

Unsecured money brought into a company by its promoters to meet a bank's lending condition does not qualify as a deposit under the Companies Act, 2013

The National Company Law Tribunal (NCLT) Mumbai Bench, in the case of **Vimla T Dedhia vs Ansumera Realty & Infra Pvt Ltd [Company Application 370 of 2022 In Company Petition 412 of 2021]** dated January 21, 2026, has held that unsecured money brought into a company by its promoters to meet a bank's lending condition does not qualify as a deposit under the Companies Act, and that repayment proceedings under the deposit provisions cannot be maintained.

The NCLT observed that once the transaction is covered by the statutory exclusion, the amount so received cannot be treated as a 'deposit' within the meaning of Section 2(31) of the Companies Act, 2013. The Tribunal said that Section 73 of the Companies Act, 2013, which regulate acceptance and repayment of deposits, are not attracted, and the transaction in question is, therefore, an exempted transaction under the Companies Act, 2013.

The NCLT noted that promoter funds brought in pursuant to a stipulation imposed by a lending bank fall within the prescribed exclusion under the deposit rules and therefore cease to be deposits. In absence of amount being 'deposit', the invocation of Section 73(4) and 76(2) of the Companies Act, 2013 is wholly unsustainable. The Tribunal also noted that the transactions related to a period prior to 2015, while the petition was filed only in 2021. There was nothing on record to show any acknowledgment of liability or a continuing cause of action.