## PROCEDURE FOR INCORPORATION OF A PRIVATE COMPANY OR PUBLIC COMPANY\*

# 6

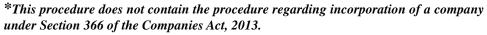
{Sections 4,7 and 12 of the Act read with Rule 8,8A,8B, and 38A of the Companies (Incorporation)Rules, 2014} Synopsis

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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 3, 4, 5, 6, 7, 10, 10A, 12, 149, 152, 153, 403 and Schedule-I
The Companies (Incorporation) Rules, 2014	Rules 8, 8A, 8B, 9, 9A, 12, 13, 14, 15, 16, 17, 18, 23A, 25, 27, 38 and 38A
The Companies (Appointment and Qualification of Directors) Rules, 2014	Rules 8, 9 and 17
The Companies (Registration Offices and Fees) Rules, 2014	Rules 7, 8 and 12

Particulars	Section(s), Rule(s) and Name of e-Form(s)	
e-Forms/web forms to be filed	SPICe+ (INC 32), SPICe+ MOA (INC-33), SPICe+ AOA (INC-34), AGILE- PRO- S (INC 35) INC-22.	
Forms to be filed as an attachment with respective forms	INC-9- {Mandatory where total number of subscribers and/or directors are greater than 20, and/or any subscriber and/or director does not have DIN/PAN } DIR-2 and DIR-8	



#### Significant Relevant Approvals and Requirements

- ✤ DSC of the subscribers of MOA and AOA of the proposed company
- Soard resolution, etc., if company is promoted by a body corporate
- ✤ Trademark registration certificate/trademark application
- No objection certificate from the sole proprietorship/partner/other associates/ company/body corporate
- Declaration regarding registration of the company with sectoral regulator
- Proofs of office address/registered office address
- Proof for appointment of authorised signatory for bank account/GSTIN, etc
- Formats of Specimens Signature of the authorised person
- DIN related documents, if DIN is to be taken.
- Consent of directors in DIR 2
- Eligibility/non-disqualification letter from directors in DIR 8
- Declaration for commencement of business.

### **6.1 PROCEDURE WITH CHECK POINTS**

S. No.		Particulars	\$	
1.	Ensure:			
	<ul> <li>that the minimum number of Members and Directors of the proposed company are as below-</li> <li>(a) Number of Members for: {Section 3(1) of the Act}</li> </ul>			
		Minimum	Maximum	
	Private Co		200	
	Public Co.	7	No Limit	
	(b) Number of	Directors for: {Section 1	49(1)(a) of the Act}	
	Type of C	o. Minimum	Maximum	
	Private Co	. 2	15	
	Public Co.	3	15	

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1.54	Particulari		
	He advantues, the an advantation in the Meanmarkes of Association (MEN) dual to descent as first direction until the direction are dul- againsteed to the members is according with bottom 102 of the Companies Act, 2022 and note made thermarks (Sector 102) of the Act		
	<ul> <li>Rat the percent intended proposed to be apprinted a denote of a compar- lant a valid Director Unsattleation Number (2001) under section 114 or an other sampler is any to prescribed ander section 110 of the Commu- Act, 2013, however, is case of their directors of a new company, the 201 up to 1 (these) percent can be obtained through incorporation of integrated from MHCs<sup>-1</sup> (2017, 12) (theorem (111) of the Act and with the HEC of the Company, the case of the obtained through incorporation of integrated from MHCs<sup>-1</sup> (2017, 12) (theorem (111) of the Act and with the HEC of the Company, the operation that, 2018.</li> </ul>		
	<ul> <li>con of could sumilies of Benchman, at least one Resolute has support a ladie 5 a could period of and here Ram (10) days desing the Removal one. Periods that is case of anothy accomposited company, modificial intere deal 5 determined proportionably. Economic, 2.1 and required is case the Bench is aggregated by the Crasinal Dimensional or Nam Dimensional (Incin 1997) grids and.</li> </ul>		
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8.	Others as primation is writing, on a ballow approximately. How the approximate denotes a Farm 1998 P regarding that he due to not despectively and when being that a subsection (Section 39 of the during the sector (Section 39 of the during the sector) and it is a distribution of Companies. But, 2015, the sector and (Section 4) Companies. But, 2015,		
А.	File particulars of first detectors in the Interpreted Valt From UPCar (SVC-1) is 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 <u>www.bharatlaws.com</u>

COMPANY LAW Procedures & Compliances (in 2 vols.)