

MEHTA&MEHTA

Legal & Advisory Services



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ARTICLE ON DIR-3 KYC

**Attention
Directors!**



**File KYC form before
31st August, 2018**

INTRODUCTION

Ministry of Corporate Affairs (MCA) with wide notification dated 5th July 2018 has amended Companies (Appointment and Qualification of Directors) Rule 2014 by inserting Rule 12A and made Director KYC compulsory which is effective from 10th July 2018.

PURPOSE

As part of updating its registry, MCA would be conducting KYC of all Directors of all companies annually through the e form DIR-3 KYC. Accordingly, every Director who has been allotted DIN on or before 31st March, 2018 and whose DIN is in 'Approved' status, would be mandatorily required to file form DIR-3 KYC on or before 31st August, 2018.

What is DIR-3 KYC FORM?

DIR 3 KYC is newly introduced FORM by Ministry of Corporate Affairs whereby every Individual who is holding DIN(Director identification number) is required to file his /her particulars in FORM DIR-3 KYC every year on or before April 30 every year. For the current year, DIR-3 KYC is required to be filed on or before August 31, 2018.

What is KYC? (Directors KYC)

KYC refers to know your customer (alternatively Know your client). The government wants to confirm the identity of the directors.

What is Rule 12A Of Companies (Appointment and Qualification of Directors) Rule 2014?

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 (ROC) 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 31st August, 2018.

What is Rule 11(2)? (Effective from 5th July 2018)

The Central Government or any officer authorized by the Central Government shall, deactivate the Director Identification Number (DIN) of an individual who does not intimate his particulars in e-form DIR-3-KYC within stipulated time in accordance with rule 12A.

What is Rule 11(3)? (Effective from 5th July 2018)

The de-activated DIN (after the due date 31st August, 2018) shall be re-activated only after e-form DIR-3-KYC is filed along with Rs. 5,000/- (Rupees five thousand only) additional fees.

What are the mandatory information / Details for Filing Form DIR-3 KYC?

- Director Identification Number (DIN)
- Full Name of the Director
- Fathers Name of the Director
- Whether a citizen of India or not
- Nationality
- Whether resident in India or not
- PAN
- Date of Birth
- Gender (Male, Female , Transgender)
- Aadhar Card Number
- Passport Number (Mandatory in case of Foreign National)
- Personal Mobile and Personal Email Id of the Director
- Permanent Residential address & Present Residential address

What is mandatory attachment?

Proof of Identity and Proof of Address of individual

What are the documents required for filing of E-form DIR-3 KYC with own digital signature?

Documents required for getting Digital Signature Certificate

- Photograph in JPEG format
- Self certified Proof of identity (Any one of the following)
 - PAN Card (Mandatory for Indian National)
 - Passport (Indian national and Mandatory for foreign National)
 - Voter Identity Card
 - Driving License
 - Aadhar Card
- Self certified Proof of residence (Any one of the following):
 - Voter Identity Card (For Resident Only)
 - Driving License
 - Passport
 - Aadhar Card (For Resident Only)
 - Electricity Bill not older than 1 month
 - Telephone Bill not older than 1 month
 - Utility Bill for Gas or Water not older than 1 month
- Email ID for video verification
- Mobile number for verification (in case Foreign Director Indian Mobile number for verification)
- Note: If Director is residing outside India Supporting documents should be attested by the Consulate of the Indian Embassy or Foreign Notary Public.

PROCEDURE TO BE FOLLOWED FOR FILLING OF FORM DIR-3 KYC

SR NO.	Field Name	Instruction
1	Director Identification Number (DIN)	Approved DIN should be uploaded till 31 st august 2018. In case of deactivated DIN due to reasons of non filing of KYC in DIR-3 KYC shall be allowed after 31 st august 2018.
2	Name	Name shall be verify as per PAN database.
3	Nationality	Foreign nationals shall select the nationality as declared in the passport
4	Date of birth	The birth date should be in DD/MM/YYYY format. And person should be minimum age of 18 years while filing application.
5	Income tax PAN	It is mandatory for Indian citizen.
6	Verification of income tax number	Once the income tax number is enter click on the verify income tax button.
7	Requirement of valid passport	It is mandatory to select yes and if no is selected check whether it is an Indian citizen.
8	Passport number	It is mandatory to enter if yes is selected
9	Aadhaar number	It is mandatory to enter if the person is citizen of India.

10	Personal mobile no	Enter the applicant personal mobile number as the same will be verify by OTP(One time password)
11	Personal email id	Enter the applicant personal email id as the same will be verify by OTP(One time password)
12	Send OTP	<p>On successful pre-scrutiny of the form the send OTP button will be selected on the basis of OTP received on mobile number and email id. Separate OTPs will be send to mobile number and email id.</p> <p>OTP can be successfully send to the mobile number and email id against one form for maximum of 10 times in a day and twice in a span of 30 minutes .</p> <p>Furthermore, the applicant may download a fresh form on the same day or try the next day.</p>
13	Verify OTP	After entering the OTP for mobile number and email address the applicant must select verify OTP button.
14	Permanent residential address	<p>Permanent residential address entered in the FORM should match exactly with the proof of permanent address which is attached.</p> <p>Foreign pin code can be</p>

		entered only in case state selected is NA .
15	Whether present residential address is same as permanent residential address	<p>If 'Yes' is selected, then present residential address is displayed automatically by the system and is same as the permanent residential address.</p> <p>Else, present residential address has to be entered.</p> <p>If the applicant is resident in India his address in India will be enter for present residential address.</p>
Attachments	<p>Proof of permanent address</p> <p>Necessary attachment:</p> <p>Copy of Aadhaar Card In case Citizen of India</p> <p>Copy of Passport</p> <p>Proof of present address – In case present residential address and permanent residential address are same.</p>	
Digital Signature of the applicant	<p>The e-form should be digital signed by the applicant who is filing the application.</p> <p>Ensure the PAN mention in the FORM and in the DSC (Digital Signature Certificate) affixed is the same for successful validation.</p> <p>In case of foreign nationals, who don't have PAN , the name mention in the form must be the same as mention in the DSC affixed for successful validation.</p>	
Certification	<p>E-form is digitally signed by Chartered Accountant /Cost Accountant or Company Secretary in whole- time practice.</p> <p>Enter the details of the practicing professional and attach the digital signature.</p>	



