-form DPT 3?**
- ▶ *Reply: Mandatory only in case of radio button 2 and 4. However as a prudent practice the figures submitted in DPT-3 needs to be verified by a professional including auditor of the Company.*
- ▶ **Company has loans from Director (he is not the shareholder of the Company)?**
- ▶ *Reply : To be disclosed in the third button.*

Queries on Form DPT-3

- ▶ **Company has loans from director (He is shareholder and director of the Company)**
- ▶ *Reply: To be disclosed in the third button*

- ▶ **Company has the loans from director relatives**
- ▶ *Reply: To be disclosed in the third button*

Queries on Form DPT-3

- ▶ **Company has loans from past Director who has resigned subsequently**
- ▶ *Reply: To be disclosed in the third button serial no. 3 of the eform.*

- ▶ **Company has loans from old Director cum shareholder who has resigned and transferred the shares subsequently**
- ▶ *Reply: To be disclosed in the third button serial no. 3 of the eform.*

Queries on Form DPT-3

- ▶ **Company has taken the OD form the Bank**
- ▶ *Reply: To be disclosed in the third button*

- ▶ **Company has taken Machinery Loan form the Bank**
- ▶ *Reply: To be disclosed in the third button*

Queries on Form DPT-3

- ▶ **Whether One Time Return should include amounts accepted before 1st April, 2014, if they are outstanding as on 31st March, 2019?**
- ▶ *Reply: Yes the amount outstanding as on 31/03/2014 and receipt from 1/04/2014 to 31/03/2019 to be reported in DPT-3 in Serial three first button.*
- ▶ **Whether Annual return include Outstanding Receipt of Money received during the relevant year and outstanding as on 31st March or all outstanding amounts irrespective of date of receipt?**
- ▶ *Reply: Refer serial no. 10 of DPT-3 eform*

Queries on Form DPT-3

- ▶ **Is it correct to interpret the expression "Outstanding receipt of money or loan from 1st April 2014 to 31st March 2019" to mean that only the moneys or loans received prior to 1st April 2014 and outstanding till 31st March, 2019?**
- ▶ *Reply: The Company has to disclose the amount outstanding in DPT-3 as on 31/03/2019 irrespective of financial year/Calendar Year. The yearly return filed for outstanding amount of money received and not classified as deposit can include money received prior to 1/04/2014 and which is outstanding as on 31/03/2019.*
- ▶ **What about the Exempted Deposits under 1956 Act but considered as Deposits under 2013 Act, if they are outstanding on 31st March, 2019? For Ex. Amounts received from Directors beyond threshold limits.**
- ▶ *Reply: Please refer Rule 2(1)(c) of Companies (Acceptance of Deposits) Rules, 2014*

Queries on Form DPT-3

- ▶ **Share Application money pending allotment after 60 days of its receipt is deemed as deposit. Whether it automatically become deposit from 61st day and shown as deposit in DPT3 without complying the deposit provisions?**
- ▶ *Reply: If share application Money or advanced received cannot be allotted within 60days from the date of receipt application money/advance and same is not refunded to subscriber within 15 days from the date of completion of 60 days such amount shall be treated as deposits.*
- ▶ **Public limited accepting deposits from shareholders, in which option to select under POINT 3 of DPT-3 form to file One time return & return of Deposits (annual)**
- ▶ *Reply: The Company has to file One time return in DPT-3 (Serial no.3 radio button 2) outstanding as on 31st March by 28th June 2019 and to file Annual return by 30th June of every year*

Queries on Form DPT-3

- ▶ **Clarify when to use the third & fourth options of point 3 to be selected for filing Onetime return and regular annual deposit return.**
- ▶ *Reply: All transactions by the company not considered as deposit to be disclosed in serial 3 third radio button. A return of Deposit and particulars of Other transactions by a company not considered as deposit to be disclosed in serial no.3 radio button 4*
- ▶ **Amounts received from another Company is an Exempted Deposit. Is this exemption can be availed for Share Application money pending allotment beyond 60days if such Share Application money is received from another Company?**
- ▶ *Reply: For share application money pending allotment for 60 days to be refunded within 15 days positively otherwise such amount shall be treated as deposit*

Queries on Form DPT-3

- ▶ **As per Rule 2(1) (c) (vii), if amount is appropriated against allotment of securities within 60 days of receipt it is an exempted deposit. Does that mean that paid up capital should also be disclosed being an exempted deposit? Also if the answer is yes, where should we show the capital received from foreign sources?**
- ▶ ***Reply: Once the amount is appropriated against the allotment within 60 days the same is required to disclose at serial no.8 Paid up share capital with a list of allottee to be maintained by the company and the capital received from the foreign source to be disclosed in notes to account in the respective financial year.***

Queries on Form DPT-3

- ▶ **Which return to filed One Time or Annual**
 - a. if amount not considered as deposit is outstanding till 31/03/2019**
 - b. if amount not considered as deposit is not outstanding till 31/03/2019**

- Reply:**
- a. One time return to be filed by 28th June 2019.*
 - b. There is no requirement to file nil annual return in form DPT-3 but need to file One time return by 28th June 2019.*

Queries on Form DPT-3

- ▶ **Do we have file DPT 3 form for Companies incorporated on or after 1st January, 2019 to 31st March 2019?**
- ▶ *Reply: If Company has received loan/money/advances/grant and outstanding as on 31/03/2019 then also information is required to share in One time return.*
- ▶ **Whether it is required to file with Zero return of one time of DPT-3 Form?**
- ▶ *Reply: Yes One time return need to be filed*

Queries on Form DPT-3

- ▶ **Is it compulsory to attach auditor's certificate for radio buttons 1 and 3 in Form DPT 3, as per ICSI webinar held on 17th June, 2019 it was told by Mr. Shahsiraj Dhara that attaching certificate of auditor is not required. What we came to know is if we don't attach the same Form DPT 3 is put in re-submission mode. Please explain?**
- ▶ ***Reply: Audit certificate is not mandatory for radio button 1 and 3 but as a prudent practice the information filed in DPT-3 needs to be properly verified by a professional including auditor of the company and if SRN is in re-submission mode the same should be clarified to the above extent before re-submission to ROC.***

Queries on Form DPT-3

- ▶ In webinar held by ICSI on 17.June. 2019 along with MCA Officials, they have told to report Outstanding amount as on 31.03.2019 (i.e. Exempted deposits taken from incorporation of the company and outstanding as on 31.03.2019) to be reported for annual return of DPT-03.

However in rule 16(A) of Acceptance of Deposits Rules they have mentioned word "outstanding" receipt of Exempted deposit, and Rule 16 of Acceptance of Deposits Rules they have used Particulars of receipt of money i.e. the transactions done to be reported and not the outstanding Receipt of Exempted Deposits. Kindly clarify whether to report outstanding Receipt of Exempted Deposits or to report transactions done?

Reply: The one time return of outstanding amount in terms of clause c of Sub rule 1 of Rule 2 to be disclosed and form DPT-3 to be filed within 90days i.e. 28th June 2019.

Queries on Form DPT-3

- ▶ **For companies which have audited balance sheet as on 31.3.2019 which is duly approved by shareholders in AGM, what shall be the "Closing Date of Accounts"?**
- ▶ *Reply: The closing date of accounts for filing DPT-3 is 31/03/2019. if return of deposit information to be contained in DPT-3 on 31/03/2019 then the financial statements should be duly audited and audit certificate is required to be attached.*
- ▶ **What relevance the calculation of "Net worth" has got in relation to Deposits or monies received in the form?**
- ▶ *Reply: In order to keep control through MCA 21 database for compliance of rule 3 of Companies (Acceptance of Deposits) Rules, 2014*

Queries on Form DPT-3

- ▶ **Can the above referred companies furnish Net worth figures and Outstanding figures as on 31.3.2019?**
- ▶ *Reply: The net worth figure should be furnished as per latest audited Balance sheet preceding to the date of the return.*
- ▶ **If the Companies have Audited Balance sheet as on 31.3.2019, do they still have to furnish Statutory Auditor certificate in case of 2 & 4 cases?**
- ▶ *Reply: The audit certificate is mandatory in case of radio button 2 and 4*

Queries on Form DPT-3

- ▶ **In cases 25 & 26, do companies have to attach audited balance sheet of 31.3.2018 & 31.30.2019 for ease of reference**
- ▶ ***Reply: Not required. However as a prudent practice certificate from professional including auditor of the company to be attached.***

- ▶ **What shall be the position of Capital Grant and Operational Grants received from Central Govt. for infrastructure companies for execution of project, are they covered under 2 (1) (c)?**
- ▶ ***Reply: Please see the list of deposits does not include in the definition of deposit as per rule 2(1) (c)***

Queries on Form DPT-3

- ▶ **What is the position of advances monies received from clients towards meeting the obligations under the contract or for performance of services? What shall they be categorized?**
- ▶ *Reply: Advance received from clients or advance received for supply of goods up to one year will be treated as exempted deposits and beyond one year it will be treated as deposits and same should be disclosed in DPT-3 accordingly.*
- ▶ **Company's financials for the FY ended March 31, 2019 are audited. As the form states "Net Worth as per the latest audited balance sheet preceding the date of the return". Please let me know. Whether the date of return here is "the date of filing of return or March 31, 2019? This will solve the issue as to Net worth as on which year is to be stated in the form**
- ▶ *Reply: The figure in return in DPT-3 including net worth of the company should be furnished as per latest audited Balance sheet preceding to the date of the return. The date of One time return should be by 28th June 2019 and Annual return by 30th June.*

Queries on Form DPT-3

- ▶ **Loan is availed by the Company from NBFC. In which column the same shall be categorized?**
- ▶ *Reply: Loan received from NBFC shall be disclosed as money received from other company to be disclosed in DPT-3 and in case of One time return – 1st radio button and for annual return radio button 3.*
- ▶ **Form DPT-3 point No, 15 (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. Clarification required - In the above category, amount received from members other than promoter can be included, if yes, separate attachment segregating promoter and members needs to be attached**
- ▶ *Reply: any unsecured loan received from the promoter and members needs to be disclosed in form DPT-3 under the point no.15 and attachment showing list of members/promoters to be attached.*

Queries on Form DPT-3

- ▶ **Grants received from government or local authorities (eg: NHAI) needs to be disclosed? If yes, under which head?**
- ▶ ***Reply: The grants or receipts from government or local authority to be disclosed as exempted deposit under radio 1 for one time return and for annual return radio button 3***

Queries on Form DPT-3

- ▶ **Is certificate is required from credit rating agency for deposit accepted by the companies and filing of ratings in form no. DPT-3**
- ▶ *Reply: Every eligible company shall obtain at least once in a year, Credit Rating for deposits accepted by it and a copy of rating shall be sent to the ROC along with return of Deposit in DPT-3. Please refer serial no. 16 of eform DPT-3*

Thank You

R.C. Mishra

Registrar of Companies, Hyderabad

For the state of Telangana