

LÉGALÍCS

Steps for Incorporation of a Company in India

The information provided herein is of general nature and not intended to address the circumstances of any particular individual or entity. Although we endeavour to provide accurate and updated insight, we do not guarantee that such information is accurate as on date.

Steps for Incorporation of a Company in India

Step 1: Identify at least two persons for incorporating a private limited company who will subscribe to the Memorandum and Articles of Association and act as first Directors of the proposed company.

Step2: In case, the above identified persons do not have Director Identification Number (“DIN”), they will need to obtain DINs. Also, at least one of the Directors will need to have a digital signature.

Step3: Form INC-1: Application for name availability

- Registration number of the promoter where such promoter is a company incorporated outside India
- Description of the objects of the proposed company (as it will be mentioned in the Memorandum of Association)
- Names of proposed company in order of priority (maximum six)
- Significance of the key or coined word used in the proposed name
- An approval of the owner of the trademark
- Proof of relation where the proposed name(s) include(s) the name of relatives
- A certified true copy of no objection certificate by way of board resolution if the name is similar to any existing company or to the foreign holding company
- Where the key word in the proposed name is the name of a person other than the name(s) of the promoters or their close blood relatives, no objection from such other(s)

Step 4: Form INC-7: Application for incorporation of a company (Other than OPC)

- Memorandum of Association
- Articles of Association
- Declaration in Form INC-8
- Affidavit from each of the subscribers in Form INC-9
- Proof of residential address

- Specimen signature in Form INC-10
- NOC in case there is change in the promoters (first subscribers to Memorandum of Association)

Form INC-22: Notice of situation or change of situation of registered office based on the option chosen in Form INC-7

Form INC-22 is to be filed within 30 days from the date of Incorporation of OPC (If the registered address is different from the address given in Form INC-22) or other than OPC (if not filed earlier).

Form DIR-12: Particulars of appointment of directors and the key managerial personnel

Recently, the Ministry of Corporate Affairs introduced Form INC-29, an integrated incorporation form. The aforesaid Form has merged the three steps / forms into one single process, i.e. process of getting DIN, obtaining name approval and incorporation application. Certain documents need to be filed with the Form, including the details of Directors, subscribers, Memorandum and Articles of Association, etc. Maximum three Directors are permitted to use this integrated form for allotment of their DINs whilst incorporating a company.
