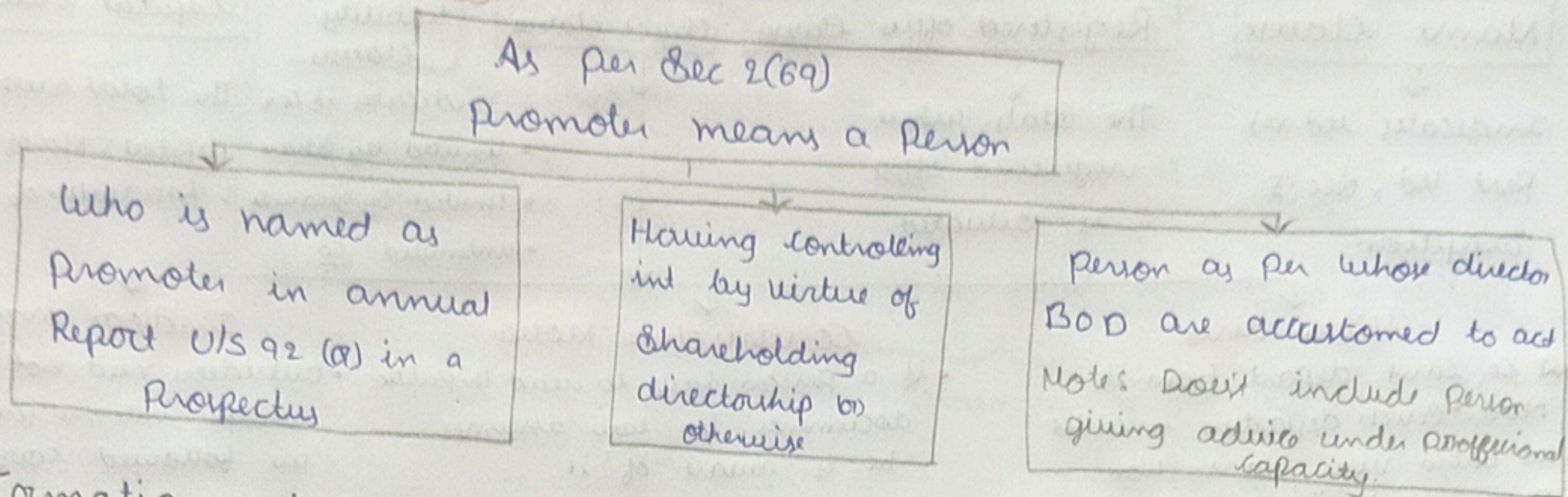


# INCORPORATION OF COMPANY

## Promoter [Sec - 2(69)]



## Formation of Companies [Sec - 3]

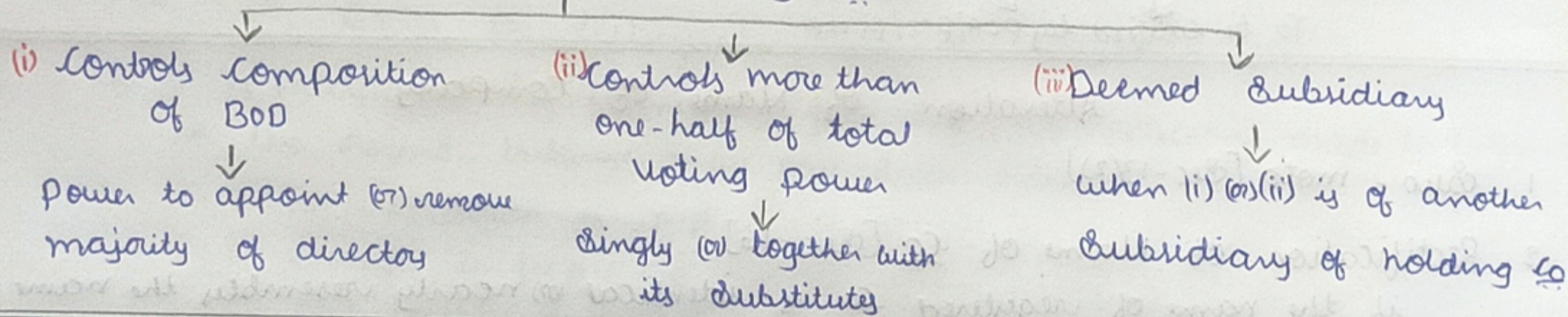
- (i) Co may be formed for any lawful purpose by
- > two or more persons in case of private Co
  - > seven or more persons in case of public Co
  - > one person in case of one-person Co

By subscribing their name to MOA & complying with requirements of registration

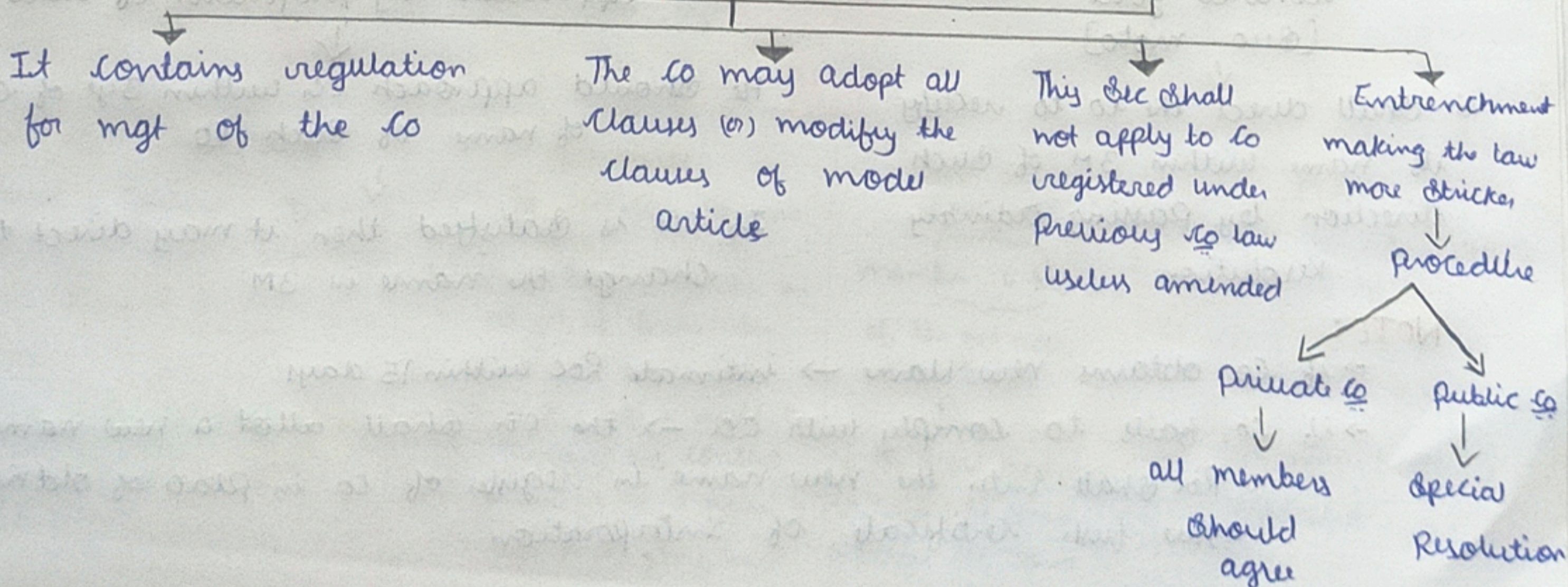
- (ii) Co so formed may be either
- > Co limited by share
  - > Co limited by guarantee
  - > unlimited Co.

## Subsidiary Co [Sec 2(87)]

A Co in which holding Co

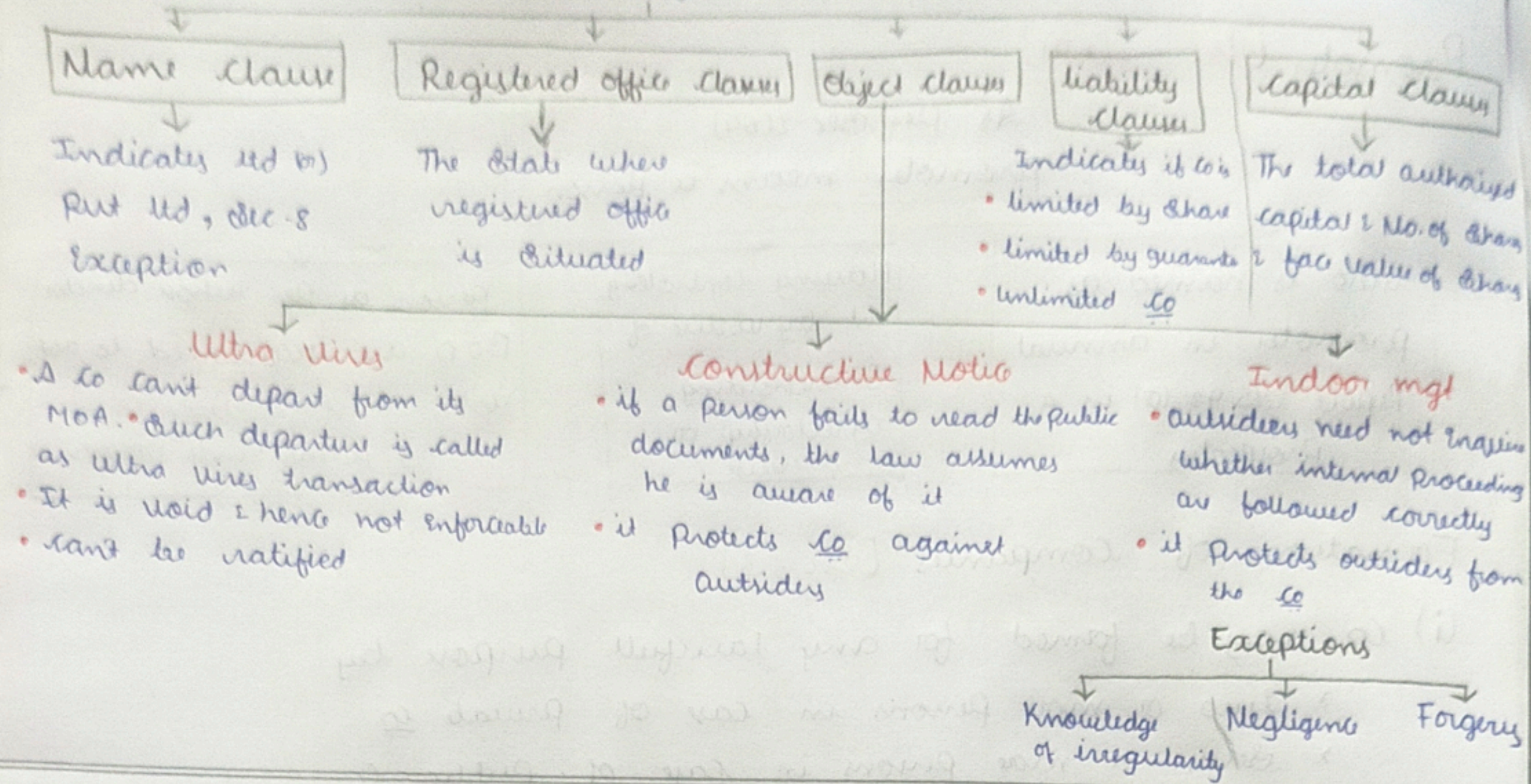


## Articles of Association [Sec - 5]

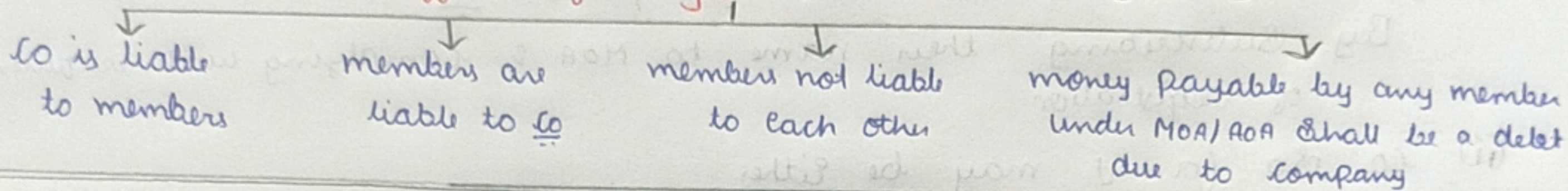


## Memorandum of Association [Sec-4]

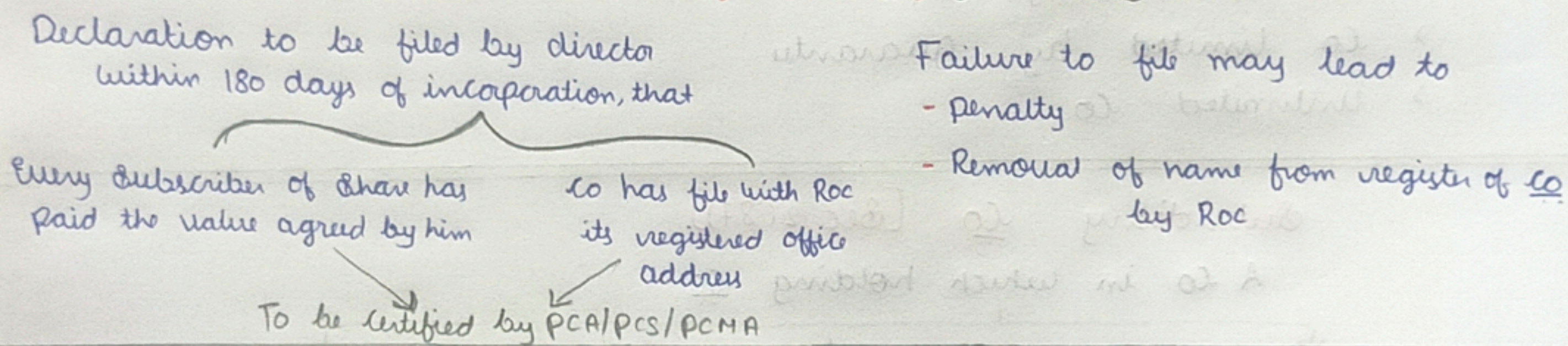
It consists 6 clauses



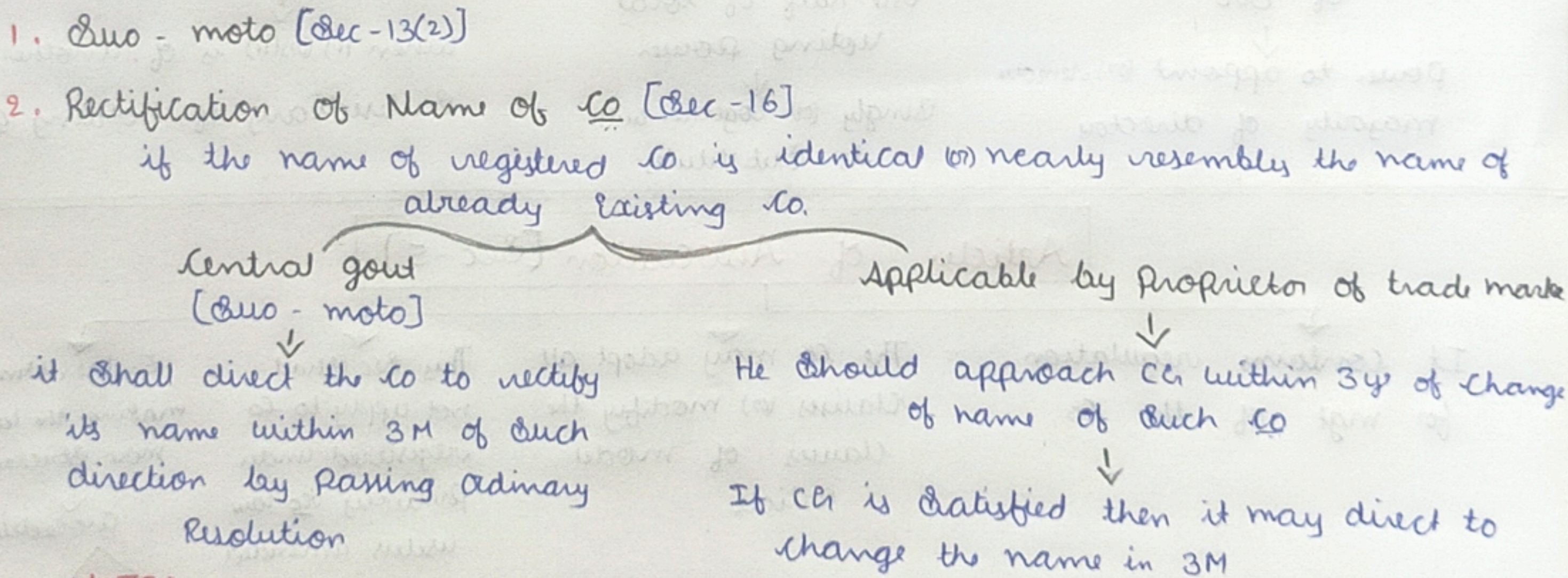
## Effect of Registered MOA & AOA [Sec-10]



## Commencement of Business [Sec-10(A)]



## Alteration of Name of Company



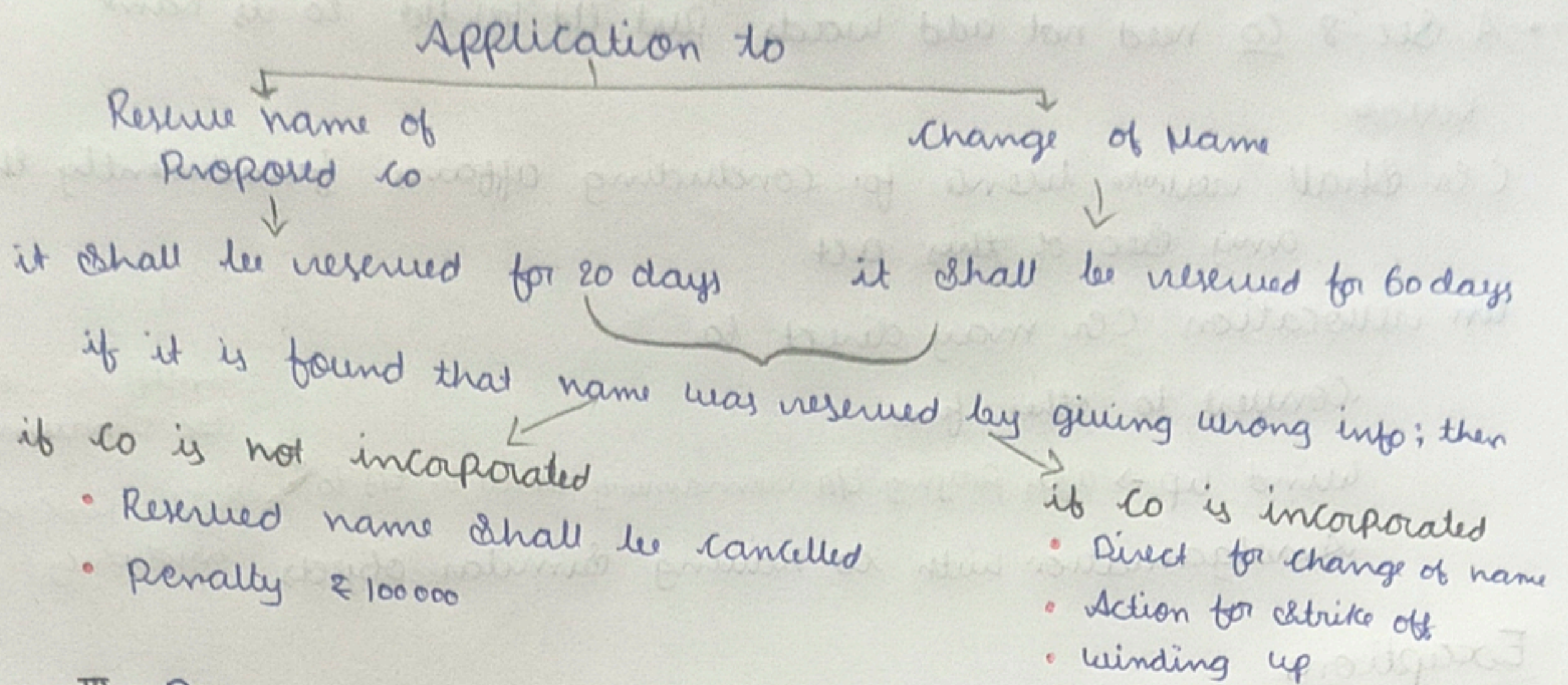
### NOTE:

- if co obtains new name → intimate Roc within 15 days
- if co fails to comply with CI → the CI shall allot a new name to co & Roc shall enter the new name in register of co in place of old name & issue fresh certificate of Incorporation

# Incorporation of company (Sec - 7)

STAGE - I Care to be taken while choosing name of Co Rule 8, 8A, 8B.

STAGE - II Reservation of Name



STAGE - III Documents & info to be prepared (preserved until dissolution)

1. MOA & AOA duly signed by all subscribers
  2. Declaration by subscribers & 1st directors that
    - not convicted of any offence in formation of Co
    - not found guilty of any fraud during last 5 years
    - All documents filed in correct & complete.
  3. Certificate from a professional (CA, CMA, PCS, advocate)
  4. Subscribers & director details
  5. Correspondence address of the office
- Note:** All the info filed with ROC in FORM SPICE.

STAGE - IV if all the information is correct, the ROC shall issue Certificate of incorporation  
it shall have CIV & Date of Incorporation  
[The name of the Co shall be entered in Register of Co]

STAGE - V Order of tribunal.

if Co is incorporated by furnishing false info, an application made to tribunal in this regard, tribunal may pass such orders.

- a. For regulation of mgt of Co
- b. Changes in MOA & AOA
- c. liability is unlimited
- d. Removal of name of from register
- e. Order for winding up

## Incorporation of one person Co

who can incorporate  
Natural Person & Indian Citizen & Resident in India

[Person stayed for 120 days in PY]

he shall be eligible for OPC

(1) nominee of OPC

### Nominee

- MOA to indicate nominee name
- He shall become member on death of subscriber
- He shall give his written consent & has a right to withdraw his consent
- minor can't be a nominee
- member may anytime change the nominee

one person can be

member & Nominee

of the not more than 1 OPC

if he doesn't meet above criteria, he shall satisfy the same in 180 days.

### MISC

- It can't be converted to Sec - 8 Co
- It can't carry NBFC (1) Invest in Body Corporate
- It can't convene at its discretion

