

Ease of Doing Business for new Companies Incorporating on or after 23.02.2020 – Single Window Clearance

Posted On: March 2020 - MOCA

Objective of SPICe+ and AGILE- PRO:

- SPICe+ and AGILE - PRO is part of various initiatives and commitment of Government of India towards Ease of Doing Business (EODB) introduced w.e.f 23.02.2020 by Ministry of Corporate Affairs.
- Aims at reduction in Procedure, reduction in Cost/Fees and reduction in Time for incorporation of a company

Brief on SPICe + & AGILE- PRO:

SPICe+ - 'Simplified Proforma for Incorporating Company Electronically Plus' is an integrated web form offering 10 services (as listed below) by 3 Central Government Ministries & Departments and one State government.

- Ministry of Corporate Affairs
- Ministry of Labour
- Department of Revenue in the Ministry of Finance
- One State Government (Maharashtra)

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

Services covered in SPICe + & AGILE PRO:

Part A- (i) Name reservation for new companies

Part B - Bouquet of services viz.

- (i) Incorporation
- (ii) DIN allotment
- (iii) Mandatory issue of PAN
- (iv) Mandatory issue of TAN
- (v) Mandatory issue of EPFO registration
- (vi) Mandatory issue of ESIC registration
- (vii) Mandatory issue of Profession Tax registration (only for State of Maharashtra)

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Making Corporate India Comply

- (viii) Mandatory Opening of Bank Account for the Company and
- (ix) Optional Allotment of GSTIN (if so applied for)

Options available for New Companies:

- First submit the application to reserve name through SPICe + Part A and after receiving name approval, thereafter submit for incorporation & other services in SPICe + Part B along with linked e-form AGILE PRO.
(OR)
- File SPICe + Part A and Part B together at one go for Name reservation, incorporation along with other services.

Key points for consideration:

- Registration for EPFO and ESIC shall be mandatory for all new companies incorporated w.e.f 23rd Feb 2020 and no EPFO & ESIC registration nos. shall be separately issued by the respective agencies.
- Registration for Profession Tax shall also be mandatory for all new companies incorporated only in the State of Maharashtra w.e.f 23rd Feb 2020.
- Mandatory application for opening the company's Bank account through the AGILE-PRO linked web form (Currently Punjab National bank & ICICI bank is designated, remaining 6 banks designation in pipeline).
- No separate fees for applying GSTIN/EPFO/ESIC/ Professional Tax or Opening Bank Account for the company.
- Based on the successful validation of the data uploaded in AGILE PRO form by respective department (GSTIN, EPFO, ESIC, PT)-CODE /Number would be generated & displayed on MCA portal and communicated to authorized person email id.
- New companies incorporated through SPICe+ and thereby have obtained EPFO/ESIC numbers will have to file statutory returns only when they cross thresholds prescribed under the relevant Acts.
- Existing companies intending to obtain Establishment code as issued by EPFO & Employer code as issued by ESIC shall follow the existing process of registration through their respective Common Portal for registration.
- Finalization of Type & Class of company before applying for Incorporation added as an additional requirement:
 - (i) Type of company
 - (ii) Class of company
 - (iii) Category of company
 - (iv) Sub-Category of company

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- (v) Main division of industrial activity of the company
- (vi) Description of the main division

Conclusion:

Prior to the introduction of SPICe + & AGILE PRO, time duration for incorporating a company and subsequent submission of application for other registration such as GSTIN, Bank Account opening etc. would be approximately 15-20 days (only if the documents were in order) . And this initiative shall leads to avoidance of repetitive submission of same set of documents to various departments for registration under various Acts and skipping cumbersome and time consuming process. Once the company is incorporated, necessary information will be forwarded to GSTN /EPFO/ESIC/PT and BANK for processing of form for validation and allotment of respective codes/numbers.

Now due to the initiative of Ease of Doing Business through SPICe + & AGILE -PRO, Incorporation of a new company can be completed within 5-7 days with lesser cost, easy procedure through integrated web based Single window clearance system.

Forms attached for easy Reference

(New Form yet to be deployed in the MCA Portal – Till the deployment of new Web forms, stakeholders shall continue to use existing SPICe and AGILE forms. The applicability date will vary after the deployment of form in MCA portal for filing – expecting a revised notified date after deployment of form).

By using exiting SPICE & AGILE Forms the new companies until the deployment of Forms can apply for optional EPF, ESIC & GSTIN and mandatory PAN & TAN.

1 [FORM NO. INC-35

AGILE-PRO

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

(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)

(This AGILE-PRO form is part of SPICe+ form for GSTIN / EPFO / ESIC/ Profession Tax/ Bank Account)

Name of the company

1. Do you want to apply for GSTIN Yes No

2. State (Same as entered in SPICe+)

3. District (Same as entered in SPICe+)

4. State Jurisdiction

Sector / Circle / Ward /Charge / Unit

5. Center Jurisdiction

Commissionerate

Division

Range

6. Reason to Obtain Registration

7. Whether The Establishment On Lease Yes No
Leased From Date To Date

(a) Nature of possession of premises

(b) Proof of Principal Place of Business

(c) Whether the building/premises of Establishment is owned or hired.

If hired or there is a change in the name of Unit/ownership, please indicate

Leased From Date To Date

8. Option for Composition Yes No

a) Composition Declaration

1. Substituted by the Companies (Incorporation) Amendment Rules, 2020, w.e.f. 15-2-2020.

I hereby declare that aforesaid business shall abide by the conditions and restrictions specified in the Act or Rules for opting to pay tax under the composition levy.

b) Category of Registered Person

- Manufacturer of non-notified goods
- Supplier of food and non-alcoholic drinks
- Any other eligible supplier

9. * Nature of Business Activity being carried out at above mentioned Premises (Please tick applicable)

Factory Manufacturing / Warehouse/Depot	<input type="checkbox"/>	Wholesale Business	<input type="checkbox"/>	Retail Business	<input type="checkbox"/>
Office/Sale Office	<input type="checkbox"/>	Bonded Warehouse	<input type="checkbox"/>	Supplier of services	<input type="checkbox"/>
EOU/ STP/ EHTP	<input type="checkbox"/>	Leasing Business	<input type="checkbox"/>	Recipient of goods or services	<input type="checkbox"/>
Import	<input type="checkbox"/>	Works Contract	<input type="checkbox"/>	Export	<input type="checkbox"/>
	<input type="checkbox"/>	Others (specify), if others, please specify _____	<input type="checkbox"/>		

(A) * Primary Business Activity

*If Others selected, please specify

(B) * Exact nature of work / business

* Work Sub-category

* Nature of work business

10. *Details of the Goods supplied by the Business

HSN Code (Four digit)

Description of Goods

Pre-fill

11. *Details of Services supplied by the Business.

Service Accounting Code

Pre-fill

Description of Services

12. Directors / Primary Owners / Office Bearer/ Authorised Signatory for Banks and Profession Tax Details

(Minimum number of directors to be entered for OPC shall be 1, 2 in case of private company, 3 in case of public limited company and 5 in case of Producer Company)

Number of Director details to be entered

2

(A) *Enter Director details who is also an Authorised Signatory / Primary Owner / Office Bearer

* Directors Identification Number (DIN) Permanent Account Number (PAN)

* DIN	<input type="text"/>	<input type="button" value="Pre-fill"/>	<input type="button" value="Photograph"/>
* PAN	<input type="text"/>		<input type="text"/>
* First Name	<input type="text"/>		
Middle Name	<input type="text"/>	<input type="button" value="Attach Photograph"/>	<input type="button" value="Remove Photograph"/>
* Last Name	<input type="text"/>		

Attach a latest passport size photograph by clicking the above box

* Personal Mobile Number	<input type="text" value="+91"/>	<input type="text"/>	<input type="button" value="Send OTP"/>
* Personal Email Id	<input type="text"/>		
* Enter OTP for Mobile Number	<input type="text"/>		<input type="button" value="Verify OTP"/>
* Enter OTP for Email Id	<input type="text"/>		

(B) * Director Details other than Authorised Signatory / Primary Owner / Office Bearer

* Directors Identification Number Permanent Account Number / Passport Number (in case of foreign national)

* DIN	<input type="text"/>	<input type="button" value="Pre-fill"/>	<input type="button" value="Photograph"/>
* PAN / Passport Number	<input type="text"/>		<input type="text"/>
* First Name	<input type="text"/>		
Middle Name	<input type="text"/>		
* Last Name	<input type="text"/>	<input type="button" value="Attach Photograph"/>	<input type="button" value="Remove Photograph"/>
* Personal Mobile Number	<input type="text"/>		
* Personal Email ID	<input type="text"/>		
	<input type="text"/>		
	<input type="text"/>		

Attach a latest passport size photograph by clicking the above box

13. * Police Station	<input type="text"/>
14. * Employer's Particulars	<input type="text"/>
* Select Appropriate Branch Office	<input type="text"/>
* Select Inspection Office	<input type="text"/>
15. * Bank Particulars	
* Select Bank Name	<input type="text"/>

Attachments

- 1. *Proof of Principal place of business
- 2. *Proof of appointment of Authorized Signatory for GSTN

Attach

Attach

*(Either of the following document can be attached.
Letter of Authorisation/ Copy of Resolution passed by BoD / Managing Committee and Acceptance letter)*

- 3. *Proof of Identity of Authorized Signatory for opening Bank Account
- 4. *Proof of Address of Authorized Signatory for opening Bank Account
- 5. *Specimen Signature of Authorized Signatory for EPFO

Attach

Attach

Attach

List of Attachments

Remove attachment

GST Declaration (By Authorized Signatory)

I hereby solemnly affirm and declare that the information given herein above is true and correct to the best of my knowledge and belief and nothing has been concealed therefrom.

***ESIC Declaration (By Office Bearer)**

I hereby declare that the statement given above is correct to the best of my knowledge and belief. I also undertake to intimate changes if any, promptly to the Regional Office/Sub Regional Office, ESI Corporation as soon as such change takes place.

Profession Tax Declaration

The above information is true to the best of knowledge and belief

***EPFO Declaration (By Primary Owner)**

I hereby solemnly affirm and declare that the information given herein above is true and correct to the best of my knowledge and belief and nothing has been concealed therefrom

***Bank Declaration (By Authorized Signatory)**

I hereby solemnly affirm and declare that the information given herein above is true and correct to the best of my knowledge and belief and nothing has been concealed therefrom.

I authorize Bank and its officials to contact me/us on phone/ email/ sms for the purpose of opening of bank account.

I understand that the bank account number generated through this process will be shared with MCA by the banks.

I/we undertake to complete all documentary requirements as per bank KYC norms before activation of the account.

Place

Date

Designation

Director

*To be digitally signed by director (who has signed the SPICe+ form)

* DIN/PAN

DSC BOX

(Authorized Signatory / Primary Owner / Office Bearer signing the AGILE-PRO form shall provide his Permanent Account Number)

Check Form

Prescrutny

¹[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+

(Simplified Proforma for Incorporating Company Electronically Plus)

PART – A

1. (a) Type of Company
LLPIN
 - (b) Class of Company
 - (c) Category of Company
 - (d) Sub-category of Company
2. Main division of industrial activity of the company
Description of the main division
3. Particulars of the proposed or approved name

i.	
ii.	

PART - B

II. Structure of the Company

4. Whether Articles of Association is entrenched Yes No
Number of Articles to which provisions of entrenchment shall be applicable

Details of such articles

Sr. No.	Article Number	Short description on entrenchment of the clause

5. *Company is Having share capital Not having share capital

6. *Capital structure of the company

Total authorized share capital (in Rupees)

Authorized share capital	Equity	Preference	Unclassified
Number of shares			
Nominal amount per share (in Rupees)			
Total amount (in Rupees)			

Total subscribed share capital (in Rupees)

Subscribed share capital	Equity	Preference
Number of shares		
Nominal amount per share (in Rupees)		
Total amount (in Rupees)		

(ii) *Details of number of members

(a) Enter the maximum number of members	
(b) Maximum number of members excluding proposed employees	
(c) Number of members	
(d) Number of members excluding proposed employee(s)	

III. Address of the Company

7. (a) *Correspondence address

*Line I		
Line II		
*City		
*State/Union Territory		* Pin code
*District		
*Phone (with STD code)		-
Fax		
*email ID of the company		

(b) *Whether the address for correspondence is the address of registered office of the company o Yes o No

(c) *Name of the office of the Registrar of Companies in which the proposed company is to be registered

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IV. Subscriber and Directors Details

8. (a) *Number of first subscriber(s) to MOA and directors of the company

	Having valid DIN	Not having valid DIN
Total number of first subscribers (non-individual + individual)		
Number of non-individual first subscriber(s)		
Number of individual first subscriber(s) cum director(s)		
Total number of directors (director(s) who is/are not subscriber(s) + subscriber(s) cum director(s) as mentioned in above Row no. 3)		

(b) *Particulars of non-individual first subscriber(s)

*Category	<input type="text"/>		
*Corporate identity number(CIN) or foreign company registration number(FCRN) or any other registration number	<input type="text"/>	<input type="button" value="Pre-Fill"/>	
*Name of the body corporate			
<input type="text"/>			
Registered office address or Principal place of business in India or Principal place of business outside India			
*Line I	<input type="text"/>		
Line II	<input type="text"/>		
*City	<input type="text"/>		
*State /Union Territory	<input type="text"/>	*Pin code <input type="text"/>	
*ISO Country code	<input type="text"/>		
Country	<input type="text"/>		
*Phone (With STD/ISD code)	<input type="text"/>	- <input type="text"/>	
Fax	<input type="text"/>		
*email id	<input type="text"/>		
Particulars of the authorised person			
*First Name	<input type="text"/>		
Middle Name	<input type="text"/>		
*Surname	<input type="text"/>		
*Father's First Name	<input type="text"/>		
Father's Middle Name	<input type="text"/>		
*Father's Surname	<input type="text"/>		
* Gender	<input type="text"/>	*Date of Birth <input type="text"/>	*Nationality <input type="text"/>
<input type="checkbox"/> PAN <input type="checkbox"/> Passport number	<input type="text"/>	<input type="button" value="Verify"/>	
Aadhaar number	<input type="text"/>		
*Place of Birth (District & State)	<input type="text"/>		
*Occupation type	<input type="text"/>		
*Area of Occupation	<input type="text"/>		
*Educational qualification	<input type="text"/>		
Present Address			
*Line I	<input type="text"/>		
Line II	<input type="text"/>		
*City	<input type="text"/>		
*State /Union Territory	<input type="text"/>	*Pin code	<input type="text"/>
ISO Country code	<input type="text"/>		
Country	<input type="text"/>		
*Phone (With STD/ISD code)	<input type="text"/>	-	<input type="text"/>
Mobile	<input type="text"/>		
Fax	<input type="text"/>		
*email id	<input type="text"/>		

Kind of shares subscribed	Number of subscribed shares	Amount of shares subscribed
Equity shares		
Preference shares		

(c) *Particulars of individual first subscriber(s) (other than subscriber cum director)

1

*Director Identification number (DIN) Pre-

*Name

Kind of shares subscribed	Number of subscribed shares	Amount of shares subscribed
Equity shares		
Preference shares		

1

*First Name

Middle Name

*Surname

*Father's first name

Father's middle name

*Father's surname

*Gender *Date of Birth *Nationality

*Place of Birth

*Occupation type Self Employed Professional Homemaker Student Serviceman

*Area of Occupation

If 'Others' selected, please specify

*Educational Qualification

* PAN Passport number

Aadhaar number

*email ID

Permanent Address

*Line I

Line II

*City

* State/ Union Territory *Pin code

*ISO Country code Country

*Phone (with STD/ISD code) -

*Whether present residential address same as permanent residential address Yes No

Present address

*Line I

Line II

*City _____

*State/ Union Territory _____ *Pin code _____

*ISO Country code _____ Country _____

*Phone (with STD/ISD code) _____

*Duration of stay at present address _____ Years _____ Months _____

If Duration of stay at present address is less than one year then address of previous residence _____

*Proof of identity _____ *Residential Proof _____

Submit the proof of identity and proof of address under attachments.

Kind of shares subscribed	Number of subscribed shares	Amount of shares subscribed
Equity shares		
Preference shares		

(d) *Particulars of individual first subscriber(s) cum directors

1 *Director Identification number (DIN) _____ **Pre-**

*Name _____

*Gender _____ *Date of Birth _____ *Nationality _____

*Designation _____ *Category _____

Whether Chairman Executive director Non-executive director

*Name of the company or institution whose nominee the appointee is _____

*email ID _____

Kind of shares subscribed	Number of subscribed shares	Amount of shares subscribed
Equity shares		
Preference shares		

Number of entities in which director have interest (Need not to mention if such entity is having CIN/FCRN/LLPIN) _____

*Registration number _____

*Name _____

*Address _____

Nature of interest	*Designation _____
	Percentage of Shareholding _____ Amount _____
	Others (specify) _____

*First Name
 Middle Name
 *Surname
 *Father's first name
 Father's middle name
 *Father's surname
 *Gender *Date of Birth *Nationality
 *Place of Birth
 *Whether citizen of India Yes No *Whether resident in India Yes No
 *Occupation type Self Employed Professional Homemaker Student Serviceman
 *Area of Occupation
 If 'Others' selected, please specify
 *Educational Qualification
 PAN Passport number
 *Designation *Category
 Whether Chairman Executive director Non-executive director
 *Name of the company or institution whose nominee the appointee is

 *email ID
 Permanent Address
 *Line I
 Line II
 *City
 *State/ Union Territory *Pin code
 *ISO Country code Country
 *Phone (with STD/ISD code) -
 *Whether present residential address same as permanent residential address Yes No
 Present address
 *Line I
 Line II
 *City
 *State/ Union Territory *Pin code
 *ISO Country code Country
 *Phone (with STD/ISD code)
 *Duration of stay at present address Years Months
 If Duration of stay at present address is less than one year then address of previous residence

*Proof of identity *Residential Proof
 Voter's identity card number
 Driving license number
 Aadhaar Number

Submit the proof of identity and proof of address under attachments.

Kind of shares subscribed	Number of subscribed shares	Amount of shares subscribed
Equity shares		
Preference shares		

Number of entities in which director have interest

*Registration number
 *Name
 *Address
 Nature of interest: *Designation
 Percentage of Shareholding Amount
 Others (specify)

(e) *Particulars of directors (other than first subscribers)

1. *Director Identification number (DIN) **Pre-Fill**
 *Name
 *Gender *Date of Birth *Nationality
 *Designation *Category
 Whether Chairman Executive director Non-executive director
 *Name of the company or institution whose nominee the appointee is

 *email ID
 Number of entities in which director have interest (Need not to mention if such entity is having CIN/FCRN/LLPIN)
 *Registration number
 *Name
 *Address

Nature of interest	*Designation	<input type="text"/>
	Percentage of Shareholding	<input type="text"/> Amount <input type="text"/>
	Others (specify)	<input type="text"/>

1

*First Name

Middle Name

*Surname

*Father's first name

Father's middle name

*Father's surname

*Gender *Date of Birth *Nationality

*Place of Birth

*Whether citizen of India Yes No *Whether resident in India Yes No

*Occupation type Self Employed Professional Homemaker Student Serviceman

*Area of Occupation

If 'Others' selected, please specify

*Educational Qualification

* PAN Passport number

*Designation *Category

Whether Chairman Executive director Non-executive director

*Name of the company or institution whose nominee the appointee is

*email ID

Permanent Address

*Line I

Line II

*City

* State/ Union Territory *Pin code

*ISO Country code Country

*Phone (with STD/ISD code) -

*Whether present residential address same as permanent residential address Yes No

Present address

*Line I

Line II

*City

*State/ Union Territory		*Pin code	
*ISO Country code	Country		
*Phone (with STD/ISD code)			
*Duration of stay at present address	Years	Months	
If Duration of stay at present address is less than one year then address of previous residence			
*Proof of identity	*Residential Proof		
Voter's identity card number			
Driving license number			
Aadhaar Number			
Submit the proof of identity and proof of address under attachments.			
Number of entities in which director have interest			
*Registration number			
*Name			
*Address			
Nature of interest	*Designation		
	Percentage of Shareholding	Amount	
	Others (specify)		

V. OPC Nomination

9. (a) *Nomination

I, _____,
 the subscriber to the memorandum of association of _____
 do hereby nominate * _____

who shall become the member of the company in the event of my death or incapacity to contract. I declare that the nominee is eligible for nomination within the meaning of Rule 3 of the Companies (Incorporation) Rules, 2014.

(b) *Particulars of the Nominee

Director Identification number(DIN)		Pre-Fill
*First Name		
Middle Name		
*Surname		
*Father's First Name		

Father's Middle Name

*Father's Surname

*Gender

*Date of Birth

Nationality

Income- tax PAN

Verify Details

Aadhaar number

*Place of Birth (District & State)

*Occupation type

*Area of Occupation

*Educational qualification

Permanent Address

*Line I

Line II

*City

*State/Union Territory

*Pin code

*ISO Country code

Country

*Phone (With STD/ISD code)

Mobile

Fax

*email id

*Whether present address is same as the permanent address Yes No

Present Address

*Line I

Line II

*City

*State/Union Territory

*ISO Country code

Country

Phone (With STD/ISD code)

Mobile

Fax

*Duration of stay at present address

Years

Months

If Duration of stay at present address is less than one year then address of previous residence

*Proof of identity

*Residential Proof

10. Particulars of payment of stamp duty

(a) State or Union territory in respect of which stamp duty is paid or to be paid

Pre-Fill

(b) Whether stamp duty is to be paid electronically through MCA21 system

Yes No Not applicable

(i) Details of stamp duty to be paid

Type of document/ Particulars	Form	Memorandum of association	Articles of association
Amount of stamp duty to be paid (in Rs.)	<input type="text"/>	<input type="text"/>	<input type="text"/>

(ii) Provide details of stamp duty already paid

Type of document/ Particulars	Form	Memorandum of association	Articles of association	Others
Total amount of stamp duty paid (in Rs.)	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Mode of payment of stamp duty	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Name of vendor or Treasury or Authority or any other competent agency authorised to collect stamp duty or to sell stamp papers or to emboss the documents or to dispense stamp vouchers on behalf of the Government				
Serial number of embossing or stamps or stamp paper or treasury challan number				
Registration number of vendor				
Date of purchase of stamps or stamp paper or payment of stamp duty (DDMMYYYY)	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
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)

Information specific to PAN

Area code	AO type	Range code	AO No.

Information specific to TAN

Area code	AO type	Range code	AO No.

Source of Income

- Income from Business/profession Capital Gains Income from house property
 Income from other source No Income

Business/Profession code

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VII. Attachments

Attachments

- | | |
|--|--------|
| 1. Memorandum of association; | Attach |
| 2. Articles of Association; | Attach |
| 3. Declaration by first subscriber(s) and director(s)
(Affidavit is not required to be attached); | Attach |
| 4. Proof of Office address (Conveyance/ Lease deed/Rent
Agreement along with rent receipts); | Attach |
| 5. Copy of the utility bills (not older than two months); | Attach |
| 6. Copy of certificate of incorporation of the foreign body
corporate and resolution passed by foreign company or
authority given through constitutional document; | Attach |
| 7. Resolution passed by promoter company; | Attach |
| 8. Interest of first director(s) in other entities; | Attach |
| 9. Consent of Nominee (INC-3); | Attach |
| 10. Proof of identity & residential address of subscribers; | Attach |
| 11. Proof of identity & residential address of nominee; | Attach |
| 12. Proof of identity and address of Applicant I; | Attach |
| 13. Proof of identity and address of Applicant II; | Attach |
| 14. Proof of identity and address of Applicant III; | Attach |
| 15. Resolution of unregistered companies in case of Chapter XXI
(Part I) companies | Attach |
| 16. Declaration in Form No. INC-14 | Attach |
| 17. Declaration in Form No. INC-15 | Attach |
| 18. Optional attachment(s), (if any) | Attach |
| 19. Attachment – Part A | Attach |

List of attachments

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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.
- 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 in force.
- 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.
- * I 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.
- 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.
- 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;
- 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;
- *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.
- 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 I 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

*DIN / PAN

IX. Declaration and Certification by Professional

Declaration and Certification by Professional

I
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:

- (i) the draft memorandum and articles of association have been drawn up in conformity with the provisions of sections 4 and 5 and rules made thereunder; and
- (ii) all the requirements of Companies Act, 2013 and the rules made thereunder relating to registration of the 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;
- (iii) I have opened all the attachments to this form and have verified these to be as per requirements, complete and legible;
- (iv) I further declare that I have personally visited the premises of the proposed registered office given in the form 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).
- (v) It is understood that I shall be liable for action under Section 448 of the Companies Act, 2013 for wrong certification, if any found at any stage.

Chartered accountant (in whole-time practice) or Cost accountant (in whole-time practice) or
 Company secretary (in whole-time practice) Advocate

* Whether associate or fellow Associate Fellow

* Membership number

Certificate of practice number

* Income-tax PAN

For office use only:

eForm Service request number (SRN)

eForm filing date (DD/MM/YYYY)

This e-Form is hereby registered

Digital signature of the authorising officer

Date of signing

(DD/MM/YYYY)