

## FAQs ON FILING OF ONE TIME RETURN- FORM DPT-3

### Rule 16 & 16A (3) of the Companies (Acceptance of Deposits) Rules, 2014 ('the Rules')

- The requirement to file one time return- Form DPT-3 was introduced by inserting Rule 16A (3) to the Companies (Acceptance of Deposits) Rules, 2014 vide Notification Companies (Acceptance of Deposits) Amendment Rules, 2019 dated 22 January, 2019
- As per Rule 16A (3) of the Companies (Acceptance of Deposits) Rules, 2014 *"Every company other than Government company shall file a onetime return of outstanding receipt of money or loan by a company but not considered as deposits, in terms of clause (c) of sub-rule 1 of rule 2 from the 01st April, 2014 to the date of publication of this notification in the Official Gazette\*, as specified in Form DPT-3 within ninety days from the date of said publication of this notification along with fee as provided in the Companies (Registration Offices and Fees) Rules, 2014"*.
- \*As per MCA circular dated 12 April 2019, the period of reporting was changed from the date of publication of the notification to 31 March 2019.

Q.1 Which companies have to file the one time return DPT-3?

- Every company incorporated under the Companies Act, 1956/2013 other than a Government company.
- It also excludes Banking companies, Non-Banking Financial Companies and Housing Finance Companies, since the Companies (Acceptance of Deposits) Rules, 2014 ('the Rules') are not applicable to such companies.

Q.2 What is the purpose of the return to be filed in the form DPT-3?

- **One time return DPT-3 (New compliance):** To disclose the outstanding amount of money or loan as at 31 March, 2019, received by the Company but are not considered as deposit, as defined under Rule 2 (1) (c) of the Rules.
- **Annual return DPT-3 (Existing compliance):** To disclose the outstanding amount of money as at 31 March every year, received by the Company and are considered as deposit as defined under Rule 2 (1) (c) of the Rules.

Q.3 How often this return is to be filed? And what is the due-date to file the one time return DPT-3?

- The **one time return** DPT-3 is to be filed once & the due date for is 90 days from 31 March, 2019 i.e. **29 June 2019**
- The annual return DPT-3 is to be filed every year on or before 30 June of the succeeding year.

Q.4 What do we need to report in the one-time return in DPT-3 e-form?

A. We need to report the following details:

(1) The net worth of the company as per its latest audited balance sheet.

(2) The **total outstanding amount of monies or loans which are:**

- Received by the company on or after 01 April 2014, **and**
- Are outstanding as at 31 March, 2019, **and**
- **Are not considered as deposit**, as defined under Rule 2 (1) (c) of the Rules.

Q.5 How is the one-time return different from annual return filed in the DPT-3 e-form?

A. The annual return DPT-3 is to be filed pursuant to Rule 16 of the Rules to report the outstanding deposits in the books of the companies at the end of every year. The same is to be filed on or before 30 June every year along with details as certified by the statutory auditors whereas the new one-time return involves reporting with respect to monies and loans other than the 'deposits' outstanding in the books of the company.

Q.6 Is a company required to file one time return DPT-3 if the outstanding amounts of the applicable monies and loans is NIL as at 31 March 2019?

A. Yes, every eligible company is required to file the one-time return in the DPT-3 e-form and those with NIL outstanding balances need to file the form with INR 0 as the outstanding amount as at 31 March 2019.

Q.7 What are the amounts, which are not covered in the definition of deposits?

A. The detailed list of the various amounts not covered under the definition of 'deposits' can be referred from the Rule 2(1) (c) of the Companies (Acceptance of Deposit) Rules, 2014 ('the Rules'). Some of the common examples are Loan from directors or relative of directors, Inter-corporate loans, loans from financial institutions/banks, loan from any corporate body, interest free security deposits, earnest monies received, advance received against sale of investment/ fixed asset etc.

Q.8 Is it required to file one time return DPT-3 for any amount of money or loan received before 01 April, 2014, which is outstanding as on 31 March, 2019?

A. No. The return is only to be filed for amount of monies or loans received during the period 01 April, 2014 to 31 March, 2019.

Q.9 Can a company file same DPT-3 for more than one purpose? For ex. for annual return of deposit and for one time return of deposit?

A. No. It can only be filed for the purpose selected by the company under section 3 of the form. In case the company is required to also file the annual return in DPT-3 then it has to file two separate DPT-3 e-forms.

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Note: Annual return in DPT-3 e-form is only filed if there are any deposits outstanding with the company at the end of financial year

Q.10 Is there any attachment to one time return DPT-3 e-form?

A. No mandatory attachment. However, the company may attach auditor's certificate on details of information reported in the e-form as optional attachment. The same has also been corroborated in the help kit provided by MCA.

Q.11 Who needs to sign the e-form DPT-3?

A. The form is to be digitally signed by any director of the company, Company Secretary / Manager / CEO / CFO.

Q.12 What documents are required while filing the one time return DPT-3?

A. The latest audited balance sheet of the company, to calculate the net worth details and the amount of outstanding amount of money or loans not treated as deposits at the 31 March 2019.

Q.13 What to do if objects of the company are not pre-filled in the e-form or the prefilled objects are not matching with the actual objects of the company

A. In such a scenario, objects have to entered manually. And, in case the prefilled objects are not matching, a clarification note along with a latest certified true copy of the MOA of the company must be attached, which was reported to the RoC.

Q.14 Is it a Straight Through Process (STP) e-form?

A. No, it's not a STP e-form. It will be processed and approved by the office of the Registrar of Companies (RoC).

Q.15 What are the consequences if the Form DPT-3 is not filed within the due date?

A. The same shall be filed with additional fee as provided under the Companies (Registration Offices and Fees) Rules, 2014.

Q.16 Is it compulsory to mention credit rating obtained by the Company in e-form DPT-3?

A. It is not mandatory to report credit rating in the e-form. This form will pass 'prescrutiny' process without credit rating being reported. However, incase the company has obtained the credit rating, the same can be mentioned since the e-form is non-STP.

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