



**BENGALURU BRANCH OF
SOUTHERN INDIA REGIONAL COUNCIL OF
THE INSTITUTE OF CHARTERED ACCOUNTANTS OF INDIA**

DEAR ICAI

THANK YOU

SPICet+

Simplified proforma for incorporating
company electronically+

Is it a plus or a MINUS!

Bangalore Branch of ICAI
CA Srilakshmi P

AGENDA



START

INTRODUCTION

01



02



VIDEO

03



04



PROCEDURE

QUESTIONS

WHY CHANGES?

Possible reason?

1

World Bank Survey

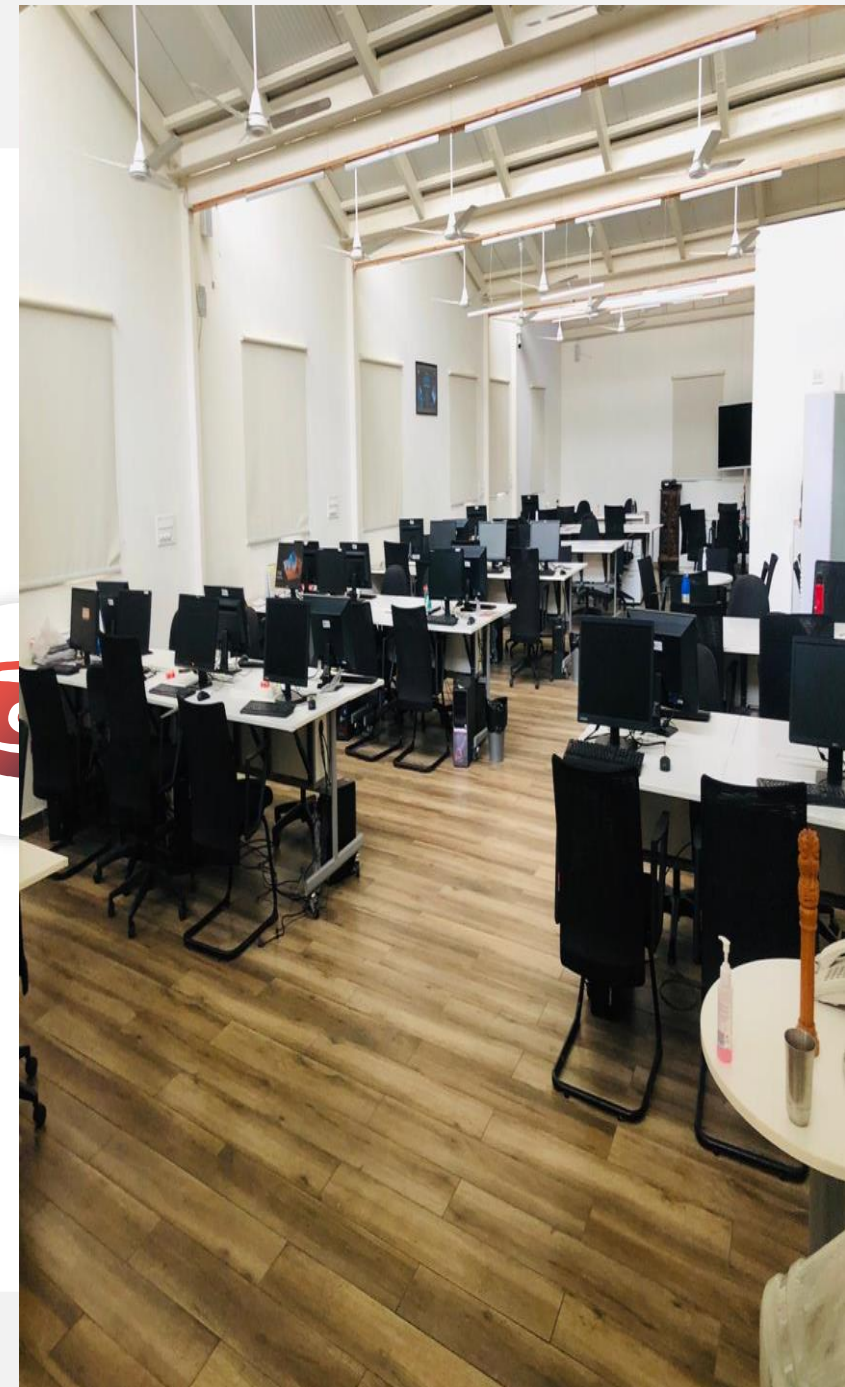
3

Importance of DBI

2

Redundant process

4





MYTH

MYTH ■

You need a certain level of turnover to register a Pvt.Ltd. firm



MYTH ■

Directors of the corporation must hold shares of the company

FACT

FACT

Private limited start-ups can be established from scratch. For that matter, even after incorporating a private limited company, there's no obligation to show sales or turnover of the venture.

FACT

Shareholders are the ones who invest money while directors are merely the ones who manage the operations of the company. Very often, shareholders and directors in startups are the same person. However, it is not mandatory for every director to hold shares.

MYTH

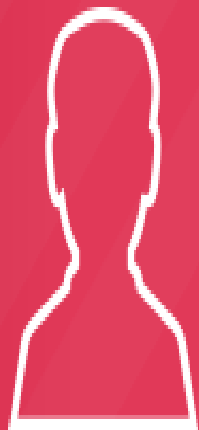


MYTH ■

After registration, changes in Pvt. Ltd. Company are tough or not possible

MYTH ■

Single person cannot hold 100% shares in a Pvt. Ltd. company



FACT

FACT

Private limited venture is the most flexible business structure for entrepreneurs. As soon as your business is incorporated, you can modify its capital, business scope directorship, shareholding, and anything else from the same day.

FACT

After April 2014, a single person can register a one-person company (OPC) as a private limited business and can own 100% shares of the company. OPC can also appoint n-number of directors without issuing them any shares.

WHY DO WE NEED A COMPANY?



01

Succession



02

Positioning



03

Loan from
Bank



04

VC Funding



05

SHA
Integration

POSITIONING

Agent

01



02

Trustee



Solution provider 03



List of 8 oldest incorporated entities:

1. Bombay Dyeing Company
2. Teesta Valley Tea Company
3. Parry & Co. (Now Eid-Parry Ltd.)
4. Otis Elevator Company
5. Shalimar Paints
6. Alembic Pharmaceuticals
7. Kamarhatty Company Ltd.
8. The Bombay Burmah Trading Corporation



PACKAGE (not standalone)

01. DSC

02. DIN

03. Name approval

04. SPICE

05. COI

06. PAN & TAN

07. EPFO

08. ESIC & PT

09. INC-22

10. Bank account

11. GST

12. Share certificates

13. Stamping

14. Stationery and seals

15. First board meeting

16. Capital remittance & INC-20A

17. Beneficial and registered owner

18. Start – up recognition



KEY FEATURES OF SPICE+ FOR GREATER EASE OF DOING BUSINESS

- 01** Reduces time and cost of starting business in India
- 02** Integration of procedures in single web form
- 03** Facilitates on – screen filing and real time data validation.
New and user friendly Dashboard



INCORPORATION – 2 methods

01

Promoters

**Including
residents and
non-residents**

**Time
consuming**

02

**Consultants as
Shareholders
and directors**

**DIN and DSC
already
available**

**Transfer the
company to the
clients**



FORM SPICe+

Part A. Name reservation

Part B. Incorporation



PART A

New name: PART – A

01. Reserve name

02.- Only name [2 names can be proposed]
- If with incorporation form, only 1 name

03. Valid for **20 days**

Existing name: RUN

01. For change of name of existing Company

02. Valid for **60 days**



SEARCH BEFORE APPLYING

(MCA services tab)

Check Company Name

Stakeholders are requested to ensure that the proposed name selected does not contain any word as prohibited in [Section 4\(2\) & \(3\)](#) of the Companies Act, 2013 read with [Rule 8](#) of the Companies (Incorporation) Rules, 2014.

Stakeholders are also requested to read and understand Rule 8 of the Companies (Incorporation) Rules, 2014 in respect of any proposed name before applying for the same.

Company / LLP Name*

Add more names

Activity Type

Search

Clear All

Stakeholders are requested to also check the Trademark search to ensure that the proposed name is not violation of provisions of Section 4(2) of the Companies Act, 2013 failing which it is liable to be rejected.

Check Trademark for your proposed name -->

Check Trademark

This website is maintained by the Office of the Controller General of Patents, Designs & Trade Marks, Department of Industrial Policy & Promotion, Ministry of Commerce & Industry.

Check Domain for your proposed name -->

Check Domain

This website is maintained by NIXI, the National Internet eXchange of India. Under NIXI, the INRegistry functions as an autonomous body with primary responsibility for maintaining the .IN ccTLD and ensuring its operational stability,

PROCEDURE - NAME

01 Type of company – Select from the drop down list

02 Class of company

- One person
- **Private**
- Public

03 Category

- **Company limited by Shares**
- Company limited by guarantee
- Unlimited company

1. (a) *State the type of company

(b) *State the class of company

(c) *State the category of company

(d) *State the sub-category of company

Section 8 company

Producer company

New company (others)

Part I Section 8 company

Part I LLP to Company

Part I Firm to Company

Part I Others

04 Sub – category

- Union government company
- State government company
- **Non – government company**
- Subsidiary of company incorporated outside India
- Guarantee and association company

PROCEDURE - NAME

05

Division Code

Can be chosen from the help kit – Annexure B

Categories

- Agriculture
- Transport
- Mining
- Finance
- Manufacturing (various categories under this)
- Insurance
- Electricity/gas/water
- Real-estate
- Construction
- Business services
- Trading
- Community services

PROCEDURE - NAME

06 A brief description of the main division.

07 Proposed names 1 or 2

Attachment supporting the name:

08 Ex:

- NOC and Board resolution from parent company
- Authorization from trademark owner

SPICE+ Part A

Name Reservation

Type of Company *

Class of Company *

Category of Company *

Sub-Category of Company *

Main division of industrial activity of the Company *

Description of the main division

Particulars of the proposed or approved name *

i.

ii.



Confirmation Alert

Choose whether you want to proceed for incorporation or only submit application for name reservation?

Submit for Name Reservation

Proceed for Incorporation

Cancel

POINTS TO BE REMEMBERED

RESERVATION OF NAME

01. Only 1 chance for resubmission

02. Fee for name approval – Rs. 1000

03. Application number will be generated

04. On Approval – Part B will be enabled



PART B

PROCEDURE

- 01 Entrenched articles in the AOA (Section 5)
 - 02 Capital Structure (ES + PS and Authorised + PUC)
 - 03 Subscribers and subscription details
 - 04 Mention correspondence address if no Registered Office
 - 05 Director and Interest details
 - 06 Assessing Officer code for PAN and TAN (link from helpkit)
- ★ Filing fees NIL, for authorised capital up to 15 lakhs.

POINTS TO BE NOTED

01

e-MOA and e- AOA mandatory (ie, INC-33 and INC-34), if:

- Subscribers are Indian Individuals
- Subscribers are up to 7
- Individual Foreign subscribers who have valid DIN and DSC and also submit a proof of a valid business visa
- Non-Individual subscribers based in India.

Physical MOA and AOA, if:

- Any subscriber is non- resident Individual or non-Individual
- Subscribers are exceeding 7
- Proposed Company is Section 8 Company
- Foreign subscriber having valid DIN but business VISA is not there
- Foreign subscriber not having valid DIN

PROCEDURE - NAME

02 Subscriber is foreign national outside India:

- ID proof
- Address proof,
- Subscriber sheet of MOA and AOA

These documents have to be authenticated in the foreign country

FOREIGN NATIONAL RESIDING OUTSIDE INDIA– RULE 13(5)

01 Commonwealth nations:

In a country in any part of the Commonwealth, his signatures and address on the memorandum and articles of association and proof of identity shall be notarized by a Notary (Public) in that part of the Commonwealth.

Eg: UK

FOREIGN NATIONAL RESIDING OUTSIDE INDIA– RULE 13(5)

02 Hague apostille nation:

In a country which is a party to the Hague Apostille Convention, 1961, his signatures and address on the memorandum and articles of association and proof of identity shall be notarized before the Notary (Public) of the country of his origin and be duly apostillised in accordance with the said Hague Convention.

Eg: USA

FOREIGN NATIONAL RESIDING OUTSIDE INDIA– RULE 13(5)

03 If not Commonwealth or Hague Apostille:

Not In a country outside the Commonwealth and which is not a party to the Hague Apostille Convention, 1961, his signatures and address on the memorandum and articles of association and proof of identity, shall be notarized before the Notary (Public) of such country and the certificate of the Notary (Public) shall be authenticated by a Diplomatic or Consular Officer empowered in this behalf under section 3 of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948 (40 of 1948) or, where there is no such officer by any of the officials mentioned in section 6 of the Commissioners of Oaths Act, 1889 (52 and 53 Vic.C.10), or in any Act amending the same.

FOREIGN NATIONAL RESIDING OUTSIDE INDIA– RULE 13(5)

04 Visited India and intended to incorporate a company, in such case the incorporation shall be allowed if, he/she is having a valid Business Visa.

Explanation - For the purposes of this clause, it is hereby clarified that, in case of Person is of Indian Origin or Overseas Citizen of India, requirement of business Visa shall not be applicable.

POINTS TO BE NOTED

01 Subscriber is Non-Individual based in India, notary.

02 Subscriber is Non-Individual based outside India (apostile/notary):

- the Board resolution authorising the subscription and to make investment
- proof of principal place of business and
- Certificate of incorporation.

03 Separate declaration by professional in form INC-8 is not required

04 Proposed director has DIN:

- ID and address proof not required.

05 Proposed director has no DIN:

- ID - Passport/voter ID/Driving License
- Address - Bank statement/Electricity bill/Mobile bill/Telephone bill

06 Proposed director has interest in the entity having CIN/LLPIN/FCRN, the same is not required to be provided at the time of incorporation.

04. Associate director DSC

MCA Services

Home > MCA Services > DSC Services > Associate Director's/Designated Partner's/Authorized Representative's DSC

DSC Services ^

- Acquire DSC
- Associate DSC
- Update DSC

DIN Services v

Master Data v

LLP Services v

LLP Services For Business User v

e-Filing v

Company Services v

Associate Director's/Designated Partner's/Authorized Representative's DSC

DIN/DPIN*

Personal Details (as provided in the DIN application)

First Name

Middle Name

Last Name

Date of Birth* (dd/mm/yyyy)

Father's First Name

Father's Middle name

Father's Last name

* Mandatory Field

Next Clear All

Activate
Go to Setting

04. Associate Authorised Representative DSC

DSC Services ^

■ Acquire DSC

■ Associate DSC

■ Update DSC

DIN Services v

Master Data v

LLP Services v

LLP Services For Business User v

e-Filing v

Company Services v

Complaints v

Document Related Services v

Fee and Payment Services v

Investor Services v

ID Databank Registration v

Associate Authorized Representative's DSC

Income Tax PAN*

Personal Details :

First Name

Middle Name

Last Name

Date of Birth*

(dd/mm/yyyy)

Father's First Name

Father's Middle name

Father's Last name

Contact Details

Address Line1 *

Address Line2

Address Line3

City*

State

----Select----- v

Country*

INDIA v

Pin Code*

Email Id *

Digital Certificate*

Select Certificate

To download and install latest DSC web socket installer [click here](#)

Submit

Clear All

Activate W

Go to Settings

04. Associate professional DSC

[MCA Services](#)
Home > MCA Services > DSC Services > Associate Professional Users DSC

DSC Services ^

■ Acquire DSC

■ [Associate DSC](#)

■ Update DSC

DIN Services v

Master Data v

LLP Services v


LLP Services For Business User v

e-Filing v

Associate Professional Users DSC

Professional Membership Details :

Institute *

Date of enrollment  (dd/mm/yyyy)

Membership Number *

Certificate of Practice Number

Membership Type *

Activat
Go to Se

ATTACHMENTS TO PART B

RESIDENT INDIVIUAL - HAVING DIN + NON INDIVIUAL :



01

Board Resolution
for Body
corporate
subscriber

02

Proof of
Registered office,
if applicable

03

Copy of utility bill, if RO

ATTACHMENTS TO PART B

RESIDENT INDIVIDUAL - **NOT** HAVING DIN + NON INDIVIDUAL :

01

ID and address
proof of
applicants to DIN

02

ID and address
proof of
subscribers

03

Board Resolution
for Body
corporate
subscriber

04

Proof of
Registered office,
if applicable

05

Copy of utility bill, if
RO

ATTACHMENTS TO PART B

NON RESIDENT INDIVIUAL - HAVING DIN + NON INDIVIUAL :

01

Physical
MOA

02

Physical
AOA

03

Board Resolution
for Body
corporate
subscriber

04

Copy of certificate of
Incorporation and proof
of registered office
address, for foreign
body corporate

05

Proof of
Registered office,
if applicable

06

Copy of utility bill, if
address of registered
office is provided at
the time of
incorporation

ATTACHMENTS TO PART B

NON RESIDENT INDIVIDUAL - **NOT** HAVING DIN + NON INDIVIDUAL :

01

Physical
MOA

03

ID and address
proof of
applicants to DIN

05

Board Resolution for
Body corporate
subscriber

07

Copy of certificate
of Incorporation
and proof of
registered office
address, for
foreign body
corporate

08

Copy of utility bill,
if address of
registered office is
provided at the
time of
incorporation

02

Physical
AOA

04

ID and address
proof of
subscribers

06

Proof of
Registered office,
if applicable

SUBMISSION OF PART B



01

On successful pre-scrutiny of
Part B, submit for next steps



02

Download Part B



03

MOA, AOA and AGILE PRO
shall be enabled

PROCEDURE FOR E-MOA



01

Select applicable
table
[A to E]



02

State is pre-filled
from Part B



03

Main and
ancillary objects



04

Authorized
capital



05

Subscription
clause

PROCEDURE FOR E - AOA

01. Applicable table

[F to J]

02. Private company

- Definition of Private Limited
- Restriction on transfer clause

03. Names of First Directors

04. Details of subscribers in subscription page

AGILE PRO



MANDATORY FOR:

ESIC, EPFO, PT, Opening a
Bank a/c



NOT MANDATORY

GST



AUTO POPULATED

Name and other information
shall be auto populated from
Part B.

APPLICATION THROUGH AGILE PRO

01

Application for GSTIN

[Can be selected YES/ NO]

Details to fill in:

- State,
- District,
- State and centre Jurisdiction,
- Nature of possession of business
- Whether the building is hired/owned
- Option for composition
- Composition Declaration
- Category of registered person
- Nature of business activity
- Primary business activity
- HSN code (how to get this)
- SAC code (how to get this)

02

Directors who is Authorised signatory for the purpose of applying EPFO/ESIC/PT/opening of Bank Account

03

Directors not authorized signatory

04

Selection of Bank name

IMPORTANT POINTS FOR AGILE-PRO:

- 01** Indian Mobile number and email id of Authorised signatory for OTP verification
- 02** Passport size photo (only jpg) of the Authorised signatory attach Form (size <100 KB).
- 03** Registered Office (not Correspondence) is mandatory for obtaining the GST Registration
- 04** RESIDENT DIRECTOR: Authorizing signatory to Open Bank account and PT registrations

ATTACHMENTS FOR AGILE PRO

PROOF OF RO:

**Property Tax Receipt -
100 KB**

**Municipal Khata copy -
100KB**

Electricity Bill - 100 KB

**Rent/ Lease Agreement
- 2MB**

Consent Letter - 100KB

Ownership Doc -1MB

**Attach the proof of
appointment of
authorised signatory for
GSTIN, in the specified
format**

**Letter of Authorisation –
100 KB
Copy of Resolution passed
by BOD/ Managing
Committee and Acceptance
letter - 100KB**

**Proof of Identity and
address of Authorised
signatory for opening
bank account
Specimen signature of
Authorised signatory for
EPFO**

DECLARATION

The Director who has signed Part B, shall also sign the Form AGILE Pro

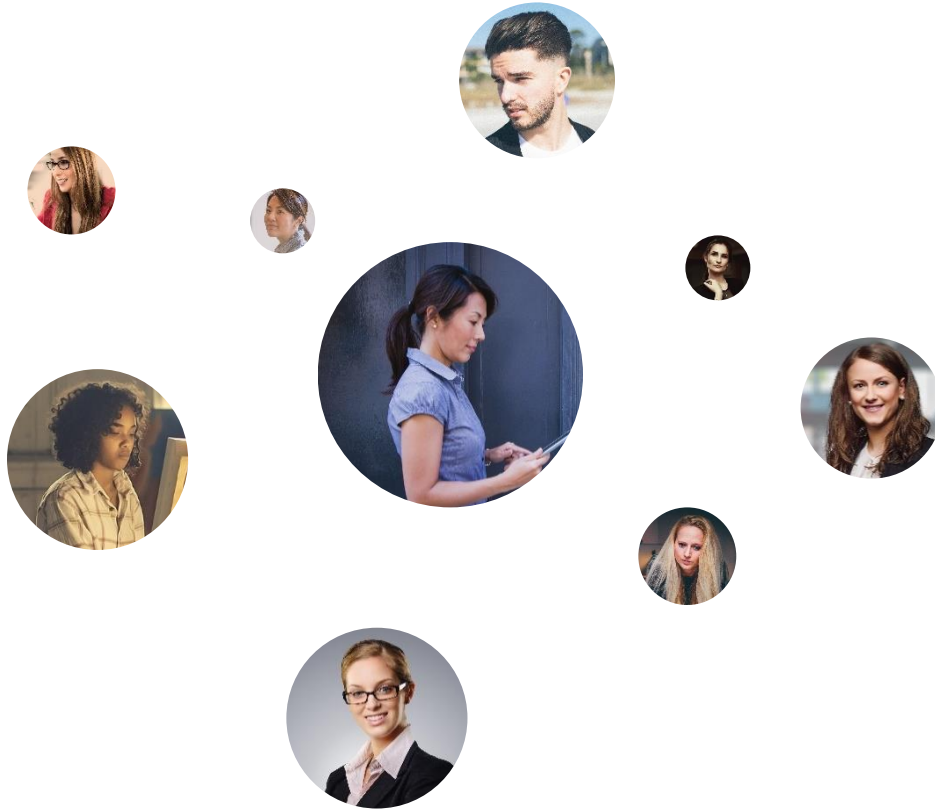
E-FORM INC-9

01.

IF ALL DIRECTORS HAVE DIN/PAN:
Declaration by first directors in e-Form INC-9 shall be auto enabled

02.

EVEN IF ONE DIRECTOR DOES NOT HAVE DIN/PAN:
Physical Form INC-9 to be attached to Part B



STATUTORY RETURNS TO BE FILED

01. Companies incorporated through SPICe+ where EPF & ESI allotted:

- File statutory Returns only when thresholds crossed

02. Guidelines for mentioned registrations remains same.

Procedure after filling through Web Form

Click on pre-scrutiny

01



02

Save all



DOWNLOAD THE FORMS

03

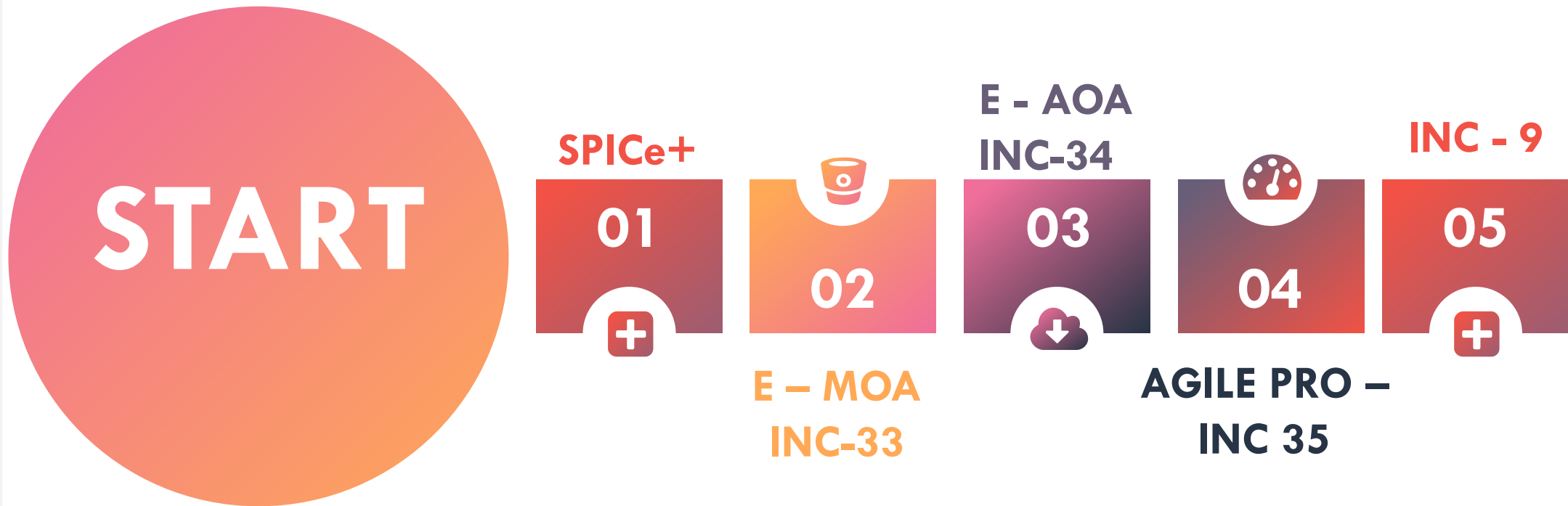


04

AFFIX DSC AND UPLOAD

LINKED FORMS

What is the Sequence of uploading Linked forms to SPICe+?



Upload E-Form

To View The Step-By-Step Video Of Filing Linked Eform, [Click Here](#).

Forms versions are undergoing changes. Stakeholders are requested to check the latest version before filing <http://www.mca.gov.in/MinistryV2/companyformsdownload.html>.

Please [click here](#) for useful instructions to optimize the PDF file size while affixing the Digital Signature Certificate(DSC).

UPLOADING SIGNED FORMS

☐ Normal Forms

☒ Linked Forms

Browse

Browse

✖

Browse

✖

Browse

✖

Browse

✖

Browse

✖

Add more linked forms

Upload

* You could observe issues with Adobe Reader DC version released recently. So we advise you to use Adobe Acrobat 11 or above version for eform upload. [Click here to get Adobe 11 version](#)

* If you are getting '\Need to attach mandatory DSC\' error during form upload then you need to check adobe versions used while affixing DSC. Please make sure to use adobe Acrobat version 11 or above while affixing DSC. If problem still persists then please clear all DSCs and try affixing DSCs again before uploading eform.

***Please note that your IP is being tracked for security reasons**

Activate
Go to Settings

A modern office interior with a large window in the background showing trees. In the foreground, there is a desk with an Apple iMac monitor, a keyboard, and a vase with white flowers. A blue office chair is visible in the lower right. The text "INCORPORATION VIDEO" is overlaid in white, bold, sans-serif font.

INCORPORATION VIDEO



FAQ



PART A

Is any document required to be attached in Part A of the Form?

Actually no.

But if the proposed name includes sectoral approval, say, Insurance, Bank, Stock Exchange, Venture Capital, Asset Management, Nidhi, Mutual Fund...; then declaration is required to be attached.

While we are searching trademark we found name is registered in a particular class so can we register under different class?

Yes

As per Trademark Search, matching word mark is registered in the Name of a famous Co., but shows valid up to 1994 i.e., expired; Will we have a chance to make an application for name on this basis?

You should apply and check, it may be permitted

Q. Is it mandatory to check trademark?

Rule 8A, yes mandatory

Q. What if the Name Reservation time get elapsed in the process of resubmission of name?

Then we have to again start the process of incorporation from the beginning i.e., Name Reservation.

A modern office interior with a large window in the background showing trees. In the foreground, there is a white desk with an Apple iMac, a laptop, and a vase of white flowers. A white ergonomic chair is visible in the lower right. The text "AGILE-PRO" is overlaid in the center in a large, white, bold, sans-serif font.

AGILE-PRO

Q. In case of agile pro there is a question on description of employer what should be written here?

A. Mention name of director

Q. What penal action will be taken if ESIC login not done within 4 weeks of incorporation

A. No penal action, because, until the provision of law is applicable, the company need not have to do any compliance

Q. How to get ESIC & EPFO registration no?

A. They send the emails and message after incorporation

**Q. What are the mandatory attachments of form agile pro?
and what is the mandatory information to be filled in this
form?**

A. Already covered.

Q. Is it mandatory to open a bank account and deposit the Application money before the incorporation ?

A. No, after incorporation only we should deposit the share application money.

Q. Whether we can also apply for Import Export Code(IEC) Through Spice +?

A. NO

How to know about the creation of bank account? Transaction status is showing that the account has been created but not received any communication of the same from MCA or bank?

Wait for the bank to contact us, if not contact the nearest branch and they will guide.

Opening the Bank account means KYC and other procedures are done?

No, Only opening of Bank account can be done through the Form rest of the procedures have to be followed as required by the Bankers.

Q. Who can be authorised to open Bank Account and ESIC and EPFO?

Only the First Director who is a resident can be authorised to open Bank account & for Registration of ESIC & EPFO

Q. How to Select Bank branch while applying to open a bank Account?

One can select bank..The Branch nearest to the Registered Office or Correspondence address would be allotted based on bank parameters.
Bank will allot branch

Q. Is it mandatory to obtain ESI, EPFO and all other registration even if it is a small company or OPC ?

Yes, mandatorily we have to obtain the registration whatever may be the type of company.

Q. What is meant by Employers names in the Form?

Basically these details are required for the registration of ESIC

Q. I have submitted my AGILE Pro form along with SPICe+ form successfully. When will I receive Employer Code or GSTIN ?

(a) After incorporation - COI with PAN and TAN will be forwarded to ESIC

(b) Once validated by ESIC, Employer Code would be generated and displayed on MCA Portal

(c) Where in case of GST Once the data is successfully validated by GSTN, TRN and ARN would be generated and displayed on MCA Portal. In case of approval / Rejection, GSTN will send GSTIN / Rejected status on mobile number and email of Authorized Signatory

Q. My registered office of business is in State 'X' but I want to obtain GSTIN for State 'Y'. Which state should I select in AGILE form?

RO is principal place of business for GST application.

Select the same state and district in AGILE form (INC-35).

Q. Generally in utility bill like electricity bill, full address is not mentioned. The subscribers do not have any other utility bill. What extra document we can submit to get approval?

Attach bank statement and also give a declaration

Is there any minimum Balance required to open a bank account.

Depends on the banker.

In agile pro form how to attach specimen of signature for EPF?

Take picture of the sign

Q. Does Agile Pro have to be approved with Spice + Part B

Yes, it has to be approved mandatorily with Part B. Agile Pro will get enabled only after filling Spice + Part B.

Q. Is it mandatory to keep the same Bank account?

Not mandatory, it is only for operational ease



E-

MOA/INC-

9

Q. In case of 10 members whether all members and professional has to write in own Handwriting or type in computer for subscribers Sheet?

A. Handwritten

Q. What is the word limit for writing objects in e-MOA?

A. For main Objects (Field 3(a)), character limit is 20,000 and for furtherance of objects (Field 3(b)), it is 1,00,000 characters)

Q. Whether the INC-9 has to be prepared manually or generated online ?

A. If All subscribers and directors have DIN then manually

A modern office interior with a large window in the background showing trees. In the foreground, there is a white desk with an Apple iMac, a keyboard, and a mouse. To the left of the desk is a glass vase with white flowers. A white ergonomic chair is positioned in front of the desk. The text "E - FILING" is overlaid in the center of the image.

E - FILING

Should the MCA login used for name approval and incorporation application be the same?

Yes

Is this a STP form?

No this is web-based form not an STP form

How Many Resubmissions are allowed in Spice+?

Two resubmissions are allowed in Spice+ whereas after downloading the form the same can be modified for 5 times.

Whether attachments are required to be signed by DSC as size of form will increase?

YES

Has any new payment option been introduced?

No

What is the size limit for the incorporation for uploading the attachments?

Max limit is 6mb after the form is ready

e- MOA & e AOA is not showing in my login portal while all details completed and check form done?

Technical issues, raise ticket on MCA portal

Is There any change in the Fee for incorporation of the Company?

There is no change in the Fee

Q. What happens if the director documents do not have the correct KYC proofs?

Not possible to obtain approval (even if one might try with declaration).

What is the best software for roc compliance?

No software required

To whom to give suggestions for INCREASE In size

Write to mca secretary

What is MCA approval timing right now in COVID?

10 to 15 days



PART B

Q. If subscriber is out of India is apostile mandatory?

Hague apostile convention nations mandatory.

Commonwealth nations - notary

Q. The form does not permit LLP to be one of the subscribers

Technical issues, raise ticket on MCA portal. LLP can be a subscriber

Director has to submit address proof like, passport, voter Id, Aadhar. He doesn't have utility bill, then what to do.

ID proof and address proof, mandatory

Apostile on any documents does not guarantee the authenticity of a foreign individual

No other option, incorporation rules permit the same.

Q. Under this New Spice + will the company be issued New Physical PAN and TAN ?

As per CBDT Notification, Physical Pan card dispatch is dispensed.

(however, can apply physically, using the same PAN and TAN given on the COI).

Q. Can I upload all the pdf without any attestation of Signatures?

All the Forms Should be digitally signed before we upload,

Q. 4 directors, how to incorporate?

Form permits only 3, add the 4th director after incorporation

Q. Is DIR 2 mandatory for the person who is also applying DIN through SPICE+?

YES mandatory

Q. Is it mandatory for every subscriber and/or directors to obtain DSC now?

Yes.

Q. Whether Spice+ can be used for incorporating the Producer Company , LLP?

Yes for producer company, no for LLP

Is INC 8 from professionals still mandatory to attach?

Removed by mca

**If we are certifying unknown person ID to what extent we are liable
? What precautions need to be taken to safeguard our interest.**

**In case of foreign director/ subscriber where it is not possible to
meet what precautions be taken for certification of those people.**

Meet in person, check the original proofs then certify.

If not possible, take a declaration from the director and ask for video
file, or do a video call to review all documents



MISC

Can we deduct preliminary expenses incurred on incorporation and deposit the remaining money in bank as subscription money?

No, first deposit and then withdraw. Form 20A requires proof

Subscribed capital not paid by subscriber. Can the shares be forfeited?

Cannot be forfeited, civil suit against that person

Whether any relaxation in filing forms?

All forms have been provided relaxation.

Q. In case of incorporation of wholly owned subsidiary Pvt Ltd how to define shareholding to meet out requirement of minimum two shareholders & what is post incorporation requirement in this case?

- Minimum 2 mandatory
- Get 100% money from Beneficial Owner
- Registered owner can be a holder of 1 share only
- File MGT-6 form with MCA for establishing beneficial and registered ownership
- No need to get any money from the holder of 1 share
- Form 20A to be filed with same details as well
- RBI filing for FIRC and KYC is reporting of 100% receipt from parent company

RELEVANT POINTS

1

Do not copy paste signatures

4

Size of the form not to exceed 6MB

2

Defective form, file again

5

For foreign nationals MOA and AOA is word file with signatures from subscribers and witness

3

Proof documents visibility

6

2 chances of resubmission available

CERTIFICATE OF INCORPORATION



01

If all documents are found to be in order, incorporation certificate is issued



02

All papers of incorporation originally filed, shall be retained till dissolution

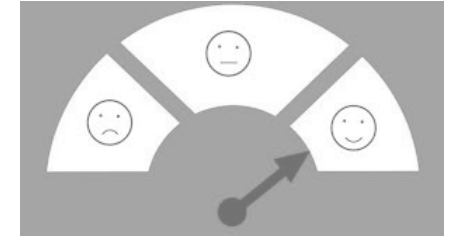
COMPLAINTS RESOLUTION

- 01** Register our complaint on MCA21 helpdesk
- 02** Or send an email - appl.helpdesk@mca.gov.in
Or call helpdesk at 0124-4832500
- 03** If payment challan not generated:
get challan at "MCA21 helpdesk" >> "Track Payment Status">>"SRN".
- 04** In case challan is not generated after 30 mins, raise complaint on MCA21 helpdesk, will be resolved within 48 hours

REMOVAL OF NAME

In the matter of Mrs Nagappan Swarnalatha Vs. M/s. Colour Books Associates Private Limited, the NCLT declared that the incorporation of M/s. Colour Books Associates Private Limited (Respondent No.1 Company, is vitiated by fraud and consequently, the Certificate of Incorporation dated 14th May, 2018 issued by the Government of India, Ministry of Corporate Affairs, Central Registration Centre is declared as invalid with immediate effect

CONCLUSION – Definitely a plus!



Full importance –
without obstacles

01



02

Foreign incorporation
knowledge

Incorporation as a
package

03





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