

Note on Incorporation of Private Limited Company

Following is the small note on documents and details required and forms needs to be filed for Incorporation of Private Limited Company as per Companies Act, 2013 and its rules.

(It is to be ensured that each person who is proposed to become Director in proposed company shall have **DIN**)

1. Reservation of Name

Application for reservation of name shall be filed in **Form No INC.1**. In this application, optional names can be quoted. While finalizing these names, the following issues needs to be considered.

Name should contain three parts like;

- a. First Part – Prefix (a unique name or brand name e.g. Reliance, Tata, Mahindra etc)
- b. Second Part – Activity (business activity e.g. Industries, Motors, Chemicals etc)
- c. Third Part - Status (Private Limited)

2. Application of Incorporation

Once the name is approved by ROC, an application for incorporation shall be filed with RoC in **Form No INC-7**

Following documents or details shall be submitted or provided alongwith Form No INC-7

- a. **Memorandum and Article of Association** (please refer **Note 1** for details)
- b. **Declaration** from Practicing Professional (CS or CA or CWA) in **Form INC-8** stating that all the requirement of the act and rules has been complied with
- c. **An affidavit** from each subscriber and from each First director, if any, in **Form No INC 9**
- d. **Address for correspondence** till its registered office is established
- e. **Particulars of subscribers** alongwith their proof of identity (please refer **Note 2** for details)
- f. **Particulars of First Director**, if any, alongwith their proof of identity (please refer **Note 2** for details)
- g. **Particulars of interest of First Directors** in other firms or body corporate alongwith their Consent to as Director shall be in **Form No DIR 12**
- h. **Specimen signature and photo** duly verified by banker or notary in **Form No INC-10**

Note 1:

Memorandum and Article of Association

MoA and AoA shall be signed by each subscriber who shall add his name, address, description and occupation in presence of atleast one witness who shall attest the signature and shall likewise sign and add his name, address, description and occupation. (Formats of MOA and AOA has been given in Schedule I of the Act)

Note 2:

Following particulars to be given for subscriber and first directors

✓ **Details**

- Name and recent photo affixed and scan with AOA and MOA
- Father's/Mother's Name – Nationality - Date of Birth - Place of Birth - Education Qualification – Occupation - PAN Number – Permanent residential address – email id – phone number

✓ **Proof of Identity**

Indian National: PAN Card (mandatory) and any one of (Voters' Id, Passport, Driving License, Aadhar Card)

Foreign National: Passport

✓ **Proof of residence**

Bank Statement/Electricity Telephone/Mobile Bill (shall not be more than Two months old)

3. Certificate of Incorporation

The RoC on the basis of Documents and information filled by applicant issue a Certificate of Incorporation and it shall allot Corporate Identity Number (CIN)

4. Commencement of Business

Company having share capital shall not commence any business or exercise any borrowing powers unless

- **Declaration** shall be filed in **Form No INC 21** by a **Director** and the content of the form shall be verified by Practicing Professional (CS/CA/CWA) stating that every subscriber has paid the value of shares agreed to be taken and paid up capital is not less than statutory limit; **and**

- **Verification of registered office** is filed with RoC in **Form No INC 22**

Following documents needs to be attached with the Form No INC 22

- Registered document of the title in name of Company; **or**
- Notarised copy of Lease/rent agreement alongwith rent paid receipt (Rent receipt shall not be older than 1 month); **or**
- Authorisation from Owner to Company alongwith proof of ownership for use of premises as Registered Office (*NOC can be submitted for this*); **and**
- Proof of evidence of any utility service like gas, electricity, telephone etc. in the name of owner (not older than 2 months)

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