

# **INCORPORATION OF COMPANIES**

**(CHAPTER 2 OF CA, 2013)**

**CS SMITA CHIRIMAR**

**Partner**

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**A Firm of Practising Company Secretaries, Chennai**



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# **WHAT IS SPICe**

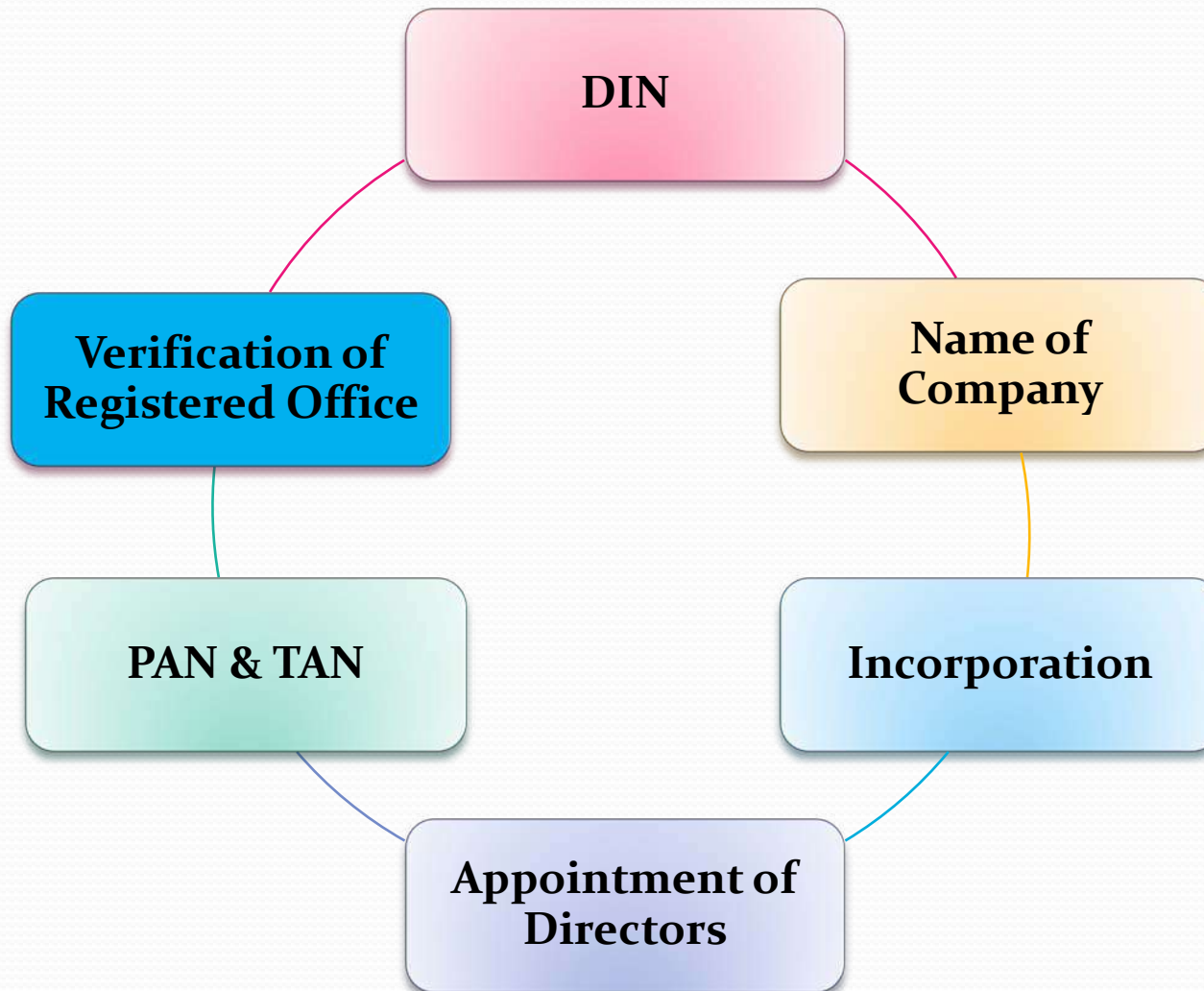
**SIMPLIFIED PROFORMA FOR  
INCORPORATING COMPANY  
ELECTRONICALLY**

**INCORPORATION THROUGH SPICe**

**Partner, M/s. S Dhanapal & Association, Practising Company Secretaries, Chennai**

**CS SMITA CHIRIMAR**

# SERVICES WHICH CAN BE AVAILED IN SPICe





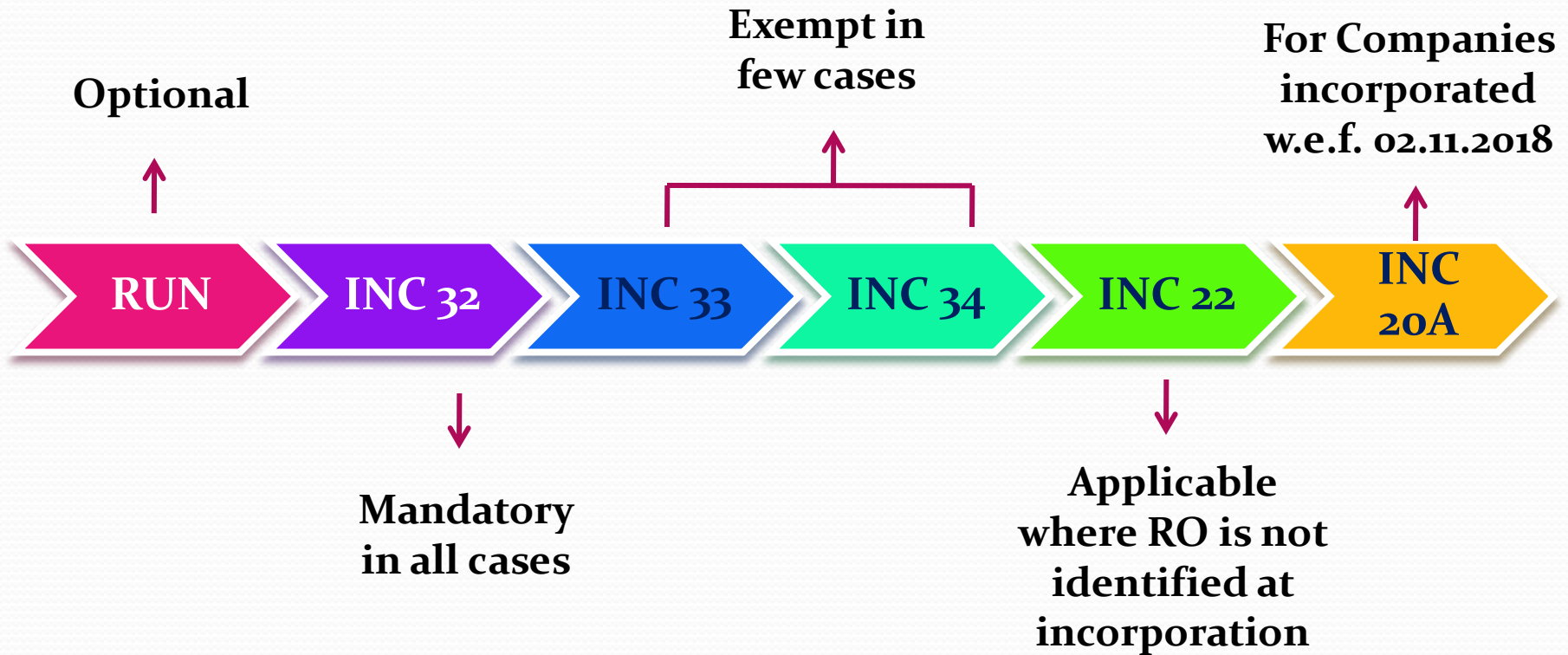
# PROCEDURE FOR INCORPORATION

**INCORPORATION THROUGH SPICe**

Partner, M/s. S Dhanapal & Association, Practising Company Secretaries, Chennai

**CS SMITA CHIRIMAR**

# FORMS INVOLVED



# STEP 1 – DIGITAL SIGNATURE CERTIFICATE

## DSC REQUIRED FOR

**At least 1 proposed director (to sign INC 32)**

*(The person should have registered his/her DSC with MCA – if no DIN, register with PAN)*

+

**All subscribers (for digitally signing eMOA and eAOA)**

## **STEP 2 – DIRECTOR IDENTIFICATION NUMBER**

- **For proposed directors DIN can be applied in INC 32.**
- **Restricted to 3 directors.**



# STEP 3 – NAME AVAILABILITY

**RUN**

Upto 2 names

Available for 20 days

Fee: Rs. 1000/-

**INC 32**

Only 1 name

At the time of incorporation

Fee: As per  
Authorised Capital

# ABOUT RUN FORM

**RUN = RESERVE UNIQUE NAME**  
**(w.e.f 26.01.2018)**

- A simple and easy to use **web service** for reserving a name for a new company or for change of name for any existing company.
- This is a post-login service. After login, click on the icon RUN (Reserve Unique Name) under the head 'MCA Services'.

## Reserve Unique Name

Company Details

New Request
  Resubmission

**SRN**

**Entity Type**

Select if you are reserving the name for a Company to be incorporated.
▼

**CIN**

Enter CIN only if you are applying for change of name for an existing company.

**LLPIN**

Enter LLPIN only if you are reserving the name to convert LLP into company.

**Proposed Name 1**

Enter your proposed name.

**Proposed Name 2**

Enter your proposed name.

**Comments**

Please make sure to mention the objects of the proposed company and any other relevant comments. Please attach Sectoral [Seminars](#) approvals, NOCs or any other required documents below, if applicable.

No file chosen

Once you have submitted the name reservation request it will then be checked and, if found feasible, approved by the Central Registration Centre (CRC). You will receive an email from the CRC advising the outcome of the name reservation request.

# ENTITY TYPE

Entity Type	Suffix allowed	Example
New Company (Others)	Limited/ Private Limited	ABC Limited DEF Private Limited
Producer Company	Producer company limited	GHI Producer Company Limited
Unlimited Company	Unlimited	JKL Unlimited
Private (OPC)	(OPC) Private Limited	MNO (OPC) Private Limited
IFSC Company	(IFSC) Limited/ (IFSC) Private Limited/ IFSC Limited /IFSC Private Limited	PQR IFSC Limited/ PQR (IFSC) Limited STU IFSC Private Limited/ STU (IFSC) Private Limited
Section 8 company	Other than 'Limited/ Private Limited/ (OPC) Private Limited'	VWX Electoral Trust
Nidhi Company	Nidhi Limited	MNO Nidhi Limited
Part I Section 8 Company	Other than 'Limited/ Private Limited/ (OPC) Private Limited'	ABC Limited DEF Private Limited MNO (OPC) Private Limited
Part I LLP to Company	Limited/ Private Limited	ABC Limited DEF Private Limited
Part I Firm to Company	Limited/ Private Limited/Unlimited	ABC Limited DEF Private Limited JKL Unlimited
Part I Others	N/A	N/A

**INCORPORATION THROUGH SPICe**

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# NAME AVAILABILITY

- The proposed name selected shall not contain any word which is prohibited under Section 4(2) & (3) of the Companies Act, 2013 read with Rule 8 of the Companies (Incorporation) Rules, 2014.
- Name should not be undesirable in terms of Rule 8 of Incorporation Rules, 2014 (similar name, trademark, generic etc.)
- Name search and Trademark Search.
- The same user login ID which was used for reserving the name has to be used for submitting and uploading SPICe.
- RUN and INC 32 are both processed at CRC.

## STEP 4 – APPLICATION FOR INCORPORATION

- Prior to preparing incorporation forms, all documents to be attached as scanned attachments to be prepared, signed and sealed as required.
- Latest version of forms to be downloaded and filed

INC 32	19-Jan-2019
INC 33	14-June-2018
INC 34	14-June-2018

# STEP 4 – APPLICATION FOR INCORPORATION

## Attachments to INC 32:

- Physical MOA and AOA, where e-MOA and E-AOA are not applicable
- Declaration by first subscriber(s) and director(s) – Mandatory in all cases
- If the address for correspondence is the address of registered office of the company, then following attachments are mandatory:
  - Proof of office address
  - Copies of utility bills that are not older than two months.

# STEP 4 – APPLICATION FOR INCORPORATION

## Attachments to INC 32:

- Interest of first director(s) in other entities
- Copy of approval in case the proposed name contains any word(s) or expression(s) which requires approval from central government
- If the proposed name is based on a registered trademark or is subject matter of an application pending for registration under the Trade Marks Act - Approval of the owner of the trademark or the applicant of trademark for registration of Trademark



# STEP 4 – APPLICATION FOR INCORPORATION

## Attachments to INC 32:

- If proposed name requires approval from any sectoral regulator - In principle approval from the concerned regulator
- If any subscriber to the proposed company is Foreign company and/or company incorporated outside India - Copy of certificate of incorporation of the foreign body corporate and resolution passed

## **STEP 4 – APPLICATION FOR INCORPORATION**

### **Attachments to INC 32:**

- If any subscriber to the proposed company is a Company itself - Resolution passed by promoter company
- In case the name is similar to any existing company - A certified true copy of No objection certificate by way of board resolution
- If any one of the subscriber or director does not have a DIN - Proof of identity and residential address of the subscribers / directors

# STEP 4 – APPLICATION FOR INCORPORATION

## Requirement of eMOA and eAOA vs. physical MOA & AOA

ELECTRONICALLY	PHYSICALLY
Individual subscribers being Indian nationals	Non-individual first subscribers are based outside India (apostillised )
Individual subscribers who are foreign nationals provided they hold a valid business visa	Individual foreign subscribers do not possess a valid business visa (apostillised)  Section 8 companies
Non-individual subscribers based in India <b>INCORPORATION THROUGH SPICe</b>	Companies having more than 7 subscribers <b>CS SMITA CHIRIMAR</b>

# STEP 4 – APPLICATION FOR INCORPORATION

## Signing requirements - Digitally

### INC 32

- One Director (having DIN+DSC), else with PAN+DSC
- Professional engaged in *Incorporation* (A Professional who is signing SPICe as a Director, cannot again Sign the same form as a Professional)

### INC 33 & INC 34

- All subscribers
- Witness to subscribers' signature

# **STEP 4 – APPLICATION FOR INCORPORATION**

## **FILING FEES**

- **Fee for Form SPICe (INC-32): Rs. 500/-** (cap above 15 lacs)
- **AOA & MOA – As per authorised capital**
- **PAN – Rs. 66/-**
- **TAN – Rs. 65/-**

## **STAMP DUTY (Based on State of RO)**

### **In TN:**

- **Stamp Duty Fee For Form SPICe (INC-32):Rs. 20/-**
- **Stamp Duty fee for MoA: Rs. 200/-**
- **Stamp Duty fee for AoA: Rs. 300/-**

# PROCESSING OF FORMS

- When the eForm is processed and DIN is generated, an acknowledgement email of DIN generation is sent to the director.
- On approval of SPICe forms, the Certificate of Incorporation (CoI) is issued with PAN and TAN as allotted by the Income Tax Department
- An electronic mail with Certificate of Incorporation (CoI) as an attachment along with PAN and TAN is also sent.
- Two resubmissions are permitted – total time 30 days

# PAN & TAN

- Details should be entered to apply for PAN and TAN.
- Link given in SPICe helpkit for the list of Area Code, AO Type, Range Code & AO No
- Finance Act, 2018 amended section 139A of the Income-tax Act, 1961 and removed the requirement of issuing PAN in the form of a laminated card.
- PAN and TAN mentioned in the COI issued by MCA shall be treated as sufficient proof of PAN and TAN for the said company.

# **CERTIFICATE OF INCORPORATION**

- **COI issued in electronic form INC 11 by CRC**
- **Bears CIN and PAN (issued by IT department)**



# VERIFICATION OF RO

- Where correspondence address is given at the time of registration.
- To be filed within 30 days of incorporation in form INC 22

# COMMENCEMENT OF BUSINESS



## Practical aspects of incorporation under SPICe

- Minimum authorized and subscribed share capital required for a company having share capital is Rs. 1 for OPC, Rs. 2/- for Private Company and Rs. 7/- for Public Company.
- In case company has shares of multiple nominal amounts per share, multiple nominal values per share should be entered separated by comma in the field Nominal amount per share.
- Correspondence address should be of same State as proposed registered office.

# Practical aspects of incorporation under SPICe

- A valid email ID for company should be given as intimation regarding processing of the eForms, important communication from RoC office shall also be communicated electronically at the email ID being mentioned at the time of incorporation.
- In name of company, do not enter abbreviation like “PVT”, “PVT.”, (P), “LTD” and “LTD”.
- In case the name is similar to any existing company or to the foreign holding company, then, a certified true copy of No objection certificate by way of board resolution (in case of Indian company) or resolution (in case of foreign company) needs to be attached.

# Practical aspects of incorporation under SPICe

- Maximum size for uploading spice form is 6Mb.
- Upto 2 resubmissions are permitted.
- Total number of directors (including both 'having' and 'not having' DIN) cannot be more than 20 in number. Directors not having DIN cannot be more than 3 in number.
- For the proposed directors/subscribers having DIN, KYC norms would not be applicable and no other proof of identity or residential proof shall be required.

# Practical aspects of incorporation under SPICe

- Significance of the key or coined word used in the proposed name needs to be stated. It should be mentioned why such word cannot be done without in the name.
- If the proposed name is or has used any word in any vernacular language e.g.: Hindi, Marathi, Tamil etc., then please mention the language.
- Details for Employer registration under Employee State Insurance Corporation (ESIC) can also be provided in SPICe form for employer registration via e-biz service.

# Practical aspects of incorporation under SPICe

- A separate declaration in format of INC-8 is not required to be attached.
- Affidavit is not required to be attached by first subscriber(s) and director(s).
- It is recommended to name the attachments with proper name. For e.g. If PAN is attached as proof of identity then recommended name of the attachment is “PAN – Proof of Identity”. This should be followed while attaching any attachment.

# FAQs on SPICe

Issued by MCA



**INCORPORATION THROUGH SPICe**

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# FAQs on SPICe

- How many names can be applied for in SPICe (INC-32)?
- Only one. However, for reservation of a name prior to filing SPICe (INC-32), you may use RUN (in which up to 2 names can be proposed) and then input the SRN of approved RUN into SPICe.
- **Is INC-22 still required to be filed with SPICe?**
- It is not required to be filed with SPICe (INC-32) if a company is registered with the same address as the address for correspondence (in INC-32). In case the registered address is different, INC-22 is required to be filed within 30 days of its incorporation, for intimating the registered office address.

# FAQs on SPICe

- What is the process for obtaining approved e-MOA (INC-33) and e- AOA (INC-34)?
- The users may obtain approved e-MOA (INC-33) and e- AOA (INC-34) through certified copies facility available on MCA.
- Is a proposed Section 8 company required to file eMOA (INC-33), eAOA (INC-34) along with SPICe (INC-32)?
- No. Section 8 companies are mandatorily required to file MOA and AOA as pdf attachments to SPICe (INC-32).

# FAQs on SPICe

- Is it mandatory to use eMoA and eAoA? Can physical copies of MoA/AoA be signed and attached with SPICe forms?
- Yes. It is mandatory to use eMoA (INC-33) and eAoA (INC-34) in case of the following:
  - individual subscribers are Indian nationals
  - individual subscribers who are foreign nationals in case they submit a proof of a valid business visa
  - non-individual subscribers based in India.

Physical copies of MoA/AoA is required to be signed and attached in case non-individual first subscribers are based outside India or individual foreign subscribers do not possess a valid business visa.

In case physical copies of MoA/AoA is required to be submitted, then eMoA/eAoA shall not be attached.

# FAQs on SPICe

- What are the exceptional scenarios in which pdf attachments (MOA, AOA) should be used instead of eMoA, eAoA with SPICe (INC-32)?
- The table below clarifies the specific scenarios in which the pdf attachments or electronic versions of MoA/AoA can be used with SPICe (INC-32):

<b>S. No.</b>	<b>Applicant</b>	<b>Forms Filing</b>
1	Non-Individual first subscriber based outside India	SPICe (INC-32) with apostillised MOA and AOA as attachments
2	Non-Individual first subscriber based in India	SPICe (INC-32) with linked filing of eMOA (INC-33) and eAOA (INC-34)
3	Indian National being Subscriber other than director	SPICe (INC-32) with linked filing of eMOA (INC-33) and eAOA (INC-34)
4	Indian National being Subscriber-cum-Director	SPICe (INC-32) with linked filing of eMOA (INC-33) and eAOA (INC-34)

# FAQs on SPICe

<b>S. No.</b>	<b>Applicant</b>	<b>Forms Filing</b>
05	Foreign National being Subscriber other than director having valid DIN	SPICe (INC-32) with linked filing of eMOA (INC-33) and eAOA (INC-34) alongwith Valid Business Visa to be submitted. In case Business Visa is not available, apostillised MOA and AOA shall be attached and in such cases, eMOA (INC33) and eAOA (INC-34) are NOT acceptable.
06	Foreign National being Subscriber-cum-Director having valid DIN	SAME AS ABOVE
07	Foreign National being Subscriber-cum-Director not having valid DIN	SPICe (INC-32) with apostillised MOA and apostillised AOA as attachments.

- Note: In all the above mentioned cases, the maximum number of subscribers allowed shall be 7 for filing of SPICe form.
- Stakeholders may kindly note that in case SPICe (INC-32) has been filed with linked filing of eMOA (INC33) and eAOA (INC-34) without attaching business visa as required under Rule 13 (5) (d) of the Companies (Incorporation) Rules, 2014, the form is liable to be rejected (Marked as Invalid and Not to be taken on record) without putting for resubmission.

**INCORPORATION THROUGH SPICe**

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# FAQs on SPICe

- Can I attach MOA and AOA for few subscribers and form INC-33(eMOA) and INC-34(eAOA) for other subscribers for same company?
- No. In case the proposed company is required to file MOA and AOA due to any of the above mentioned conditions, then SPICe (INC-32) shall be filed ONLY with MOA and AOA. In such cases, the proposed company is NOT required to file the eMOA and eAOA under any circumstances.

# FAQs on SPICe

- **In SPICe AoA (INC-34) if additional Article is required, how to enter the same?**
- **SPICe AoA (INC-34) has facility for adding, modifying, and deleting Articles.**
  
- **Can we enter the conditions of private company as required under Section 5 of the Companies, Act, 2013 in SPICe AoA(INC-34)?**
- **Yes, SPICe AoA (INC-34) has facility for adding, modifying, and deleting Articles.**

# FAQs on SPICe

- **Can we enter the names of first directors as required under Companies Act, 2013, in SPICe AoA (INC-34)?**
- Yes, SPICe AoA (INC-34) has facility for adding, modifying, and deleting Articles.
- **What if there are more than seven subscribers to MoA and AoA?**
- Physical MOA and AOA to be filed.



# FAQs on SPICe

- In case of subscriber to the memorandum is a foreign national residing outside India, his signatures and address etc. shall be witnessed by a Notary Public/Embassy/Consulate offices of Embassies as per the Rule 13 of the Companies (Incorporation) Rules, 2014. In such cases, how the DSC of such a witness be affixed?
- In such cases, SPICe (INC-32) shall be filed with manually signed and duly attested MoA and AoA.

# FAQs on SPICe

- **Is DSC mandatory for Subscribers?**
- Yes, DSC is mandatory for all subscribers and witnesses in eMoA(INC-33) and eAoA(INC-34). eMoA and eAoA shall be used only where the maximum number of subscribers do not exceed 7. In case the number of subscribers are more than 7, physical MOA and AOA shall be used and DSC is not mandatory in such cases.
- **Whether subscribers' photo is required in SPICe forms?**
- No. Subscribers' photo is not required.

# FAQs on SPICe

- **How many resubmissions are permitted for SPICe forms?**
- Two.
  
- **Can OPCs be incorporated using SPICe forms?**
- Yes. Form INC-2 will no longer be available for filing.
  
- **Can LLPs be incorporated using SPICe forms?**
- No.

# FAQs on SPICe

- **What is the word limit for writing objects in eMoA?**
- For main Objects (Field 3(a)), character limit is 20,000 and for furtherance of objects (Field 3(b)), it is 1,00,000 characters.
- **Please clarify on attestation requirements in respect of foreign companies wanting to form a subsidiary in India?**
- Attestation requirements will be as per Rule 13 of the Companies (Incorporation) Rules, 2014.

# FAQs on SPICe

- **Is SPICe eMoA (INC-33) and SPICe eAoA (INC-34) to be uploaded separately?**
- SPICe eMoA and eAoA have to be uploaded as 'Linked Forms' to SPICe (INC-32).
- **What if the subscribers to eMoA and eAOA are at different places as only one witness is provided?**
- eMoA and eAOA would be witnessed after all subscribers have signed as is happening presently.

# FAQs on SPICe

- **Is refund applicable if SPICe forms get rejected?**
- Yes.
- **What is the maximum upload size of SPICe forms?**
- 6 MB.
- **Can NIDHI Company be incorporated using SPICe forms?**
- Yes.
- **Is it mandatory to apply for PAN and TAN along with SPICe(INC-32)?**
- Yes.

# FAQs on SPICe

- On approval of SPICe how PAN & TAN is communicated to the user?
- On approval of SPICe forms, the Certificate of Incorporation (CoI) is issued with PAN as allotted by the Income Tax Department. An electronic mail with Certificate of Incorporation(CoI) as an attachment along with PAN and TAN is also sent to the user.

# FAQs on SPICe

- **Whether fee towards PAN and TAN is payable separately?**
- No. A consolidated challan gets generated at the time of filing SPICe(INC-32) which shall contain applicable fee towards
  - (i) Form Fee
  - (ii) MoA
  - (iii) AoA
  - (iv) PAN
  - (v) TAN





# **RECENT AMENDMENTS**

# Clarification on filing of e-form RD- 1-Conversion of public company into private company and change in a Financial Year

- Ministry vide notification no. G.S.R 1219(E) dated 18/12/2018 has notified Companies (Incorporation Fourth Amendment) Rules, 2018, whereby applications u/s 2(41) (change in a financial year) and u/s 14 of the Companies Act, 2013 (conversion of public limited company into private company), along with e-form RD-1 shall be processed by Regional Directors.
- It is clarified and Regional Directors are advised to process e-form RD-1 for the above referred applications, if 'others' is selected on account of aforesaid two counts, till the revised form is deployed by this ministry

# Companies (Incorporation) Second Amendment Rules, 2019

- Newspapers publication regarding shifting of RO from one State to another – Newspaper to have **wide** circulation in the State in which the registered office of the company is situated (word “widest” replaced with “wide”) - **w.e.f 6<sup>th</sup> March, 2019**
- In case of companies incorporated, with effect from the 26th day of January, 2018, with a nominal capital of less than or equal to **rupees fifteen lakhs** or in respect of companies not having a share capital whose number of members as stated in the articles of association does not exceed twenty, fee on INC-32 (SPICe) shall not be applicable (Increased from Rs. 10 Lakhs to Rs. 15 Lakhs) - **w.e.f 18th March, 2019**

# Companies (Incorporation) Amendment Rules, 2019 - 25th February, 2019

- Introduction of e-form INC 22A (ACTIVE) - rule 25A
- Active Company Tagging Identities and Verification

# Companies required to file this form

Every Company incorporated **on or before 31.12.2017** except the following

- Companies which are struck off
- Companies which are under process of striking off
- Companies under liquidation
- Companies which have been amalgamated or dissolved

## Due date to file this form

- Form needs to be filed on or before 25.04.2019.

# Pre-requisite to file this form

- There should be no default in filing of Financial Statements and/or Annual Return with ROC except in case of management dispute for which ROC's register should be updated
- DIN of all directors of the Company should be in "Approved" status only. DIN should not be "deactivated due to non-filing of DIR 3 KYC" or "Disqualified u/s 164(2)
- If paid up capital is Rs. 5 Crores or more, Company Secretary should have been appointed and form DIR 12 for appointment should have been filed
- In case of public companies having paid up capital of Rs. 10 Crores or more, KMP (MD/CEO/WTD AND CFO) should have been appointed and form DIR 12 for appointment should have been filed
- Form ADT 1 for statutory auditor appointment for FY 2018-19 should have been filed
- If cost audit is applicable, Form CRA 2 should have been filed.
- Digital signature of One director + One KMP or Two directors should be available – DSC to be valid and registered with MCA as on date of filing
- Company should have minimum number of directors

## Consequences of non-filing of this form

- Company shall be marked as "ACTIVE non-compliant"
- Filing of following forms will be not be permitted: SH-7, PAS-3, DIR-12, INC-22, INC-28 until the e-form ACTIVE is filed
- Fees of Rs. 10,000/- will be levied for delayed filing beyond 25.04.2019
- ROC may cause physical verification of the Registered Office and where he has cause to believe that the company is not carrying on any business or operations, it may cause name of the Company to be removed from ROC Records



# Documents are required to be attached to this form

Photograph of the Registered Office showing

- external building and
- inside office, showing therein atleast one director / KMP who has signed this e-form

# Signing & certification Requirements of the form

Form to be digitally signed by:

- One Director in case of OPC
- Two Directors or One director + One KMP in case of other than OPCs
- Form need to be certified by a practising professional - CA/CS / CMA



# **Companies (Amendment) Ordinance, 2019 – w.e.f 02.11.2018**

## **Re-Introduction of requirement of commencement of business**

**INCORPORATION THROUGH SPICe**

**Partner, M/s. S Dhanapal & Association, Practising Company Secretaries, Chennai**

**CS SMITA CHIRIMAR**

# What is commencement of business?

Section 10A of the Companies Act, 2013 requires that a company incorporated after the commencement of the Companies (Amendment) Ordinance, 2019, i.e. 02<sup>nd</sup> November, 2018 and having a share capital shall not commence any business or exercise any borrowing powers unless—

- (a) a declaration is filed by a director within a period of 180 days of the date of incorporation of the company, with the Registrar that every subscriber to the memorandum has paid the value of the shares agreed to be taken by him on the date of making of such declaration; and
- (b) the company has filed with the Registrar a verification of its registered office as provided in sub--section (2) of section 12.

# Which companies need to file declaration for commencement of business?

- Every company, public or private, incorporated after the commencement of the Companies (Amendment) Ordinance, 2019, i.e. 02nd November, 2018 and having a share capital need to file the above declaration.

# What is the procedure to file declaration for commencement of business?

- Declaration for commencement of business needs to be filed in e-form INC.20A supported by Subscribers' proof of payment for value of shares and Certificate of Registration issued by a Sectoral Regulator, if applicable. The form needs to be digitally signed by a director and certified by a Chartered accountant, Cost accountant or Company secretary in whole-time practice who has verified its contents.

# What is the time limit for filing form INC 20A?

- Form INC 20A needs to be filed within 180 days of incorporation of the Company.

# What are the consequences of non-filing / delayed filing of form INC 20A?

- **Additional Fees:** A delayed filing of form INC 20 A shall attract additional fees.
- **Penalty:** Additionally, in case of any default made in complying with the requirements of section 10A, the company shall be liable to a penalty of **Rs. 50,000/-** and every officer who is in default shall be liable to a penalty of **Rs. 1,000/- for each day** during which such default continues but not exceeding an amount of Rs. 1,00,000/-.
- **Removal of name of Company:** Also, where no declaration has been filed with the Registrar under clause (a) of sub-section (1) within a period of 180 days of the date of incorporation of the company and the Registrar has reasonable cause to believe that the company is not carrying on any business or operations, he may, without prejudice to the provisions of sub-section (2), initiate action for the removal of the name of the company from the register of companies under Chapter XVIII of the Act



# SECTION 3A

- **Inserted by The Companies (Amendment) Act, 2017 :-  
Effective From 09 February 2018**
- **3A. Members severally liable in certain cases.**
- If at any time the number of members of a company is reduced, in the case of a public company, below seven, in the case of a private company, below two, and the company carries on business for more than six months while the number of members is so reduced, every person who is a member of the company during the time that it so carries on business after those six months and is cognizant of the fact that it is carrying on business with less than seven members or two members, as the case may be, shall be severally liable for the payment of the whole debts of the company contracted during that time, and may be severally sued therefor

# Other Amendments

- RUN form introduced in place of INC 1 – 26.01.2018
- Single opportunity for resubmission of RUN form permitted – within 15 days – 23.03.2018
- For person resident in India – requirement changed from calendar year to financial year – 27.07.2018

**THANK YOU FOR YOUR  
ATTENTION**



**PLEASE CLAP AND DON'T ASK  
QUESTIONS**

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