

Gist of requirement for obtaining of license for formation of Company u/s 25 of the Companies Act, 1956

Step No	Particulars of Action / Documents required	Official Fees or O/P Expenses	Processing period
1.	Apply in Form No. 1A to concerned ROC, for availability of name in order of preference <u>Info required: -</u> a) Full name & residential address of each of promoters. b) Four names of the proposed Company in order of their preference (without addition to its name of the word "Limited" or the words "Private Limited"). c) Proposed main object of the proposed Company (shall be one as depicted u/s 25 of the Companies Act, 1956). # Mention that the proposed Company is to be formed under provisions of Sec. 25 of the Companies Act, 1956.	Rs.500/- DD in favor of "Registrar of Companies, Maharashtra, Mumbai & payable at Mumbai".	3 - 4 working days
2.	After the name is approved, prepare Memorandum & Articles of Association, preferably get it vetted by ROC / RD. Keep in mind that the MOA & AOA are drawn in consonance with provisions of the Sec. 25 & other applicable provisions of the Companies Act, 1956.	N.A	3 - 4 working days
3.	Make an application with to the Concerned Regional Director for issue of license under Section 25 of the Companies Act, 1956 with all the requisite enclosure as given under:- i) Three Copies of MOA & AOA of the proposed Company. ii) A declaration confirming the application by CA / CS / Advocate on prescribed Stamp Paper. iii) Three copies of list of names, descriptions, addresses & occupation of the promoters as well as the members of Board of Directors of the proposed Company. iv) A statement showing details of assets & liabilities of the Association as on date with the application. v) An estimate of future annual income & expenditure of the proposed company, specifying the source of income & object of expenditure.	i) Rs.500/-, DD in favor of "Pay & Accounts Officer, Department of Company Affairs, Mumbai & payable at Mumbai" ii) Rs.100/- non-judicial stamp paper each in the name of each promoter for providing declaration in prescribed form.	8 - 10 working days (depending upon the preparation of documents, availability of each of the promoter and publication of notice in newspaper).

	vi) A statement giving brief description of work, if any, already done by the association. vii) A statement specifying briefly the grounds on which the application is made. viii) A declaration in prescribed form on non-judicial stamp paper by each person making an application. ix) A letter of authority. x) Copy of notice pursuant to regulation 11 of the Companies Regulation, 1956. Note: a) Prepare another 4 extra sets of documents for furnishing the same to ROC, Office Copy & Copy to Client. (1 original + 5 photocopies will suffice). b) Copy of PAN card and copy of proof of residential address (ration card / passport/ election card) of each of the promoter is also to be attached with the application. These copies shall be certified as true copy by CA / CS / Advocate. c) The declaration by each promoter is to be notarized by public notary. d) Notice pursuant to regulation 11 of the Companies Regulation, 1956 shall be published within one week before or after the admission of the application in one or more newspapers (one in english and other in vernacular local newspaper). # As a matter of general practice the notice is published one week prior to date of application with the RD. e) Address of place of registered office of the proposed company is to be indicated by way of requisite form along with the full address of the place of police station under whose jurisdiction the RO falls.	iii) Two Rs.100/- non-judicial stamp paper each in the name of one of the promoter for confirming the application & letter of authority respectively. iv) Actual expenses incurred with public notary for notarization of each declaration. v) Actual expenses relating to publication of notice pursuant to regulation 11 of the Companies Regulation, 1956 (one in english and other in vernacular local newspaper).	
4.	Simultaneously furnish the copy of application with all its enclosure and accompanying papers to the concerned Registrar of Companies.	N.A	
5.	On receipt of the above papers, the RD gets the MOA & AOA and other papers generally scrutinized, the RD will take the decision for grant of license to the application or not.	Rs.35000/-	30 - 45 working days

6.	On receipt of the license from RD, file the necessary papers with ROC for registration along with filing fees & forms. The ROC on making necessary scrutiny and correction will issue the certificate of incorporation. Note: a) Companies to be registered under this section need not have their MOA & AOA stamped under Article 39 of the Indian Stamp Act, 1899.	Maximum filing fees payable is Rs.5000/-.	8 - 10 working days
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Steps involved (in brief) in registration of Company under Section 25 of the Companies Act, 1956, being a Company for charitable or other public utility purpose without addition to its name of the word "Limited" or the words "Private Limited"

1. Apply in Form No. 1A to concerned ROC, for availability of name in order of preference (without addition to its name of the word "Limited" or the words "Private Limited").
2. Prepare Memorandum & Articles of Association.
3. Make an application to the Concerned Regional Director for issue of license under Section 25 of the Companies Act, 1956.

The application should be accompanied by: -

- i) Three Copies of MoA & AoA of the proposed Company.
 - ii) A declaration confirming the application by CA / CS / Advocate on prescribed Stamp Paper.
 - iii) Three copies of list of names, descriptions, addresses & occupation of the promoters as well as the members of Board of Directors of the proposed Company.
 - iv) A statement showing details of assets & liabilities of the Association as on date with the application.
 - v) An estimate of future annual income & expenditure of the proposed company, specifying the source of income & object of expenditure.
 - vi) A statement giving brief description of work, if any, already done by the association.
 - vii) A statement specifying briefly the grounds on which the application is made.
 - viii) A declaration in prescribed form on non-judicial stamp paper by each person making an application.
 - ix) A letter of authority.
 - x) Payment of prescribed fees. (being Rs.500/- at present, paid by way of DD in favor of "Pay & Accounts Officer, Department of Company Affairs, Mumbai & payable at Mumbai").
4. Notice pursuant to regulation 11 of the Companies Regulation, 1956 shall be published within one week before or after the admission of the application in one or more newspapers (one in english and other in vernacular local newspaper).

5. Simultaneously furnish the copy of application with all its enclosure and accompanying papers to the concerned Registrar of Companies.
6. On receipt of the copy the concerned ROC gets the draft MOA & AOA vetted and then list outs the modifications considered necessary and forwards the same to RD within fifteen days of receipt of the copy. He may normally advise RD to grant license to the proposed company or not.
7. The concerned ROC may consult for the views of District Magistrate of the state within whose jurisdiction the registered office of the proposed company is to be located. Copy sent to RD and reply is generally directly received by ROC from DM.
8. In case, the considerations for issue of license are more important, the RD may consult the State Government too. The RD may also consult the ministries concern and determine, if any, objections received.
9. On receipt of the above papers, the RD gets the MOA & AOA and other papers generally scrutinized.
10. Having received all the necessary views from the ROC, DM, State Government, the RD will take the decision for grant of license to the application or not. (Generally the license is granted within 30 days from the date of filing of application with the RD).
11. Departmental instruction shall be strictly followed. The license may be revoked, with Company's right to be heard.
12. After obtaining the license the MOA & AOA be printed as approved.
13. File the necessary papers with ROC for registration along with filing fees (maximum filing fees payable is Rs.5000/-) and also produce the license granted by the RD.
14. The ROC on making necessary scrutiny and correction will issue the certificate of incorporation.