

NAME APPROVAL PROCESS FOR DIFFERENT-2 TYPE OF COMPANIES

1. **Private/ Public Limited Company**
2. **One Person Company**
3. **Section 8 Company**
4. **Nidhi Company**
5. **NBFC**
6. **LLP**

SERIES NO 155

A. ¹Procedure for Name Approval of Normal Company:

Section 4(1)(a): The name of the company with the last word "Limited" in the case of a public limited company, or the last words "Private Limited" in the case of a private limited company. Name should not be undesirable. Guidelines in relation to approval of name discussed separately in earlier article.

As per MCA Notification, The Central Registration Centre [CRC] shall process forms pertaining to registration of Name.

The jurisdiction, processing and approval of name or names proposed in e-Form number INC-29 hitherto exercised by the respective Registrar of companies having jurisdiction over incorporation of companies under the Companies Act, 2013 and the rules made there under shall forthwith be exercised by Registrar, CRC.

Jurisdiction of Authorities: After approval of Name Company will file the Incorporation forms with ROC. ROC after verify all the forms and documents issue certificate of Incorporation.

PROCESS FOR APPROVAL OF NAME:

Pre Name Approval:

- At Least 2 Promoters: Promoters who will Apply for the Name and incorporate the company. Promoters may be individual or body corporate.
- At Least 2 Directors: Directors should be individual only. No Body corporate/ HUF or Partnership Firm can be appointed as Directors.
- Directors must have DIN (Directors Identification Number)

¹ The illustrative of names based is as follows: In case of an one person company – ABC Private/ Public Limited



- One of such two directors must have DIGITAL SIGNATURE.

Process for Name Approval

Form Involved: INC-1
Fees Involved: Rs. 1000

- The promoters should apply for the name of the company to be approved in E Form- INC- 1 by payment of Rs. 1000 through Credit Card/ Debit Card/ Net Banking.
- One of the Promoters should fill up e-form INC-1, digitally sign by Promoter and then upload the e-Form on the MCA21 Portal. Before doing so, the following three points have to be complied with:
 - a. All the Promoters should have their DIN No.
 - b. Atleast one Promoter should have the DSC. (Class 2 Digital Signature)
 - c. The proposed names selected should fall in guidelines prescribed.
- Info. Require to give in form INC-1 (Describing the Capital of Company, Main Objects, State in Which The Company is to be Incorporated and to Affix the Digital of Applicant.)
- The reservation by the Registrar of name applied for is valid for 60 days from the date of application. Hence if a company is proposed to be registered with the said name referred to above, the promoters shall produce the documents to the Registrar for registration with in a period of 60 days from the date of application for name. If Promoters fail to file all the relevant form for incorporation within 60 days, then name will not be Available for you, Promoter have to file form INC-1 again for approval of Name.

Jurisdiction of Authorities: After approval of Name Company will file the Incorporation forms with ROC. ROC after verify all the forms and documents issue certificate of Incorporation.

B. Procedure for Name Approval of One Person Company:

Pre Name Approval:

- At Least 1 Promoters: Promoters who will Apply for the Name and incorporate the company. Promoters should be individual.
- At Least 1 Directors: Directors should be individual only. Directors must have DIN (Directors Identification Number)

- Such directors must have DIGITAL SIGNATURE.

²Process for Name Approval:

Form Involved: INC-1
Fees Involved: Rs. 1000

- The promoters should apply for the name of the company to be approved in E Form- INC- 1 by payment of Rs. 1000 through Credit Card/ Debit Card/ Net Banking.
- Promoters should fill up e-form INC-1, digitally sign by himself and then upload the e-Form on the MCA21 Portal. Before doing so, the following three points have to be complied with:
 - d. Promoters should have their DIN No.
 - e. Promoter should have the DSC. (Class 2 Digital Signature)
 - f. The proposed names selected should fall in guidelines prescribed.
- Info. Require to give in form INC-1 (Describing the Capital of Company, Main Objects, State in Which The Company is to be Incorporated and to Affix the Digital of Applicant.)
- The reservation by the Registrar of name applied for is valid for 60 days from the date of application. Hence if a company is proposed to be registered with the said name referred to above, the promoters shall produce the documents to the Registrar for registration within a period of 60 days from the date of application for name. If Promoters fail to file all the relevant form for incorporation within 60 days, then name will not be Available for you, Promoter have to file form INC-1 again for approval of Name.

Jurisdiction of Authorities: After approval of Name Company will file the Incorporation forms with ROC. ROC after verify all the forms and documents issue certificate of Incorporation.

C. ³Procedure for Name Approval of Section 8 Company:

Procedure for approval of Name of Section 8 Company are same as Normal Company Name Approval.

Form Involved: INC-1
Fees Involved: Rs. 1000
INC- 12

² The illustrative of names based is as follows: In case of an one person company – ABC (OPC) Private Limited

³ The illustrative of names based is as follows: In case of an one person company – ABC

Twitter: @DiveshGoyal04

Whatsapp: 8130757966

FB: csdiveshgoyal@gmail.com

Blog: www.csdiveshgoyal.info

Gmail Id: csdiveshgoyal@gmail.com

Power of ROC: The power of the Central government is delegated to the Registrar of Companies ('ROC') having Jurisdiction over the area where the Registered office of the company is proposed to be situated. Hence, the application for registering such Company is to be made to the ROC.

Not Required To Add The Suffix: Section 8 Companies are not required to add the suffix Limited or Private Limited at the end of their name. All Companies having limited liability are required to use the term 'limited' or 'private limited' as the case may be in their names as required by section 13. But section 25 companies are allowed to dispense with the use of term 'limited' or 'private limited' from their names [sub-sec. (6)]. This helps the Company to enjoy limited liability without disclosing to the public the nature of liability of its members

Obtainment of License: After approval of Name, Company will file an application with **Regional Director** for License under Section 8, The Company will file in form INC 12. (But at present e-form INC-12 is not available on MCA website then such form will be file as an attachment of form RD-1).

Power of Incorporation: After receipt of license. Company will file incorporation documents with ROC. If after filling the Requisite forms for incorporation with the Registrar of Companies along with fees, ROC is satisfied with the contents of the documents filed, ROC will issue the Licence in form No. INC.16 under section 8(1) read with rule 19 of Companies (Incorporation) Rules, 2014. Such company registered under section 8 shall enjoy all the privileges and be subject to all the obligations of Limited Companies

D. Procedure for Name Approval of Nidhi Company:

Pre Name Approval:

Form Involved: INC-1
Fees Involved: Rs. 1000

- A Nidhi company to be incorporated under this Act shall be a Public Company
- It shall have a minimum paid up equity share capital of Rs.5,00,000/
- The object of the company shall be cultivating the habit of thrift and savings amongst its members, receiving deposits from and lending to its members only for their mutual benefits;
- It shall have the words 'Nidhi Limited' as part of its name;

Procedure for approval of Name of Nidhi Company are same as Normal Company Name Approval.

Only One point is Extra: In point No. 15(a) if INC-1 Whether the proposed name includes the word such as Insurance, Bank, Stock Exchange, Venture Capital, Asset Management, Nidhi, or Mutual Fund etc. **In this Point select yes and mention MCA.**

Power of Incorporation: After approval of Name Company will file the Incorporation forms with ROC. ROC after verify all the forms and documents issue certificate of Incorporation.

E. Procedure for Name Approval of NBFC Company:

Procedure for approval of Name of Nidhi Company are same as Normal Company Name Approval. The name must reflect the character of an NBFC.

Words such as Investment, Fininvest, Finstock, Finance etc. may be used as part of the name.

Form Involved: INC-1
Fees Involved: Rs. 1000
Application with RBI

Obtainment of License: After approval of Name, Apply for Certificate of Registration to RBI alongwith Required Documents: The NBFC Company is required to submit its application online for registration by accessing RBI's secured website. The company can then download suitable application form (i.e. NBFC or SC/RC) from the above website, key in the data and upload the application form. The company would then get a Company Application Reference Number for the CoR application filed online. Thereafter, the company has to submit the hard copy of the application form (indicating the Company Application Reference Number of its on-line application) in duplicate, along with the supporting documents as prescribed in the form, to the concerned Regional Office. The company can then check the status of the application based on the acknowledgement number. The Bank would issue Certificate of Registration after satisfying itself that the conditions as enumerated in Section 45-IA of the RBI Act, 1934 are satisfied.

Power of Incorporation: After receipt of approval from RBI. Company will file incorporation documents with ROC. If after filling the Requisite forms for incorporation with the Registrar of Companies along with fees, ROC is satisfied with the contents of the documents filed, ROC will issue the certificate of incorporation.

F. Procedure for Name Approval LLP:

Form Involved: LLP-1
Fees Involved: Rs. 200

The designated partners should apply for the name of the company to be approved in E Form- LLP- 1 by payment of Rs. 200 through Credit Card/ Debit Card/ Net Banking

Following Information are required to be filed in form LLP-1

- ✓ DIN of Designated Partner.
- ✓ Email Id
- ✓ Occupation
- ✓ State of Register office of Company
- ✓ Objects of LLP
- ✓ Partners Contribution into LLP
- ✓ Name of LLP
- ✓ Significant of Name
- ✓ If Proposed Name is Based on Trade Mark (NOC from the Owner of TM)
- ✓ DSC of Designated Partner

NOTE:

- ****In case the displayed residential status needs to be updated or the residential Status is not displayed; you are required to file Form DIN-4 on MCA21 portal for updating the residential status of the DP before filing this Form.**
- Ensure that correct details have been provided as the same shall be automatically pre-filled in Form 2 for incorporation of LLP.
- Upon receipt of an application under Section 16(1) and on payment of the prescribed Fees of Rs. 200/-, the Registrar may, if he is satisfied, subject t to the rules prescribed by the Central Government in the matter, that the name to be reserved is not one which may b e rejected on any ground referred to in sub-section (2) of Section 15, reserve the name for a period of three month from the date of intimation by the Registrar.

Power of Incorporation: After approval of Name LLP will file the Incorporation forms with ROC. ROC after verify all the forms and documents issue certificate of Incorporation.

S. NO.	Particular	Normal	OPC	Section-8	Nidhi	NBFC	LLP
1.	Forms for Name Approval	INC-1	INC-1	INC-1	INC-1	INC-1	LLP-1
2.	License after Name Approval	NA	NA	Regional Director	MCA ⁴	RBI	NO
3.	Departments involved	ROC	ROC	RD+ROC	ROC	RBI+ROC	ROC
4.	Forms Involved	INC-7/22 DIR-12	INC	INC-13 INC-7/22 DIR-12	INC-7/22 DIR-12	INC-7/22 DIR-12	LLP-2/3

(Author – CS Divesh Goyal, GOYAL DIVESH & ASSOCIATES Company Secretary in Practice from Delhi and can be contacted at csdiveshgoyal@gmail.com)

Disclaimer: The entire contents of this document have been prepared on the basis of relevant provisions and as per the information existing at the time of the preparation. The observations of the author are personal view and the authors do not take responsibility of the same and this cannot be quoted before any authority without the written.

⁴ Power deligated to ROC.

Twitter: @DiveshGoyal04

FB: csdiveshgoyal@gmail.com

Blog: www.csdiveshgoyal.info

Whatsapp: 8130757966

Gmail Id: csdiveshgoyal@gmail.com

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