

PROCEDURE FOR CANCELLATION OR SURRENDER OR DEACTIVATION OF DIN

1. The Director Identification number (DIN) of a person shall be cancelled or deactivated by the Central Government or Regional Director (Northern Region), or any officer authorised by the Regional Director, upon being satisfied, under any of the following circumstances:
 - (a) circumstances for cancellation or surrender of DIN:
 - (i) DIN is found to be duplicated in respect of same person
 - (ii) DIN was obtained in a wrongful manner* or by fraudulent means**
 - (iii) Death of the concerned individual
 - (iv) Concerned individual has been declared as a person of unsound mind by a competent court
 - (v) Concerned individual has been adjudicated an insolvent
 - (vi) DIN holder has made an application in Form DIR-5 for surrender his/her DIN stating that he/she has never been appointed as a director in any company and the said DIN has never been used for filing of any document with any authority
 - (b) circumstances for deactivation of DIN:
 - (i) The concerned individual failed to intimate his/her particulars in e-Form DIR-3 KYC or DIR-3 KYC-WEB within the stipulated time, i.e., on or before 30th September.

* "wrongful manner" means if the DIN is obtained on the strength of documents which are not legally valid or incomplete documents are furnished or on suppression of material information or on the basis of wrong certification or by making misleading or false information or by misrepresentation.

** "fraudulent means" means if the DIN is obtained with an intent to deceive any other person or any authority including the Central Government.

{Rule 11(1) of the Companies (Appointment and Qualification of Directors) Rules, 2014}.
2. In case of surrender of a DIN, an application in **e-Form DIR-5** shall be made with the Central Government with such fees as prescribed in the Companies (Registration Offices and Fees) Rules, 2014 by the following person:
 - by DIN holder himself/herself, in case of:
 - (a) multiple DINs;
 - (b) DIN was obtained in wrongful manner or by fraudulent manner;
 - (c) DIN was never associated with any Company/LLP.
 - by director of that company in which the concerned person/DIN holder holds Directorship or by relative of the concerned person/DIN holder, in case of:
 - (a) Death of the concerned person/DIN holder;
 - (b) Concerned person declared as a person of an unsound mind by a

- competent court;
(c) Concerned person has been adjudicated as an insolvent.

3. Arrange following supported documents in case the application in **e-Form DIR- 5** is filed by the DIN holder:

(a) Declaration through Affidavit duly notarised that DIN holder has never been appointed as director in any company and the said DIN has never been used for filing of any document with any authority.

(b) Declaration through Affidavit that he/she will update his/her retained DIN with all Companies/LLPs.

(c) Identity proof and residence proof of the applicant:

(i) Document as proof of identity:

- ❖ Permanent Account Number (PAN) Card
- ❖ Voter ID Card
- ❖ Driving License
- ❖ Aadhaar Card
- ❖ Passport

(PAN is mandatory in case of Indian National and Passport in case of Foreign National)

(ii) Document as proof of residence:

- ❖ Passport
- ❖ Ration Card
- ❖ Driving License
- ❖ Aadhaar Card
- ❖ Bank Statement
- ❖ Utility Bill

(The proof of residence shall not be older than 2 (two) months from the date of filing of e-Form DIR-5 in case of an Indian national and should not be older than 1 (one) year from the date of filing of e-Form DIR-5 in case of Foreign national.

If above documents (proof of identity and address proof), in case of an Indian national, are in languages other than English/Hindi, all proof should be translated in English/Hindi by a professional translator who must indicate his name, signature, and address and seal on the documents, while in case of Foreign national, translation can be done by the notary of Home Country).

4. Arrange following supported documents in case the application in **e-Form DIR 5** is filed by other than the DIN Holder, i.e., director of that company in which the concerned person/DIN holder holds Directorship or by relative of the concerned person/DIN holder:

(a) Death certificate of the DIN holder

(b) Copy of the Court Order declaring DIN holder as a person of unsound mind or declared as an insolvent

(c) Board resolution authorising a director to file the application for cancellation of DIN

(d) Identity proof and residence proof of the above-mentioned authorised Director/Relative:

(i) Document as proof of identity:

- ❖ Permanent Account Number (PAN) Card
- ❖ Voter ID Card
- ❖ Driving License
- ❖ Aadhar Card
- ❖ Passport

(PAN in case of Indian National and Passport in case of Foreign National is mandatory)

(ii) Document as proof of residence:

- ❖ Passport
- ❖ Ration Card
- ❖ Driving License
- ❖ Aadhaar Card
- ❖ Bank Statement
- ❖ Utility Bill

(The proof of residence shall not be older than 2 (two) months from the date of filing of e-Form DIR-5 in case of an Indian Director/Relative and should not be older than 1 (one) year from the date of filing of e-Form DIR-5 in case of foreign director/ relative authorised to file through board resolution.

If above documents (proof of identity and address proof are in languages other than English/Hindi, all proof should be translated in English/Hindi by a professional translator who must indicate his name, signature, and address and seal on the documents, in case of an Indian National while in case of Foreign National, translation can be done by the notary of Home Country).

5. Supporting documents required to be attached with e-Form DIR 5 shall be attested in the following manner:
 - ❖ Supporting documents shall be self-attested by the applicant, if e-Form DIR-5 is digitally signed by a Company Secretary/Chartered Accountant/Cost Accountant in whole-time practice
 - ❖ Supporting documents shall be self-attested by the applicant or can be attested by public notary of a gazetted officer, if e-Form DIR-5 is digitally signed:
 - by a Company Secretary who is a member of the Institute of Company Secretaries of India and is in whole time employment, or
 - by a director of an existing company
 - ❖ Supporting documents shall be attested by the Indian Consulate or foreign public notary, if e-Form DIR-5 is digitally signed director of an existing company who is residing outside India .

6. Arrange all required attachments/information:
 - (a) High resolution coloured passport sized photo of the applicant in JPEG format
 - (b) Duly attested supporting documents of the applicant as per serial number 3 or 4 above
 - (c) E-Mail ID of the applicant.
 - (d) Contact number of the applicant.

(e) Relationship of the relative with the DIN holder who shall sign the e-Form DIR 5

(f) Digital Signature Certificate (DSC) of the applicant

7. Fill-up the e-Form DIR-5 and attach all the supporting documents and upload the same on MCA Portal along with the prescribed fees as per the Companies (Registration Offices and Fees) Rules, 2014.
8. The Central Government or Regional Director (Northern Region), or any officer authorised by the Central Government or Regional Director (Northern Region), upon being satisfied on verification of particulars or documentary proof attached with the application received, may cancel or de-activate DIN of the concerned individual pursuant to Rule 11 of the Companies (Appointment & Qualification of Directors) Rules, 2014.

In case of the DIN is obtained in the wrongful manner or by fraudulent means, the designated authority/officer shall give an opportunity of being heard to the DIN holder before cancellation or de-activation of his/her DIN.

{Rule 11(1) of the Companies (Appointment and Qualification of Directors) Rules, 2014}.

9. The Central Government or Regional Director (Northern Region), or any officer authorised by the Central Government or Regional Director (Northern Region) shall deactivate DIN of any individual who does not complete KYC on or before of 30th September pursuant to Rule 12 A of the Companies (Appointment & Qualification of Directors) Rules, 2014 and the de-activated DIN can be re-activated only after filing of e-Form DIR-3 KYC with a fee of Rs. 5,000 /-

{Rule 11(2) and (3) of the Companies (Appointment and Qualification of Directors) Rules, 2014}.
