

# LLP



## **Pre-requisites for registering a LLP**

- Minimum 2 Partners (Individual or body corporate)
- Minimum 2 Designated Partners who are individuals and at least one of them should be resident in India.
- Digital Signature Certificate
- LLP Name
- LLP Agreement
- Registered Office

## **Pre-requisites for registering a LLP**

An LLP should have minimum 2 partners. In case any Body Corporate is a partner, then it will be required to nominate any person (natural) as its nominee for the purpose of the LLP.

## **Partner of LLP can be consisted of**

- Companies incorporated in and outside India
- LLP incorporated in and outside India
- Individuals Resident in and outside India

## **Partners of LLP**

Every LLP should have minimum 2 designated partners who are individuals and at least one of them should be resident in India.

A person or nominee of a body corporate, intending to be appointed as who is appointed as designated partner of LLP should hold a Designated Partner Identification Number (DPIN) allotted by the Ministry of Corporate Affairs.

DPIN can be obtained by submitting application along with address proof and identity proof of the individuals.

## **Digital Signature Certificate**

All forms for registration of LLP shall be filed online after signing digitally and for this purpose, one of the designated partners shall take digital signature certificate.

## **LLP Name**

Selection of business name is crucial for the image of your venture. You select a name which reflects the business you plan. Ensure selected name satisfy LLP Name Guidelines of Ministry of Corporate Affairs.

## **LLP Agreement**

Like partnership, partners of LLP can frame agreement for defining their terms, profit sharing ratio etc. The basic contents of Agreement are, Name of LLP, Name of Partners and Designated Partners, and Form of contribution, Profit Sharing ratio and Rights and Duties of Partners.

In case no agreement is entered into, the rights & duties as prescribed under Schedule I to the LLP Act shall be applicable. It is possible to amend the LLP Agreement but every change made in the said agreement must be intimated to the Registrar of Companies.

## **Registered Office**

The Registered office of the LLP is the place where all correspondence related with the LLP would take place, though the LLP can also prescribe any other for the same. A registered office is required for following purposes. At the time of incorporation, it is necessary to submit proof of ownership or right to use the office as its registered office with the Registrar of Companies.

## **LIMITED LIABILITY PARTNERSHIP FORMATION STAGES**

### **Stage I - Partners**

to form a LLP, there Minimum two partners and at least two shall be designated partners having DIN. In case of body corporate as partners, their nominee can be act as designated partners. Out of two designated partners, one must be resident in India. (Who has stayed in India for a period of not less than one hundred and eighty two days during the immediately preceding financial year?)

### **Stage II - Obtaining DIN & Digital Signature**

DIN can be obtained by making an application online with [www.llp.gov.in](http://www.llp.gov.in) After submitting the online application, signed physical copy of Form 7 has to be submitted to Ministry of Corporate Affairs along with certified copies of address proof and Identity proof of the applicant.

Digital Signature can be obtained from any of the Certifying Authorities in India.

### **Stage III - Name filing**

after finalization of name, an application of name availability has to be filed in form 1 with [www.llp.gov.in](http://www.llp.gov.in) for approval. Please note that selection of name is subject to Guidelines issued by MCA.

### **Stage IV - Agreement**

LLP agreement has to be drafted line with LLP Act. It is not mandatory to file LLP agreement at the time of registration and same can be file within 30 days. If no agreement is framed, provisions of Schedule I of the LLP Act shall be applicable.

### **Stage V - Filing of Incorporation Documents**

the following documents along with required attachments has to be filed with [www.llp.gov.in](http://www.llp.gov.in)

- **Form 2:** Details of partners, registered office etc Subscription Sheet: All partners are required to subscribe their names along with signatures to the subscription sheet, which shall be witnessed by any chartered Accountant/Company Secretary/Advocate in practice.
- **Form 4:** Consent of Partners - Consent of each partner to become a partner of Liability Partnership

- **Form 3:** LLP agreement - this can be filed within 30 days from the date of registration

Above said documents are required to be filed after signing digitally. After verification, registrar will register all documents and issue Certificate of Incorporation.

## **LIMITED LIABILITY PARTNERSHIP FORMATION STAGES**

Companies Inn, the first LLP online registration portal offers following LLP Services.

### **Name Reservation Service**

LLP Act 2008 provides special provisions for the Intellectual Property for Foreign Companies/LLP. Foreign Companies/LLP interested in establishing LLP in India can reserve its existing name by which it is registered in the country of its regulation or incorporation for forming an LLP in future on payment of fees of ₹10,000. No LLP will be formed with the reserved name during the course of reservation. The reservation is for a period of three years and can be renewed on fresh application with fees of ₹5,000.

### **LLP Agreement Drafting Service**

LLP is governed by LLP Act, 2008 and the LLP agreement. Our experienced team of legal professionals can help you to draft LLP Agreement taking into account of requirements and applicable law. A well drafted agreement will help smooth running of your LLP.

### **Annual Filing Services**

Under LLP act, it is mandatory to file accounts and annual return with Registrar of LLP. Companies Inn can help you in filing returns in time and thus avoid penalty.

### **Induction of New Partners and changes thereof**

In terms of LLP law, induction of partners and changes thereof has to be intimated to Registrar by filing specified returns. Our LLP law experts can assist you in inducing new partners and effect the changes in partners.

### **Other LLP Services**

- Companies offers following LLP Services as well.
- Conversion of Firms / Companies to LLP
- Conversion of LLP to Company (under Part IX of the Companies Act, 1956)
- Compromise, Arrangement or Reconstruction of Limited Liability Partnerships