

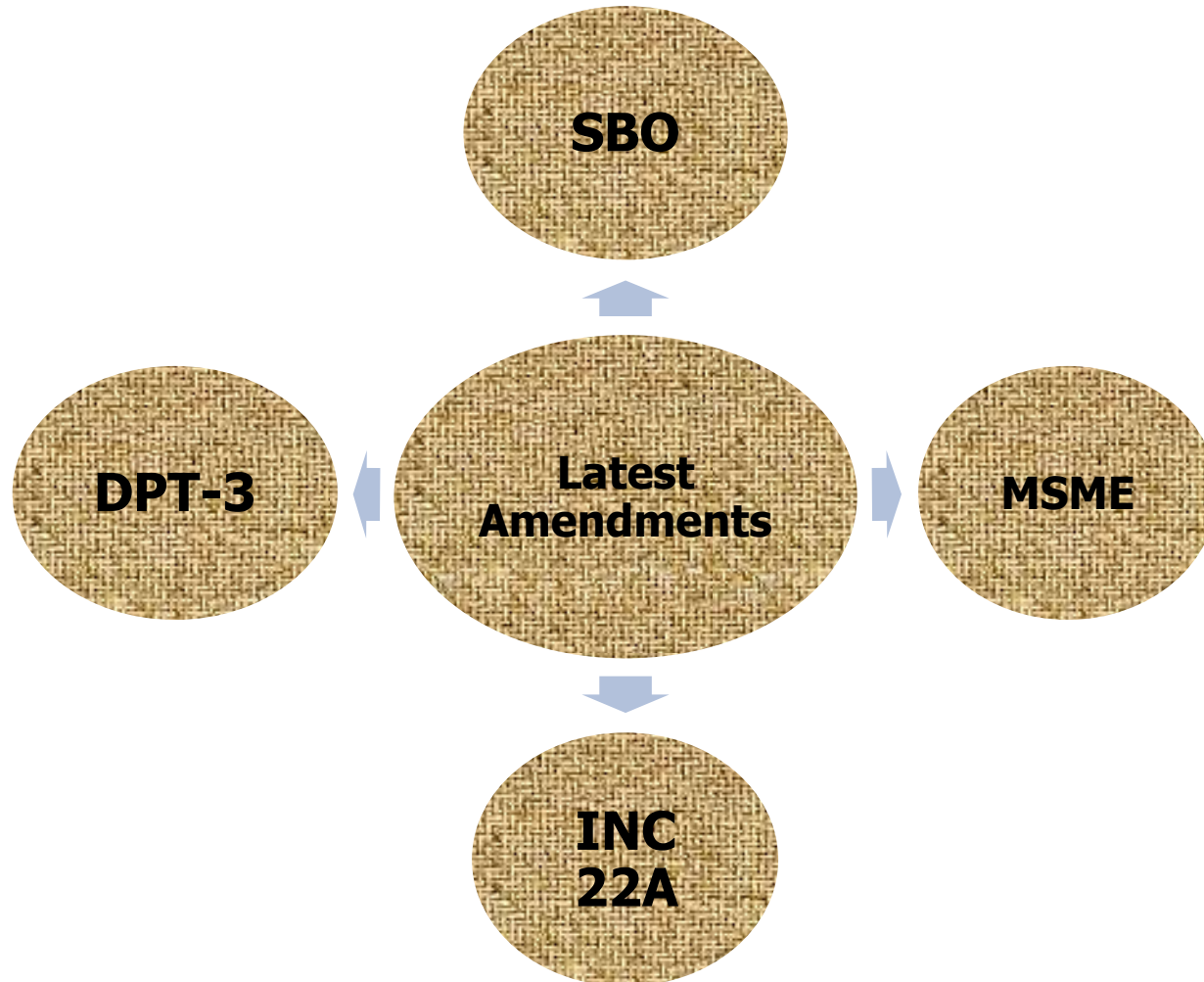
**Practical Aspects & Challenges  
in Recent Amendments in  
Companies Act, 2013**







# Conductive **LEGAL**



**ARE YOU A SIGNIFICANT  
BENEFICIAL OWNER?**



**holds indirectly, or together with any direct holdings, not less than 10% of the shares;**

**holds indirectly, or together with any direct holdings, not less than 10% of the voting rights in the shares**

**SBO**

**has the right to receive or participate in not less than 10% of the total distributable dividend or any other distribution**

**has the right to exercise, or actually exercises, significant influence or control**



## Filing Obligations

**Declaration to be filled by every SBO  
in BEN 1**

**With in 90 days for first time**

**With in 30 days of any subsequent  
change**

## Where member is a body Corporate

**Holds majority stake in member company**

**Holds majority stake in holding company of member company**



Where member is a partnership firm

**Partner of firm**

**If partner is a company  
majority holder**

**Majority stakeholder of  
ultimate holding company**

## Where member is a trust

**Trustee in case of discretionary or a charitable trust**

**Beneficiary in case of specific trust**

**Trustee in case of a revocable trust**

## Filing Obligations

**BEN 2 within 30 days of BEN 1**

**BEN 4 notice to non individual shareholder**

**BEN 3 register of SBO**

## **Exemption from new SBO Rules**

- the Investor Education and Protection Fund;
- the holding reporting company of the reporting company;
- the Central Government, State Government or any local authority;
- any entity controlled by the Central Government or by any State Government or Governments or partly by the Central Government and partly by one or more State Governments;



- all investment vehicles registered with the Securities and Exchange Board of India (SEBI);
- investment vehicles regulated by the Reserve Bank of India or Insurance Regulatory and Development Authority of India or Pension Fund Regulatory and Development Authority

**DPT-3**  
**Return of Deposit**



# What is DPT-3 ?

**Return of Deposit**

**Return of outstanding  
money or loan not  
considered as Deposit**

**Or both**

- one time return of exempted deposits
- return of deposit
- particulars of transaction not considered as deposit means exempted deposit
- return of deposit and exempted deposit



**One time return • 29.06.2019**

**Annual return • 30.06.2019**

## **MSME**

Specified Companies (Furnishing Of Information About Payment To Small Or Micro Enterprises and Suppliers) 2019.



**Specified Companies**

**Goods or services  
taken from micro or  
small enterprise**

**Payment pending for  
more than 45 days of  
acceptance or  
deemed acceptance**



## Acceptance of Goods & Services

- Actual day of delivery
- If objection made in writing within 15 days; the date of removal of objection

## Deemed Acceptance

- Day of actual delivery if no objection is made within 15 days of delivery of goods & services





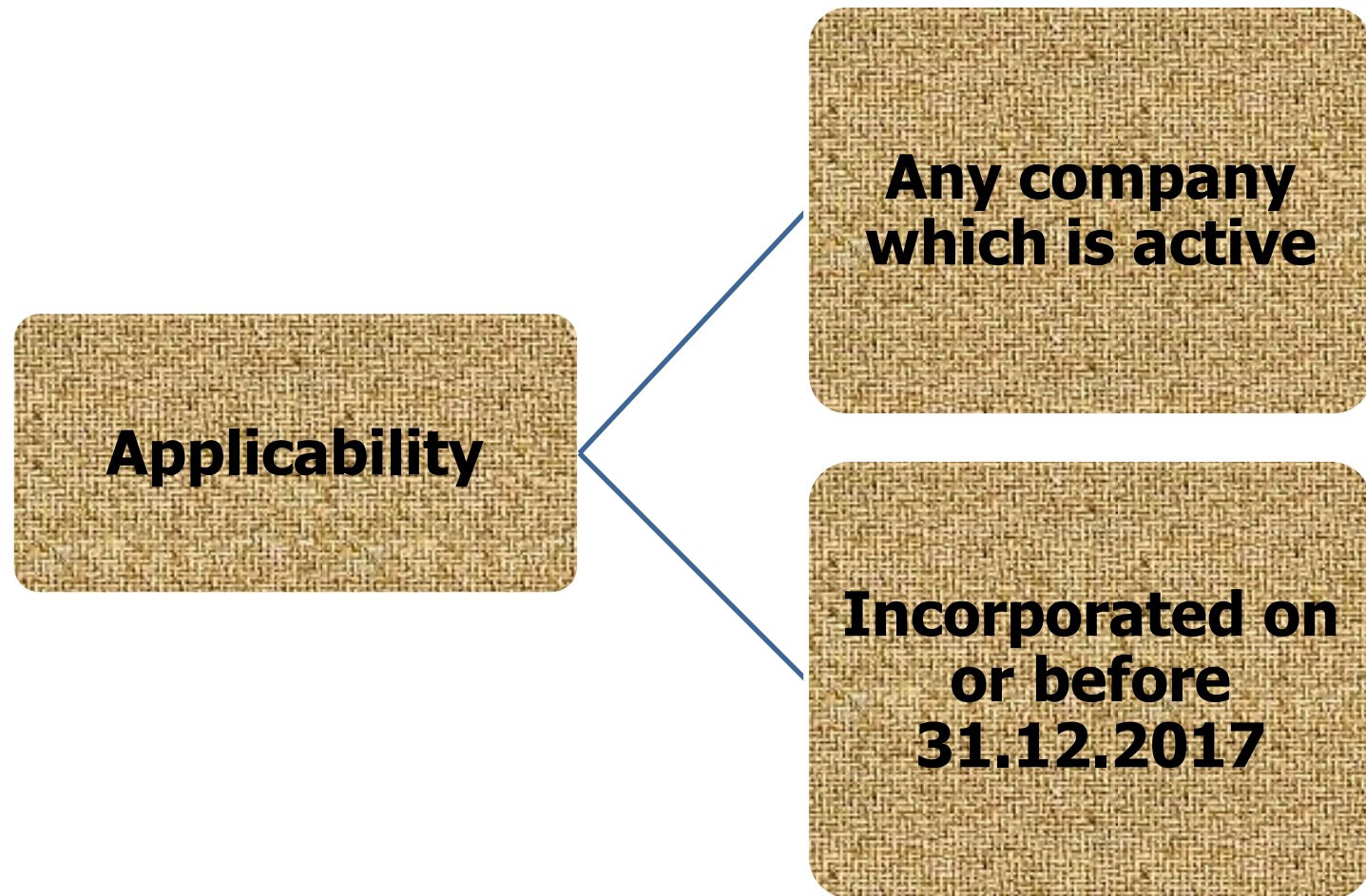
**Filing  
Requirement**

**One time return  
30.05.219**

**Half yearly  
return April to  
Sept. 31<sup>st</sup>  
October & Oct to  
March 30 April**

## **INC 22 A (ACTIVE)**

(Active Tagging and Identities and Verifications) .





**Minimum no of Director 2 with active DIN**

**Appoint KMP, Cost Auditor, Secretarial Auditor if applicable**

**Key points**

**Completed Annual Filing of 201-18**

**Valid form for appointment of Auditor should be filled**



# Exempted Companies

**Striked off Company &  
Company under the process  
of Striking off**

**Company under Liquidation  
or Amalgamated Companies**

**Management Dispute**

## Non Filing Consequences

**Penalty INR 10,000**

**No event based filing  
can be done**

**Status Active non  
Complied**



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