

Director Identification Number (DIN)

DIN is a unique Director Identification number allotted by the MCA to any person intending to be a Director in newly incorporating company or an existing company. In this article, we will be discussing about the concept of Director Identification Number (DIN) based on the following topics:

Meaning of Director Identification Number (DIN)

It is an 8-digit unique identification number that has lifetime validity. Through DIN, details of the directors are maintained in a database.

DIN is specific to a person, which means, even if he is a director in two or more companies, he/she needs to have only one DIN and if he leaves a company and joins some other, the same DIN would work in the other company as well.

Usage of DIN

Whenever a return, an application or any information related to a company will be submitted under any law, the director signing such return, application or information will mention his DIN as his/her signature.

DIN Application Procedure and Relevant Forms

SPICe+ Form: Application for allotment of DINs to the proposed first Directors in respect of new companies shall be made in SPICe+ form only.

DIR-3 Form: Any person intending to become a director in an already existing company shall have to make an application in eForm DIR-3 for allotment of DIN.

DIR-6 Form: Any changes in the particulars of the directors shall be filed in form DIR-6. And the form has to be filed to roc whenever the event triggered.

To apply for DIN, the above forms are to be filed electronically. It has to be digitally signed and then uploaded on the MCA21 portal.

Documents to be Attached With the Forms

For SPICe Form

Attach proof of identity and address proof. DIN would be allocated to an applicant only after approval of the form.

For Form DIR-3

a. Attachments

Photograph

Identity proof

Residence proof Verification (Name, father's name, present address, date of birth, text of declaration and signature of the applicant)

In the case of foreign nationals, they are required to submit their passport as identity proof.

b. Documents to be attested

Photograph, identity proof and residence proof must be attested by a Company Secretary or Managing Director or any Director of the proposed company in which director will be appointed.

In the case of foreign nationals, their documents can be attested by the Consulate of the Indian Embassy and Foreign Public Notary.

c. Generation of DIN

Once the application fee is paid, the DIN Will get allotted under straight through process.

For Form DIR-6

For changing any details mentioned in the DIR-3 form/ SPICe with respect to Directors, then Form DIR-6 has to be submitted online. With the form, the attested supporting document is also required to be submitted.

Reasons for Surrendering or cancelling the DIN

The Central Government may cancel the DIN due to the following reasons:

If a duplicate DIN has been issued to the director

DIN was obtained by fraudulent means

On the death of the concerned person

The person has been declared unsound mind by the court

The person has been adjudicated as insolvent

The director can also surrender the DIN in Form DIR-5. With the form, he has to submit a declaration that he has never been appointed as a director in the company and the said DIN has never been used for filing any document with any authority.

Upon verifying the e-records, the central government will de-activate the DIN.

Note that, once a person is appointed as a director in any company as per the Companies Act 2013, he cannot relinquish his DIN in the future. Even if he doesn't remain a director anymore in that company or in any other company, his DIN will exist as it is.

Form Number	Purpose
DIR-3	Application for DIN allotment
DIR-5	Application for surrendering DIN
DIR-6	Application for changing details submitted in DIR-3

DIR-3 & DIR-3 KYC WEB

In order to keep intact the DIN, it is mandatory to every Din holder to File DIR-3 KYC Web. DIR-3 KYC Web is basically about whatever the information with respect to residential address etc. furnished while obtaining DIN is not changed. This has to be filed on 30th September of subsequent year.

DIR-3 KYC is about furnishing of Residential Address, Identity Proof etc. of DIN Holder for the first time in subsequent year once the Din is allotted.

Due Date of DIN KYC

Due date of filing e-form DIR-3 KYC or DIR-3 WEB KYC, as the case may be, for any financial year is 30th September of that year.

Illustration: For the financial year 2023-24, every individual who holds DIN / DPIN and the individual who has been allotted DIN / DPIN by 31st March, 2024, all of them were required to complete DIN KYC on or before 30th September, 2024.

If you have missed filing by Sep 30, you need to pay Rs. 5000/- to get the approved status of the DIN as on date unless MCA comes up with some scheme for waiver of fees.

Note: Directors having disqualified DIN, also have to comply with the aforesaid requirement.

Consequences of non-filing

On non-filing of e-form DIR-3 KYC or web form DIR-3 KYC as the case may be, the DIN / DPIN of the concerned individual will be deactivated. Deactivation of DIN / DPIN of the individual only restricts him from making compliances of various e-forms i.e. wherever there is online fetching of information of a director, he will not be allowed to file the same on the portal. As a Director his actions will not be held invalid. He

can be appointed / resigned from a company; however the compliance related to return of such appointment/resignation which is to be filed with the ROC in e-form DIR-12 shall not be possible unless the DIN / DPIN is re-activated by filing of e-form DIR-3 KYC/web form DIR-3 KYC.

Penalty for Non-Filing

There is no penalty for non-compliance of DIN KYC. There is a fee of Rs. 5000/- for delayed filing of e-form DIR-3 KYC / web form DIR-3 KYC.

Penalty for default of certain provisions

In any individual or director of a company makes any default in complying with any of the provisions of section 152, section 155 and 156, such individual or director of the company shall be liable to a penalty which may extend to fifty thousand rupees and where the default is a continuing one, with a further penalty which may extend to five hundred rupees for each day after the first during such default continues.

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