

[To be published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-Section (i)]

**MINISTRY OF CORPORATE AFFAIRS  
NOTIFICATION**

New Delhi, the 5<sup>th</sup> July, 2017

**G.S.R. \_\_\_\_ (E).**— In exercise of the powers conferred by the second proviso to sub-section (1), sub-section (4), clause (f) of sub-section (6) of section 149, sub-sections (3) and (4) of section 150, section 151, sub-section (5) of section 152, section 153, section 154, section 157, section 160, sub-section (1) of section 168 and section 170 read with section 469 of the Companies Act, 2013 (18 of 2013), the Central Government hereby makes the following rules further to amend the Companies (Appointment and Qualification of Directors) Rules, 2014, namely:—

1. (1) These rules may be called the Companies (Appointment and Qualification of Directors) Amendment Rules, 2017.

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

2. In the Companies (Appointment and Qualification of Directors) Rules, 2014 (hereinafter referred to as the principal rules), rule 4 shall be numbered as sub-rule (1) and after sub-rule (1) as so renumbered, the following sub-rule shall be inserted namely :-

“(2) The following classes of unlisted public company shall not be covered under sub-rule (1), namely:-

- (a) a joint venture;
- (b) a wholly owned subsidiary; and
- (c) a dormant company as defined under section 455 of the Act.”.

3. In the principal rules, in the Annexure, for Form DIR-5, the following Form shall be substituted, namely:-

# FORM DIR-5

[Pursuant to section 153 of the Companies Act, 2013 and rule 11 of the Companies (Appointment and Qualification of Directors) Rules, 2014]



Application for surrender of  
Director Identification  
Number

Form language  English  Hindi

Refer the instruction kit for filing the form.

## 1. \*Name of the DIN holder

- (a) First name
- (b) Last name
- (c) Middle name

Photograph  
of the DIN  
holder

## 2. \*Father's name

- (a) First name
- (b) Last name
- (c) Middle name

## 3. \*Reason for surrender of DIN

- Having multiple DINs
- DIN was obtained in a wrongful manner or by fraudulent means
- Death of the concerned individual
- Concerned individual is declared as a person of unsound mind by a competent court
- Concerned individual has been adjudicated as insolvent
- Concerned individual is/was not associated with any company/LLP

## 4. \*Whether DIN holder is retaining any DIN Yes No

The number of oldest DIN which is being retained

Pre-fill

(Note: DIN being retained will replace all the other DINs for which surrender application is filed by the user)

## 5. \*Specify the number of DIN(s) being surrendered by the applicant

\*Particulars of the DIN(s) being surrendered

- |   |  |          |
|---|--|----------|
| I | (i) *DIN <input type="text"/>            | Pre-fill |
|   | (ii) Name <input type="text"/>           |          |
|   | (iii) Father's name <input type="text"/> |          |

6. (a) \*Contact number of the applicant

(b) \*e-mail ID of the applicant

(c) Other information, if any, which the applicant intends to submit with regard to this application

7. (a) \*Whether the application is being digitally signed by the holder of DIN himself o Yes o No

(b) \*Particulars of the applicant

(i) Name

(ii) Relation with the DIN holder

(iii) DIN of the applicant (if any)

(iv) PAN

#### Attachments

- (1) \*Proof of identity of the applicant;
- (2) \*Proof of residence of the applicant;
- (3) Affidavit including declaration that retained DIN will be updated with all associated CIN/LLPIN;
- (4) Copy of court order declaring DIN holder as insolvent/unsound mind
- (5) Copy of death certificate
- (6) Optional Attachment-if any.

Attach
Attach
Attach
Attach
Attach
Attach

#### List of attachments

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#### Declaration

- \*I hereby declare that information and other particulars given in this form are true and correct.
- I further declare that I have never been appointed as director/designated partner in any company/LLP and the DIN has never been used for filing of any document with any authority.

\*To be digitally signed by

\*Name

\*DIN/PAN

#### Certificate by practicing professional

- \*I declare that I have been duly engaged for the purpose of certification of this form.
- \*I have satisfied myself about the identity of the applicant based on perusal of the original of the

attached document.

Note: In case where the applicant is residing outside India the particulars have to be verified from the documents duly attested by the attesting authority as prescribed.

- \*I have gone through the provisions of the Companies Act, 2013 and Rules thereunder for the subject matter of this form and matters incidental thereto and I have verified the above particulars (including attachment(s)) from the original records maintained by the applicant which is subject matter of this form and found them to be true, correct and complete and no information material to this form has been suppressed.
- \*I further certify that all the required attachments have been completely and legibly attached to this form and it is understood that I shall be liable for action under Section 449 of the Companies Act, 2013 for wrong certification, if any found at any stage.

\*To be digitally signed by

DSC Box

- Chartered accountant (in whole-time practice) or
- Cost accountant (in whole-time practice) or
- Company secretary (in whole-time practice)

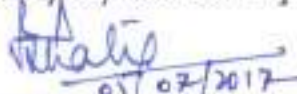
\*Whether associate or fellow  Associate  Fellow

\*Membership number  Certificate of Practice number

Note: Attention is also drawn to provisions of section 448 and 449 which provide for punishment for false statement and false evidence.

<input type="button" value="Modify"/>	<input type="button" value="Check Form"/>	<input type="button" value="Prescrutiny"/>	<input type="button" value="Submit"/>
<b>For office use only :</b>			
eForm Service request number (SRN)	<input type="text"/>	eForm filing date	<input type="text"/> (DD/MM/YYYY)
Digital signature of the authorising officer	<input type="text"/>	<input type="button" value="Affix filing details"/>	
This e-Form is hereby approved	<input type="text"/>	<input type="button" value="Confirm Submission"/>	
This e-Form is hereby rejected	<input type="text"/>		
Date of signing	<input type="text"/>	(DD/MM/YYYY)	

[F. No. 1/22/2013-CL-V]

  
03/07/2017  
(Amardeep Singh Bhatia)

Joint Secretary to the Government of India

**Note:—**The principal rules were published in the Gazette of India, Extraordinary, Part II, section 3, sub-section (i) *vide* number G.S.R. 259(E) dated the 31<sup>st</sup> March, 2014 and were subsequently amended *vide* number G.S.R. 671(E) dated the 18<sup>th</sup> September, 2014 and G.S.R. 42(E) dated the 19<sup>th</sup> January, 2015.