[To be published in the Gazette of India, Extraordinary, Part II, Section 3, Subsection (i)]

GOVERNMENT OF INDIA

MINISTRY OF CORPORATE AFFAIRS

NOTIFICATION

New Delhi, the 6th February, 2020

- G.S.R......(E). In exercise of the powers conferred by sub-sections (1) and (2) of section 469 of the Companies Act, 2013 (18 of 2013), the Central Government hereby makes the following rules further to amend the Companies (Incorporation) Rules, 2014, namely: -
- Short title and commencement.- (1) These rules may be called the Companies (Incorporation) Amendment Rules, 2020.
- (2) They shall come into force with effect from the 15th February, 2020.
- In the Companies (Incorporation) Rules, 2014 (hereinafter referred to as the said rules), for rule 9, the following rule shall be substituted, namely:-
- "9. Reservation of name or change of name.- An application for reservation of name shall be made through the web service available at www.mca.gov.in by using web service SPICe+ (Simplified Proforma for Incorporating Company Electronically Plus: INC-32), and for change of name by using web service RUN (Reserve Unique Name) along with fee as provided in the Companies (Registration Offices and Fees) Rules, 2014, which may either be approved or rejected, as the case may be, by the Registrar, Central Registration Centre after allowing resubmission of such web form within fifteen days for rectification of the defects, if any, with effect from the 15th February, 2020.".

- 3. In the said rules, in rules 10, 12, sub-rule (1) of rule 19, sub-rules (1),(2),(3), (4), (7) and (9) of rule 38, for the words, letters, figures and brackets,, "Form No INC-32 (SPICe), wherever they occur, the letters, brackets, words and figures "SPICe+ (Simplified Proforma for Incorporating Company Electronically Plus: INC-32)" shall be substituted with effect from the 15th February, 2020
- 4. In the said rules, in rule 38, in the marginal heading, for the word, brackets and letters "Electronically (SPICE)", the words, brackets and letters "Electronically Plus (SPICE+)" shall be substituted with effect from the 15th February, 2020.
- 5. In the said rules, in rule 38A,-
- (i) in the marginal heading, for the words, brackets and letters "and Employees' Provident Fund Organisation (EPFO) Registration", the words, brackets and letters ",Employees' Provident Fund Organisation (EPFO) Registration and Profession Tax Registration and Opening of Bank Account" shall be substituted;
- (ii) for the letters "AGILE", the letters "AGILE-PRO", shall be substituted;
- (iii) after clause (c), the following clauses shall be inserted, namely:-
 - "(c) Profession Tax Registration with effect from the 15th February, 2020
 - (d) Opening of Bank Account with effect from 15th February, 2020.".
- 6. In the said rules, in the annexure,-
- (i) for forms "RUN, e-form No INC-32 (SPICe), and e-form No.INC-35 (AGILE), the following forms shall be substituted, namely:-

"[Pursuant to sections 4, 7, 8(1), 12, 152 and 153 of the Companies Act, 2013 read with rules made thereunder] – FORM NO. INC-32

SPICe+

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Mobile Fax				
rax remail id				
	same as the permanent address	s n Yes to No		
Present Address	same as the personnel to			
"Line I				
Line II				
*City				
State/Union Territory				
*ISO Country code				
Country				
Phone (With STD/ISD code				
Mishile				
Fas				
Duration of stay at present	address Years	Months		
16 Duration of stay at present	nt address is less than one year		dence	
to four-mone of Stuly are present				
"Proof of identity	*Res	idential Proof		
Trous or reasons		110		

(a) State or Union territory							Pre-Fit
dury is paid or to be pak (b). "Whether stamp outy is	to be paid electronically t	through MCA21 sy	stern	C Yes	() No:	O No	t applicable
(ii) Details of stamp duty							
Type of document		Form		morandum of	Article	s of ass	ociation
Particulars				association			-
Amount of stamp outy to be	paid (mRs.)						
(ii) Provide details of a	ramp outy aiready paid						
		Memorandun	of [Articles of			thers
Type of document/ Particulars	Form	associatio		association			
ctal amount of stamp cuty paid (in Rs.)							
Mode of payment of stamp outy							
Name of vendor or Treasury or Authority brany other competent, agency authorised to oblect stamp duty or to sell stamp papers or to emboss the documents or to dispense stamp vouchers on behalf of the Government							
Ser al number of embossing or stamps or stamp paper or treasury oralize number							
Registration number of vendor							
Date of purchase of stamps or stamp paper or payment of stamp outy (DD/MWYYYYY)							
Place of purchase of stamps or stamp paper or payment of stamp duty							

VII. PAN/ TAN Information

11. "Additional Information for applying Permanent Account Number (PAN) and Tax Deduction Account Number (TAN)

		W W
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Information sp	иссиин	440 4 744

rea code AO type	Range code	AO No
Tea code		

Information specific to TAN

Area code	AO type	Range code	AO No.

Same	day of	1.00	on me

- is Income from Husiness/profession
- D Capital Gains D Income from house property

Attach

- income from other source
- □ No Income

Husiness/Profession oode

VII. Attachments

Attachments

- -Memorandum of association;
- -Articles of Association;
- Declaration by first subscriber(s) and director(s) (Affidavit is not required to be attached);
- Proof of Office address (Conveyance/ Lease deed/Rent Agreement along with rent receipts);
- Copy of the utility bills (not older than two months);
- Copy of certificate of incorporation of the foreign body corporate and resolution passed by foreign company or authority given through constitutional document;
- Resolution passed by promoter company;
- 8. Interest of first director(s) in other entities;
- Consent of Nominee (INC-3):
- Proof of identity & residential address of subscribers;
- 11. Proof of identity & residential address of nominee;
- 12. Proof of identity and address of Applicant I;
- 13. Proof of identity and address of Applicant II;
- 14. Proof of identity and address of Applicant III;
- 15. Resolution of unregistered companies in case of Chapter XXI (Part I) companies
- Declaration in Form No. INC-14
- 17. Declaration in Form No. INC-15
- 18. Optional attachment(s), (if any)
- 19. Attachment Part A

List of attachments

	VIII. Declaration
	Declaration
	I have gone through the provisions of the Companies Act, 2013, the rules thereunder and prescribed guidelines framed thereunder in respect of reservation of name, understood the meaning thereof and the proposed name is in conformity thereof.
	I have used the search facilities available on the portal of the Ministry of Corporate Affairs (MCA) for checking the resemblance of the proposed name with the companies and Limited Liability partnerships (LLPs) respectively already registered or the names already approved. I have also used the search facility for checking the resemblances of the proposed name with registered trademarks and trade mark subject of an application under the Trade Marks Act, 1999 and other relevant search for checking the resemblance of the proposed name to satisfy myself with the compliance of the provisions of the Act for resemblance of name and Rules thereof.
ij	The proposed name is not in violation of the provisions of Emblems and Names (Prevention of Improper Use) Act. 1950 as amended from time to time.
	The proposed name is not offensive to any section of people, e.g. proposed name does not contain profanity or words or phrases that are generally considered a slur against an ethnic group, religion, gender or heredity.
	The proposed name is not such that its use by the company will constitute an offence under any law for the time being
	I undertake to be fully responsible for the consequences in case the name is subsequently found to be in contravention of the provisions of section 4(2) and section 4(4) of the Companies Act, 2013 and rules thereto and I have also gone through and understood the provisions of section 4(5) (ii) (a) and (b) of the Companies Act, 2013 and rules thereunder and fully declare myself responsible for the consequences thereof.
0	
	a person named in the articles as a director of the company has been duly authorized by the promoters of the company to sign this form and declare that all the requirements of the Companies Act, 2013 and the rules made thereunder in respect of Director Identification Number (DIN), registration of the company and matters precedent or incidental thereto have been complied with.
D	I am authorized by the promoter subscribing to the Memorandum of Association and Articles of Association and the first director(s) to give this declaration and to sign and submit this Form.
9	I further declare that, company shall not commence its business, unless all the required approval from the sectoral Regulators such as RBI, SEBI etc. have been obtained;
II.	I on behalf of the promoters and the first directors, hereby declare that the registered office is capable of receiving and acknowledging all communications and notices addressed to the proposed company on incorporation, shall be maintained at the given address at item 7 of this form;
O.	*I, on behalf of all the first director(s) named in the Articles of Association of the proposed company, solemnly declare, that the declaration given herein as stated above are true to the best of my knowledge and belief, the information given in this integrated application form for incorporation and attachments thereto are correct and complete, and nothing relevant to this form has been suppressed. All the required attachments have been completely, correctly and legibly attached to this form and are as per the original records maintained by the promoters subscribing to the Memorandum of Association and Articles of Association.
D	I, on behalf of the proposed Directors whose particulars for allotment of DIN are filled as above, hereby confirm and declare that they are not restrained, disqualified, removed for being appointed as Director of a company under the provisions of the Companies Act, 2013 including sections 164 and 169, and have not been declared as proclaimed offender by any Economic Offence Court or Judicial Magistrate Court or High Court or any other Court, and not been already allotted a Director Identification Number (DIN) under section 154 of the Companies Act, 2013, and 1 further declare that I have read and understood the provisions of Sections 154, 155, 447 and 448 read with Sections 449, 450
	and 451 of the Companies Act, 2013.
	having Membership number and/or certificate of practice number
	has been engaged to give declaration under section 7(1) (b) and such declaration is attached.

Note: Attention is drawn to the provisions of sections 7(5) and 7(6) which, inter-alia, provides that furnishing of any false or incorrect particulars of any information or suppression of any material information shall attract punishment for fraud under section 447. Attention is also drawn to provisions of section 448 and 449 which provide for punishment for false statement and punishment for false evidence respectively. *To be digitally signed by director DSC BOX "DIN / PAN IX. Declaration and Certification by Professional Declaration and Certification by Professional member of having office at " Who is engaged in the formation of the company declare that I have been duly engaged for the purpose of certification of this form. It is hereby also certified that I have gone through the provisions of the Companies Act, 2013 and rules thereunder for the subject matter of this form and matters incidental thereto and I have verified the above particulars (including attachment(s)) from the original/certified records maintained by the applicant which is subject matter of this form and found them to be true, correct and complete and no information material to this form has been suppressed. I further certify that: the draft memorandum and articles of association have been drawn up in conformity with the provisions of (i) sections 4 and 5 and rules made thereunder; and all the requirements of Companies Act, 2013 and the rules made thereunder relating to registration of the (ii) company under section 7 of the Act and matters precedent or incidental thereto have been complied with. The said records have been properly prepared, signed by the required officers of the Company and maintained as per the relevant provisions of the Companies Act, 2013 and were found to be in order; I have opened all the attachments to this form and have verified these to be as per requirements, complete and (iii) I further declare that I have personally visited the premises of the proposed registered office given in the form (iv) at the address mentioned herein above and verified that the said proposed registered office of the company will be functioning for the business purposes of the company (wherever applicable in respect of the proposed registered office has been given). It is understood that I shall be liable for action under Section 448 of the Companies Act, 2013 for wrong (8) certification, if any found at any stage. Cost accountant (in whole-time practice) or Chartered accountant (in whole-time practice) or Company secretary (in whole-time practice) Advocate Whether associate or fellow. Associate Membership number Certificate of practice number Income tax PAN Prescrutiny Check Form

	Christian Company of the Company of	(DD/MM/YYYY)
eForm Service request number (SRM)	eForm Ming date	
This e-Form is hereby registered Digital signature of the authorising officer	College in territories	

FORM NO. INC-35

[Pursuant to rule 38A of the Companies (Incorporation) Rules, 2014]

AGILE-PRO

(Application for Goods and services tax Identification number, employees state Insurance corporation registration pLus Employees provident fund organization registration, Profession tax Registration and Opening of bank account)

'Name of the company				
Do you want to apply for GS	ITIN		O Yes	O No
State (Same as entered in S	PICe+)			
District (Same as entered in	SPICe+)			
State Jurisdiction				
Sector / Circle / Ward /Char	ge / Unit			
* Center Jurisdiction				
Commissionerate				
Division				
Range				
Reason to Obtain Registrati	ion		Voluntary	
		554,6325		
Whether The Establishment	On Lease O Yes	0 No		
1		To Date		
* Leased From Date				
* Leased From Date (a) * Nature of possession	of premises			
	armed American			
(a) * Nature of possession (b) * Proof of Principal Place	of Business	nt is owned or hired.		
(a) * Nature of possession	of Business emises of Establishmer			
* Leased From Date (a) * Nature of possession (b) * Proof of Principal Place (c) * Whether the building/pre	of Business emises of Establishmer			
"Leased From Date (a) " Nature of possession (b) " Proof of Principal Place (c) " Whether the building/pri " If hired or there is a cha	of Business emises of Establishmer inge in the name of Unit	t/ownership, please i		

		er the composition levy.			
b) Category of Register	red Pe	erson			
Manufacturer of non-	notifie	d goods			
Supplier of food and	non-a	Icoholic drinks			
Any other eligible sup	pplier				
				21 F20 NO 0	781
* Nature of Business A	ctivity	being carried out at above mentioned	d Pre		
Factory / Manufacturing	0.	Wholesale Business	0	Retail Business	- CI
Warehouse/Depot	O.	Bonded Warehouse	D	Supplier of services	
Office/Sale Office	O.	Leasing Business	-03	Recipient of goods or services	12
EOU/ STP/ EHTP	п	Works Contract	D	Export	9
Import	g	Others (specify), if others, please specify	17		
Primary Business Act	tivity	L			
		pecify			
Primary Business Act of Others selected, ple		pecify			
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Middle Name			Attach Photograph		Remove Photograph
*Last Name			115-11	-25	
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Enter OTP for Mobile Number			Verify OTP		
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tubate		List of Attachments
Attachments	Attach	
Proof of Principal place of business Proof of appointment of Authorized Signatory for GSTN		
(Either of the following document can be attached. Letter of Authorisation/ Copy of Resolution passed by BoD / Managing Committee and Acceptance letter)		
 Proof of Identity of Authorized Signatory for opening Bank Account 	Attach	
Proof of Address of Authorized Signatory for opening Bank Account	Attach	Remove attachment
Specimen Signature of Authorized Signatory for EPFO	Attach	(Care and Care 1 and
GST Declaration (By Auth	orized Signator	y)
I hereby solemnly affirm and declare that the information giv my knowledge and belief and nothing has been concealed the	en herein above refrom.	is true and correct to the best of
*ESIC Declaration (By O	ffice Bearer)	
I hereby declare that the statement given above is correct undertake to intimate changes if any, promptly to the Regions soon as such change takes place.	al Office/Sub Rey	my knowledge and belief. I als gional Office, ESI Corporation a
Profession Tax Dec		
The above information is true to the best of knowledge and		
	rimary Owner) iven herein above	e is true and correct to the best
The above information is true to the best of knowledge and *EPFO Declaration (By P	rimary Owner) iven herein above erefrom	
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int Number)			
0-0	Check Form	Prescrutiny	Territ

(ii) for form No.INC-9, the following form shall be substituted, namely:-

[Pursuant to section 4(4) of the Companies Act. 2013 and pursuant to rule 8 & 9 of the Companies (Incorporation) Buies. 2014]



RUN

Reserve Unique Name

(For change of name only)

Service Request Number:

Dated:

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25231		seesuation ran	uest for char	nee of name of company it will	
ked and, if	found feasible	approved by	the Central	Registration Centre (CRC), You	wil
				Submit	W
	me 1 me 2 me kek and, if	me 1 me 2 me kek lile No file chosen live submitted the name re	me 1 me 2 me kek lile No file chosen live submitted the name reservation required and, if found feasible, approved by	me 1 me 2 ck No file chosen we submitted the name reservation request for characters and if found feasible, approved by the Central	me 1 me 2 me 2 me by the chosen we submitted the name reservation request for change of name of company it will cked and, if found feasible, approved by the Central Registration Centre (CRC). You mail from the CRC advising the outcome of the name reservation request.

- (iii) in form No. INC-33, the letters, words and brackets "MOA language 0 English 0 Hindi SRN of form (RUN)" shall be omitted;
- (iv) in form No. INC-34, the letters, words and brackets "AOA language 0 English 0 Hindi SRN of form (RUN)" shall be omitted;
- (v) in Form No.URC-1, the words and letters "Form language 0 English 0 Hindi SRN of RUN", shall be omitted.

[F. No. 1/13/2013 CL-V, Vol.IV]

K.V.R. MURTY, Joint Secretary

Note: The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R. 250(E), dated the 31st March, 2014 and last amended vide number G.S.R.793 (E) dated the 16th October, 2019.

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