

Amit Bachhawat Training Forum

Procedure for incorporating a Company through RUN (*Reserve Unique Name*)

1. Can be used ONLY for the purpose of NAME RESERVATION;
2. No DSC/ DIN required;
3. Applicant must have a Login ID on the MCA portal;
4. Rs 1000 application fee;
5. Two Names can be applied at one go;
6. Can be resubmitted ONCE if name is rejected, without payment of Application FEE;
7. Approved name will be reserved for only 20 days for New Companies & 60 days for existing Companies.

Procedure for incorporating a Company through SPICe

1. Used for both the purpose of Name Reservation & INCORPORATION
2. Only ONE name can be applied;
3. REQUISITE PERMISSIONS – If the name resembles with any other Co. or any statutory bodies, prior permission in the form of NOC must be attached with SPICe;
4. DSC of Applicant, Subscribers, Witness MANDATORY;
5. DIN of the applicant or the Directors, NOT MANDATORY, ***can be done thru PAN***;
6. INC -33 & INC 34 are linked forms and must be signed and uploaded together;
7. e – MoA & e- AoA can be modified as per the nature of the proposed company;
8. No need of KYC, if person is having DIN – Provide KYC details only if applying for DIN thru SPICe;
9. e – MoA Form consist requisite clauses as per the law and the same can be modified as per requirement.
10. Tables for AoA is given in the e - AoA Form for selecting the same according to the nature of Company;
11. PAN and TAN – To be availed from the excel utility sheet (link provided in the Form) - Based on the Registered Office Address of the proposed company;
12. Maximum of THREE Directors can apply for DIN using SPICe;
13. DIN application can be made even thru SPICe.
14. Declaration from practicing CA/ CS/ CMA in ***INC - 8***;
15. Declaration from all the Directors and Subscribers in ***INC - 9***
16. The Applicant must be the proposed Director of the proposed Company;
17. PAN, TAN fees to be paid along with stamp duty;
18. No Registration Fees for incorporating company with an Authorised Capital up to Rs. 10 lakhs.

Criteria for Choosing NAME of the proposed Company

The following names should be disregarded if -

- the words like Private, Pvt, Pvt., (P), Limited, Ltd, Ltd., LLP, Limited Liability Partnership;
- words appearing at the end of the names – company, and company, co., co, corporation, corp, corpn, corp.;
- plural version of any of the words appearing in the name;
- type and case of letters, spacing between letters and punctuation marks;
- joining words together or separating the words does not make a name distinguishable from a name that uses the similar, separated or joined words;

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- use of a different tense or number of the same word does not distinguish one name from another;
- (g) using different phonetic spellings or spelling variations
- Misspelled words;
- the addition of an internet related designation, such as .com, .net, .edu, .gov, .org, etc.
- the addition of words like New, Modern, Nav, Shri, Sri, Shree, Sree, Om, Jai, Sai, The, etc.
- different combination of the same words;
- Hindi or English translation or transliteration of the name of an existing company or limited liability partnership;

The name shall also be considered undesirable if the proposed name –

- attracts the provisions of section 3 of the Emblems and Names (Prevention and Improper Use) Act, 1950 (12 of 1950)
- includes the name of a trade mark registered or a trade mark which is subject of an application for registration under the Trade Marks Act, 1999 and the rules framed thereunder unless the consent of the owner or applicant for registration, of the trade mark, as the case may be, has been obtained and produced by the promoters
- includes any word or words which are offensive to any section of the people;
- is identical with or too nearly resembles the name of a limited liability partnership,
- resembles closely the popular or abbreviated description of an existing company or limited liability partnership;
- is identical with or too nearly resembles the name of a company or limited liability partnership incorporated outside India;
- includes the words indicative of a separate type of business constitution or legal person or any connotation thereof e.g. co-operative, sehkari, trust, LLP, partnership, society, proprietor, HUF, firm, Inc., PLC, GmbH, SA, PTE, Sdn, AG etc.;
- contains the words 'British India';
- imply association or connection with embassy or consulate or a foreign government;
- include or imply association or connection with or patronage of a national hero or any person held in high esteem or important personages who occupied or are occupying important positions in Government;
- identical to the name of a company dissolved as a result of liquidation proceeding and a period of two years have not elapsed from the date of such dissolution;
- include words such as 'Insurance', 'Bank', 'Stock Exchange', 'Venture Capital', 'Asset Management', 'Nidhi', 'Mutual fund' etc., unless a declaration is submitted by the applicant that the requirements mandated by the respective regulator, such as IRDA, RBI, SEBI, MCA etc. have been complied with by the applicant;
- include the word "state"
- contains only the name of a continent, country, state, city such as Asia limited, Germany Limited, Haryana Limited, Mysore Limited;
- include the word Scheme with the name of Government (s) , State , India, Bharat or any government authority or in any manner resembling with the schemes launched by Central, state or local Governments and authorities;
- the company's main business is financing, leasing, chit fund, investments, securities or combination thereof, such name shall not be allowed unless the name is indicative of such related financial activities, viz., Chit Fund or Investment or Loan, etc