

# COMPANY FORMATION: PRIVATE LIMITED COMPANY REGISTRATION IN INDIA

## Formation of Private company in India



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Private Limited Company is a form of Company structure which offers separate ownership. Section 2(68) of the Companies Act, 2013 defines various aspects & pre-requisite of a Private Limited Company.

It is certainly not an easy job to think of a new company registration during time of Global Pandemic. But we all are part of a progressive nation. Our business environment and new company registration rules are more attractive.

The Ministry of Corporate Affairs under ease of doing business in India initiative has launched a web form SPICE+ (SPICE PLUS) dated 23<sup>rd</sup> April, 2020 which aims at simplifying the company registration process. As per the new Spice+ form the form is divided into two parts:

**PART A:** Name Reservation, the proposed Company can file the name application separately for reserving the name for 20 days and afterwards file for Company registration or can fill part A alongwith the part B and file for company registration.

According to the provisions of Companies Act, 2013 name of the Company shall not be similar or nearly resemble. Once you select the name check it with Ministry at <http://www.mca.gov.in/mcaportal/showCheckCompanyName.do> and one must also check with trademark at <http://ipindiaonline.gov.in/tmrpublicsearch/frmmain.aspx>

**Please be noted**

1. When you will submit name application, system will show that name is available in maximum cases. But in actual is not same, the ultimate right to approve the name lies with CRC Officials.
2. There are only two opportunities provided by MCA including first one in which name is being applied.
3. Approved name remains valid only for 15 days.

**PART B:** Company Registration, it contains all requires details for registering the Company i.e. details of Directors, shareholders, registered office address of the Company, Authorised and paid up capital and other requisite details.

**Digital Signature Certificates (DSC):** the Directors/subscribers to MOA/AOA need to obtain Class III digital signature certificates from authorized agency and affix DSC while filing form with the ROC, GST filing and ITR filings.

Once this web form is filled, needs to attach the required documents and upload the same with the digitally signed linked forms in following sequence:

**Spice Part B**

**Spice MOA**

**Spice AOA**

**AGILE PRO**

**Spice INC-9**

Once the forms are uploaded with Ministry and requisite fee is paid, the Ministry shall provide the following registrations at the time of approval:

**Director Identification Number(DIN)**

**Company Incorporation Certificate**

**PAN Number**

**TAN Number**

**GSTIN Number**

**Bank Account Number**

**EPFO Registration**

**ESIC Registration**

**Time Taken:** Company Registration process takes around 7-10 working days but purely discretionary power of Ministry of Corporate Affairs.

**Documents Required-**

1. ID Proof(PAN Card)
2. Address Proof 1(Aadhaar/voter ID/Passport/driving License)
3. Address Proof 2 (Electronic Bill/Telephone Bill/bank statement)
4. Photograph
5. Utility Bill and rent agreement

**For Foreign Nationals-**

**ID Proof-** Notarised copy of passport

**Address Proof-** Bank Statements, electricity Bills or phone bills not less than 2 months old

One should always keep in mind that Company registration is not the final level. Once you have done with Company Incorporation, certain compliances are there need to be adhered.

**Thank You**  
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