

# PROCEDURE FOR CHANGE/UPDATION IN PARTICULARS OF DIRECTOR IDENTIFICATION NUMBERS (DIN)

3

{Section 153 read with Rule 12 of the Companies (Appointment and Qualification of Directors) Rules, 2014}

## Synopsis

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## Relevant Sections, Rules and Forms at a Glance

Particulars	Section(s), Rule(s) and Name of e-Form(s)
The Companies Act, 2013	Sections 153, 154 and 403
The Companies (Appointment and Qualification of Directors) Rules, 2014	Rule 12
The Companies (Registration Offices and Fees) Rules, 2014	Rules 7, 8 and 12
e-Forms to be filed	DIR-6

## Significant Relevant Approvals and Requirements

- ❖ DSC of the applicant
- ❖ Documentary proofs for change in particulars of DIR-3

### 3.1 PROCEDURE WITH CHECK POINTS

S. No.	Particulars
1.	The individual having Director Identification Number (DIN) shall intimate to the Central Government for any change in his/her particulars (name, father's name and address, etc.) given in <b>e-Form DIR-3</b> filed during allotment of DIN, within 30 days of such change {Rule 12(1) of the Companies (Appointment and Qualification of Directors) Rules, 2014}.
2.	Ensure that the applicant who intends to intimate to the Central Government for any change in his/her particulars of DIN has a valid Digital Signature Certificate (DSC) on the date of filing of required form on MCA Portal.

S. No.	Particulars
3.	<p>The <b>e-Form DIR-6</b> is required to be filed along with all documents, as required in case of <b>e-Form DIR-3</b>, for change in particulars of DIN and the brief of these documents are:</p> <p>(i) Proof of change in particulars.</p> <p>(ii) Identity Proof of individual through Permanent Account Number (PAN) in case of Indian national and Passport in case of Foreign national.</p> <p>(iii) Proof of residence (Present/Permanent) through bank statement or utility bill [utility bill should not be older than 2 (two) months from the date of filing of e-Form DIR 6 in case of Indian National and address proof should not be older than 1(one) year from the date of filing of e-Form DIR-6 in case of foreign national.]</p>
4.	<p>In case the name of applicant's or father's name does not match with the PAN of the applicant, then he/she is supposed to change the particulars in his/her permanent account number as PAN is mandatory in case of Indian National and MCA validate the particulars with PAN details only.</p>
5.	<p>In case the DIN holder desires to update the following particulars, DIR-6 is required to be filed before completing KYC of DIN each year:</p> <p>(i) Passport No.</p> <p>(ii) Aadhaar No.</p> <p>(iii) Photograph</p> <p>(iv) Driving License No.</p> <p>(v) Residential Status</p>
6.	<p>If supporting documents are in languages other than in Hindi/English, all proofs should be translated in Hindi/English by a professional translator who must indicate his details (name, signature, and address) and seal on the documents and in case of foreign nationals, translation done by the notary of home country is also acceptable.</p>
7.	<p>Ensure that all supporting documents /proof of change in particulars are attested by an authorised person or a Company Secretary/ Chartered Accountant/Cost Accountant in whole-time practice.</p>
8.	<p>Note that the change in particulars shall be intimated to the Central Government through <b>e-Form DIR 6</b> within 30 days of such change and mobile number and email id of the DIN holder is mandatorily required to be entered in e-Form DIR-6 even if there is no change in them {<i>Rule 12(1) of the Companies (Appointment and Qualification of Directors) Rules, 2014</i>}.</p>
9.	<p>File <b>e-Form DIR 6</b> on MCA portal along with all required attachments duly digitally signed by Company Secretary/ Chartered Accountant/Cost Accountant in whole-time practice and fee as per the Companies (Registration Offices and Fees) Rules, 2014 within 30 days of such change {<i>Rule 12(1)(ii) of the Companies (Appointment and Qualification of Directors) Rules, 2014</i>}.</p>

S. No.	Particulars
	<p>The subscribers, who are individuals in the Memorandum of Association (MOA) shall be deemed as first directors until the directors are duly appointed by the members in accordance with Section 152 of the Companies Act, 2013 and rules made thereunder (Section 152 of the Act).</p> <ul style="list-style-type: none"> <li>• Not the person intended/proposed to be appointed a director of a company has a valid Director Identification Number (DIN) under section 174 or any other number as may be prescribed under section 174 of the Companies Act, 2013, however, in case of first directors of a new company, the DIN up to 3 (three) persons can be obtained through incorporation with integrated form SPICe-1 (INC-32) (Section 152 of the Act read with rule 152 of the Companies Incorporation Rules, 2014).</li> <li>• Not a total number of directors, at least one director has stayed in India for a total period of not less than 182 days during the financial year. Provided that in case of newly incorporated company, residential status shall be determined proportionately. However, it is not required in case the director is appointed by the Central Government or State Government (Section 152 of the Act).</li> <li>• A person, who is intended to be appointed, shall not be eligible for appointment, if he/she has any disqualification for appointment under section 164 of the Act (Section 164 of the Act read with companies provisions a government company and regulations in COA 2012 about COA 2012).</li> <li>• A person proposed to be appointed as a director in a company other than a company registered under Section 8 (non-profit company) of the Companies Act, 2013 (Section 152 of the Act)             <ul style="list-style-type: none"> <li>- shall not hold office as a director including any alternate directorship in more than 20 companies including directorship in dormant companies.</li> <li>- shall not hold office in more than 10 public companies including the private companies which are holding or subsidiary of public company.</li> </ul> </li> </ul>
2.	In case of one person company, an individual being sole member is deemed to be the first director of the company, if the articles of association has not mentioned the names of first directors (Section 152 of the Act).
3.	Forms created in writing, on or before appointment, from the appointed director to act as director in the company as Form 208-2 (Part 2 of the Companies Incorporation and Qualification of Directors Rules, 2014).
4.	Forms an certificate in writing, on or before appointment, from the appointed director as Form 208-3 regarding that he/she is not disqualified under Section 164 of Companies Act, 2013, to act as a Director (Section 164 of the Act read with rule 17 of the Companies Incorporation and Qualification of <u>Directors</u> Rules, 2014).
5.	The particulars of first directors to be integrated with Form SPICe-1 (INC-32) at the time of incorporation of company.

For the detailed procedure, please refer Company Law Procedures & Compliances by Dr. Sanjeev Gupta, 2nd edn, 2021. You can buy from your bookseller or online at [www.bharatlaws.com](http://www.bharatlaws.com)

[COMPANY LAW Procedures & Compliances \(in 2 vols.\)](#)