

# **HOW TO INCORPORATE A “PRIVATE LIMITED COMPANY” WITH PRE & POST COMPLIANCES ALONG WITH RECENT MCA RELAXATIONS**



**-CA.P.V.SATISH KUMAR, FCA,  
P.SUBBARAYUDU & CO,  
Vijayawada, Andhra  
Pradesh, INDIA,  
SIRC of ICAI.**



**Hosted by Gandhidham Branch of WIRC of ICAI  
Jointly with Anand & Bhuj Branch of WIRC of ICAI**

**Date:15-05-2021**

# PRIVATE LIMITED COMPANY

◆ BENEFITS

◆ REQUIREMENTS

◆ PROCEDURE FOR INCORPORATION



# BENEFITS

- *Minimum Capital*

NO

- *Limited Liability*

Financial Distress

- *Smoother Fund Raising*

Venture Capitalists or Angel investors

# BENEFITS

- *Free & Easy transfer of share*

Share Transfer  
Form

- *Uninterrupted existence*

Perpetual  
Succession

- *FDI Allowed*

100% Investment

- *Builds Credibility*

(view Public  
Documents)

# TRANSFORMATION IN INCORPORATION PROCESS IN LAST DECADE



**Upto March 31, 2014**

**Form 1 A:** Filed for Name Reservation of 6 Names  
**Form 1:** Filed for MOA/AOA  
**Form 18:** For Registered Office  
**Form 32:** For Directors

**From April 01, 2014**

**Form INC-1:** Filed for Name Reservation of 6 Names  
**Form INC-7:** Filed for MOA/AOA  
**Form INC-22:** For Registered Office  
**Form DIR-12:** For Directors

**From May 01, 2015**

It was optional and combined all the forms related to incorporation

At least 1 DIN was mandatory and 3 can be applied through the form  
**INC- 30:** MOA  
**INC- 31:** AOA

**From January 01, 2017**

In place of INC-29 this e-form INC-32 was introduced.

**INC- 33:** MOA  
**INC- 34:** AOA

Later **Agile** was also included in the group.

Other e-forms like Agile has been introduced for **GST Registration** along with incorporation

**RUN: Reserve Unique Name** web based form for name reservation was also incorporated instead of INC-1

**From February 15, 2020**

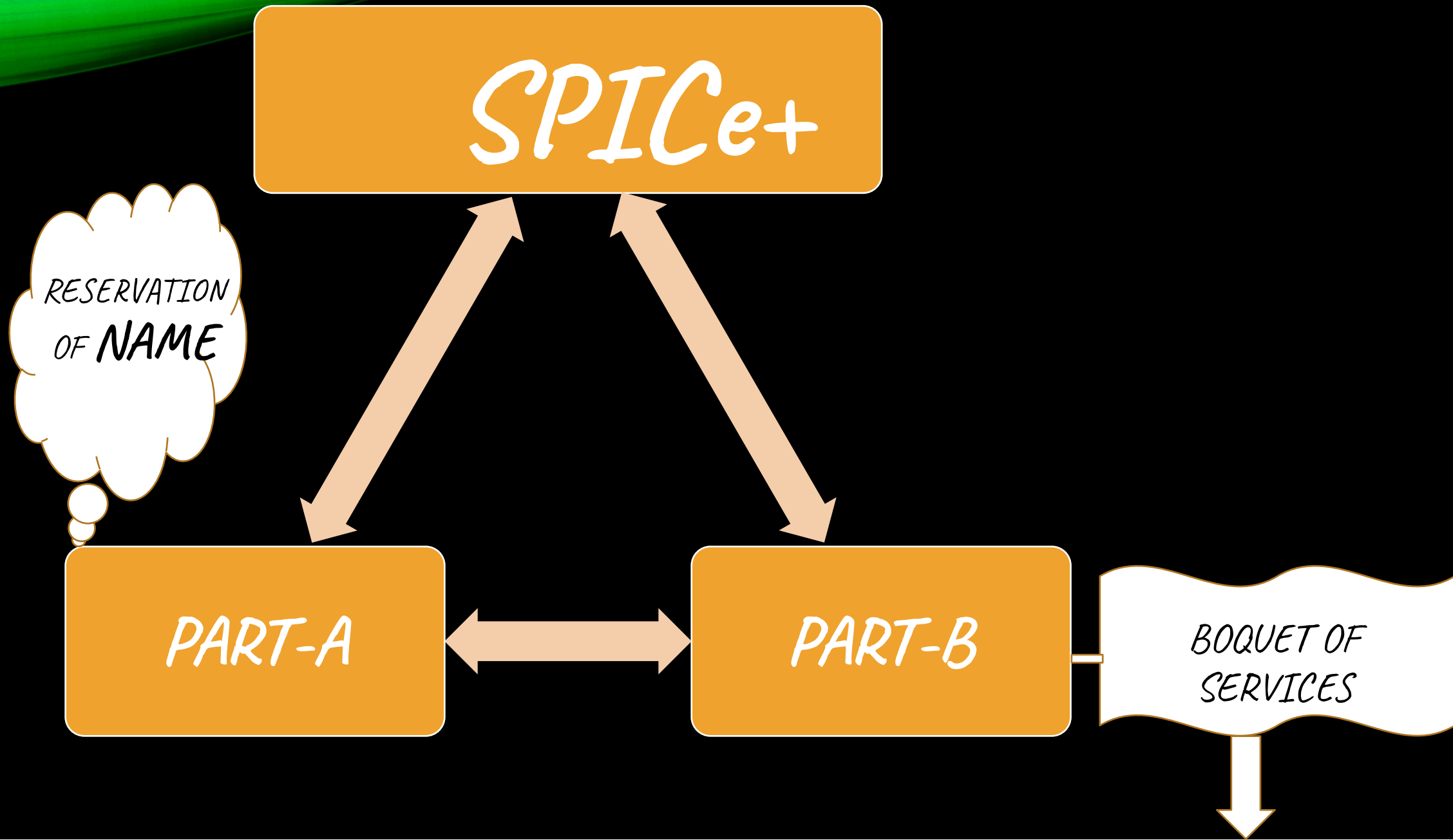
In place of Spice this e-form was introduced as integrated web form.


We will discuss it in detail.

# *SPICe+*

## *Web Form*

*(Simplified Proforma for  
Incorporating Company  
electronically)*





S.No	Services offered in PART-B
i.	<i>Incorporation</i>
ii.	<i>DIN allotment</i>
iii.	<i>Mandatory issue of PAN</i>
iv.	<i>Mandatory issue of TAN</i>
v.	<i>Mandatory issue of EPFO registration</i>
vi.	<i>Mandatory issue of ESIC registration</i>
vii.	<i>Mandatory issue of Profession Tax registration (Maharashtra)</i>
viii.	<i>Mandatory Opening of Bank Account for the Company</i>
ix.	<i>Allotment of GSTIN (if so applied for)</i>



# WHAT IS WEB BASED FORM & WHAT NEEDS TO BE DONE INITIALLY FOR AVAILING THE INCORPORATION SERVICES THROUGH SPICe+ WEBFORM?

Login to MCA portal.  
(<http://www.mca.gov.in/>)

It facilitates On-screen filing and real time data validation for seamless incorporation of companies



The screenshot displays the MCA21 portal interface. At the top, there are navigation links for 'T-Act', 'LDH', 'email', 'Company Tax On-line', 'Application for Con...', 'Access to...', 'MCA21', 'IT', 'GST', 'Tax', and 'TRACES'. Below this is a search bar and a 'Welcome Guest' message. The main header identifies the 'Ministry of Corporate Affairs, Government of India' with the tagline 'EMPOWERING BUSINESS, PROTECTING INVESTOR'. A navigation menu includes 'HOME', 'ABOUT MCA', 'ACTS & RULES', 'MY WORKSPACE', 'MCA SERVICES', 'DATA & REPORTS', 'CONTACT US', and 'HELP & FAQ'. The 'MCA Services' dropdown is open, showing 'Home > MCA Services > MCA Login'. The main content area features a 'User Login' form with fields for 'Enter Username', 'Enter Password', and 'Enter Characters shown below: unling'. There are 'Clear' and 'Sign In' buttons. A link for 'External Agency/Bank/Node/Officials/Business Users' is also present. Below the form, there are sections for 'Why should you register with MCA?' and 'Browser / System Requirements'.

Click on MCA services -> SPICe+

10

Welcome Sunil

Corporate Seva Kendra Forms & Downloads Sitemap Signout

Type here to Search...



A<sup>+</sup>

A<sup>-</sup>



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Government of India

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HOME

ABOUT MCA

ACTS & RULES

MY WORKSPACE

MCA SERVICES

DATA & REPORTS

CONTACTS

HELP & FAQS

DSC Services

Acquire DSC

Associate DSC

Update DSC

DIN Services

Enquire DIN Status

Verify DIN PAN Details of Director

DIR-3-KYC-WEB **NEW**

Master Data

View Company/LLP Master Data

View Index of Charges

LLP Services

Check LLP Name

Find LLPIN

**RUN-LLP** (Reserve Unique Name-LLP)

Incorporation

Annual e-Filing for LLP

Change LLP Information

Close LLP

LLP Services for Business Users

Enter/Update Partner Details

Enter Form 3 Or Form 3&4 Details

Company Services

Check Company Name

Find CIN

SPICe+

**RUN** (Reserve Unique Name)

Incorporation

Compliance Filing

Approval Services

Change Company Information

Charge Management

Informational Services

Document Related Services

Get Certified Copies

View Public Documents

Request for Scanned Documents

Fee and Payment Services

Enquire Fees

Pay Later

Link NEFT Payment

Pay Miscellaneous Fee

Pay Stamp Duty

Track Payment Status

# SPICe+ Dashboard



Click on new application in case fresh application needs to be submitted.



On click of existing application, user can view application numbers along with proposed/approved name.

Welcome Sunil Corporate Seva Kendra Forms & Downloads Sitemap Signout Type here to Search... A+ A-

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HOME ABOUT MCA ACTS & RULES MY WORKSPACE MCA SERVICES DATA & REPORTS CONTACTS HELP & FAQs

MCA Services  
Home > MCA Services > Company Services > SPICe+

DSC Services  
DIN Services  
Master Data  
LLP Services  
LLP Services For Business User  
e-Filing  
Company Services

SPICe+

New Application Existing Applications

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.

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HOME ABOUT MCA ACTS & RULES MY WORKSPACE MCA SERVICES DATA & REPORTS CONTACTS HELP & FAQs

MCA Services  
Home > MCA Services > Company Services > SPICe+

SPICe+

New Application Existing Applications

Start Date Select Date \* End Date Select Date \* Search

Application No	Proposed/Approved Name	Last Modified
INDCORP00481	AWA BANWASEE PRIVATE LIMITED	08-04-2021
INDCORP00487	AWA BANWASEE PRIVATE LIMITED	10-04-2021
INDCORP00494	AWA BANWASEE PRIVATE LIMITED	08-04-2021
INDCORP00495	AWA BANWASEE PRIVATE LIMITED	11-04-2021
INDCORP00497	AWA BANWASEE PRIVATE LIMITED	08-04-2021
INDCORP00499	AWA BANWASEE PRIVATE LIMITED	11-04-2021
INDCORP00500	AWA BANWASEE PRIVATE LIMITED	11-04-2021
INDCORP00501	AWA BANWASEE PRIVATE LIMITED	11-04-2021
INDCORP00502	AWA BANWASEE PRIVATE LIMITED	11-04-2021
INDCORP00503	AWA BANWASEE PRIVATE LIMITED	11-04-2021

Complaints  
Document Related Services  
Fee and Payment Services  
Investor Services  
ID Databank Registration  
Track SRN/Transaction Status

# SPICE+ PART A

## REQUIREMENTS

- 2 Unique names in the order of priority
  - Brief Objects of the Company
- On click of new application, SPICE+ Part A gets enabled which contains fields relating to name reservation.

Login to MCA portal.

(<http://www.mca.gov.in/>)

SPICE+ Part A

Name Reservation

Type of Company *	New Company (Others) ▾
Class of Company *	Private ▾
Category of Company *	Company limited by shares ▾
Sub-Category of Company *	Non-government company ▾
Main division of industrial activity of the Company *	37
Description of the main division	Recycling
Summary of the objects to be pursued by the company on its incorporation *	1. To carry on the business of plastic recycling and as dealers in plastic raw materials, resins, goods and articles connected with the plastics manufacturing industry.

☹️ G<sup>2</sup>

# IS IT MANDATORY FOR EVERY COMPANY TO FOLLOW THE SPICe+ PROCESS FOR INCORPORATION OF A COMPANY?

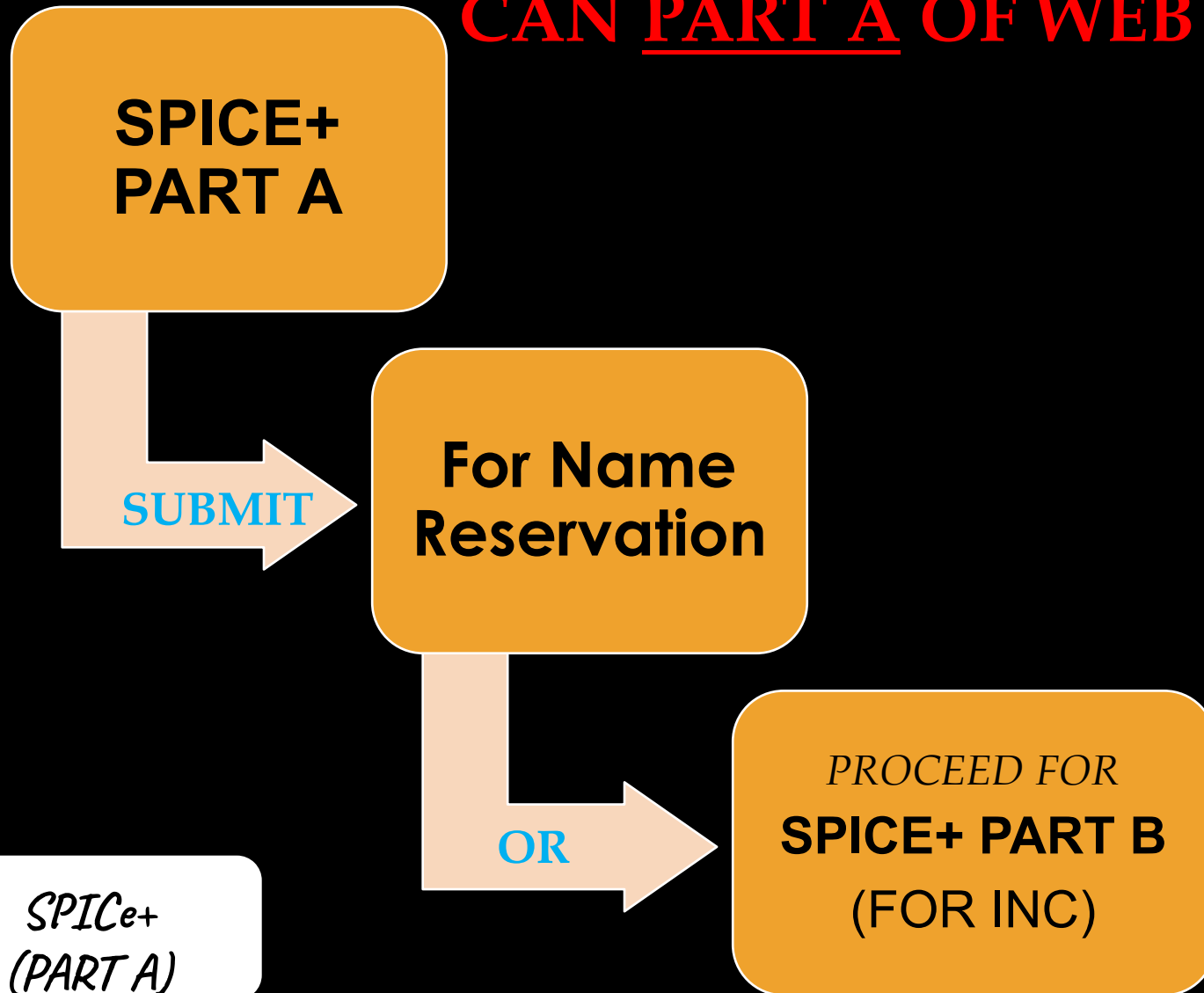
Every Company With  
Effect from




February 2020						
M	T	W	T	F	S	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	

Sunday 23rd Feb 2020

## CAN PART A OF WEB FORM SPICE+ BE FILED SEPARATELY?



Class of Company \* Private



### Confirmation Alert

Choose whether you want to proceed for incorporation or only submit application for name reservation?

Particulars of the proposed or approved name

i. TESTABC PRIVATE LIMITED

ii.

No file chosen

WHAT WILL HAPPEN IN CASE THE PROPOSED  
NAME IS **IDENTICAL** OR TOO NEARLY  
RESEMBLES WITH THE NAME OF AN EXISTING  
LIMITED LIABILITY PARTNERSHIP OR AN  
EXISTING COMPANY?



SPICe+  
(PART A)

[Enquire Name](#)

# HOW DO I APPLY FOR A NAME IF THE PROPOSED NAME INCLUDES THE NAME OF A TRADE MARK?

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HOME ABOUT MCA ACTS & RULES MY WORKSPACE **MCA SERVICES** DATA & REPORTS CONTACTS HELP & FAQS

MCA Services  
Home > MCA Services > Company Services > Check Company Name

DSC Services  
DIN Services  
Master Data  
LLP Services  
LLP Services For Business User  
e-Filing  
Company Services

### Check Company Name

Stakeholders are requested to ensure that the proposed name selected does not contain any word as prohibited in [Section 4\(2\) & \(3\)](#) of the Companies Act, 2013 read with [Rule 8](#) of the Companies (Incorporation) Rules, 2014.

Stakeholders are also requested to read and understand Rule 8 of the Companies (Incorporation) Rules, 2014 in respect of any proposed name before applying for the same.

Company / LLP Name\*  [Add more names](#)

Activity Type

Stakeholders are requested to also check the Trademark provisions to ensure that the proposed name is not violation of provisions of Section 4(2) of the Companies Act, 2013 failing which it is liable to be rejected.

Check Trademark for your proposed name -->

This website is maintained by the Office of the Controller General of Patents, Designs & Trade Marks, Department of Industrial Policy & Promotion, Ministry of Commerce & Industry.

Check Domain for your proposed name -->

This website is maintained by NIXI, the National Internet eXchange of India. Under NIXI, the INRegistry functions as an autonomous body with primary responsibility for maintaining the .IN ccTLD and ensuring its operational stability, reliability, and security.

Check Company Name  
Find CIN  
SPICe+  
RUN (Reserve Unique Name)

Complaints  
Document Related Services  
Fee and Payment Services  
Investor Services  
ID Databank Registration



SPICe+  
(PART A)



## WHAT ARE THE WORDS OR EXPRESSION WHICH CAN BE USED ONLY AFTER OBTAINING PREVIOUS APPROVAL OF CENTRAL GOVERNMENT?

In terms clause {b} of sub-section (3) of Section 4, the following words and combinations thereof shall not be used in the name of a company in English or any of the languages depicting the same meaning unless the previous approval of the Central Government has been obtained for the use of any such word or expression:-

- a) Board; b) Commission; c) Authority; d) Undertaking; e) National; f) Union; g) Central;
- h) Federal; i) Republic; j) President; k) Rashtrapati; l) Small Scale Industries; m) Khadi and Village Industries Corporation; n) Financial Corporation and the like; o) Municipal; p) Panchayat; q) Development Authority;
- r) Prime Minister or Chief Minister; s) Minister; t) Nation; u) Forest corporation; v) Development Scheme;
- w) Statute or Statutory; x) Court or Judiciary; y) Governor; z) the use of 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 & authorities; &
- za) Bureau.

**IN CASE THE PROPOSED NAME INDICATES DIFFERENT WORDS LIKE FINANCE/LEASING/CHIT FUND/INVESTMENT/SECURITIES OR COMBINATION THEREOF WHEREAS THE PROPOSED OBJECTS OF THE COMPANY DO NOT INDICATE SUCH ACTIVITIES, WHAT WOULD HAPPEN IN THIS CASE?**

*Should be in Consonance  
with **MOA***

*SPICe+  
(PART A)*

# WHAT PRECAUTIONS SHOULD ONE TAKE CARE BEFORE APPLYING FOR THE PROPOSED NAME?

ONE SHOULD BE VERY CAREFUL WHILE APPLYING FOR THE NAME, THERE CAN BE REJECTION OF NAME APPROVAL APPLICATION, IF,

*FEW of them are...*

PROPOSED NAME  $\neq$  Identical/Resembled/

Phonetically

PROPOSED NAME  $\neq$  includes words which are registered under Trademark

Act

PROPOSED NAME  $\neq$  Wrong Class/Category/Sub Category is mentioned in

PROPOSED NAME  $\neq$  resembles closely the popular or abbreviated description of an existing company or LLP

PROPOSED NAME  $\neq$  indicates words Finance/Investment/Capital/ Holding/

Insurance etc

PROPOSED NAME  $\neq$  Objects mentioned in the form are vague

PROPOSED NAME  $\neq$  contains commonly used words

*SPICe+  
(PART A)*

PROPOSED NAME  $\neq$  contains the name a foreign country/city/town etc

**CAN AN APPROVED NAME, RESERVED USING PART A OF SPICE+, FROM ONE APPLICANT ID AT MCA PORTAL BE PERMITTED TO BE FILED IN PART B OF SPICE+ FROM OTHER APPLICANT ID?**



*SPICE+*  
*(PART A)*

# HOW CAN A NAME RESERVED THROUGH SPICE+ PART A BE EXTENDED IN LINE WITH RULE 9A OF THE COMPANIES (INCORPORATION) RULES, 2014?

Click  
"EXTEND"

Select  
"PERIOD  
OF  
EXTENSION"

Make  
PAYMENT

January 2021						
M	T	W	T	F	S	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

Tuesday 26th Jan 2021

The screenshot shows the MCA21 SPICE+ portal interface. On the left is a navigation menu with categories like DSC Services, DIN Services, Master Data, LLP Services, e-Filing, and Company Services. The 'Company Services' section is expanded, showing options like 'Check Company Name', 'Find CIN', 'SPICE+', and 'RUN (Reserve Unique Name)'. The main content area is titled 'SPICE+' and has two tabs: 'New Application' and 'Existing Applications'. Under 'Existing Applications', there is a table with columns: Form, SRN, Status, Fill, and Download. The table lists several applications, including 'SPICE- Part A', 'SPICE- Part B', 'AGILE-PRO', 'SPICE- AoA', 'SPICE- MoA', and 'INC-9'. The 'Extend' button in the 'Download' column for 'SPICE- Part A' is circled in red. Below the table, there is a note: '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.'

SPICE+  
(PART A)

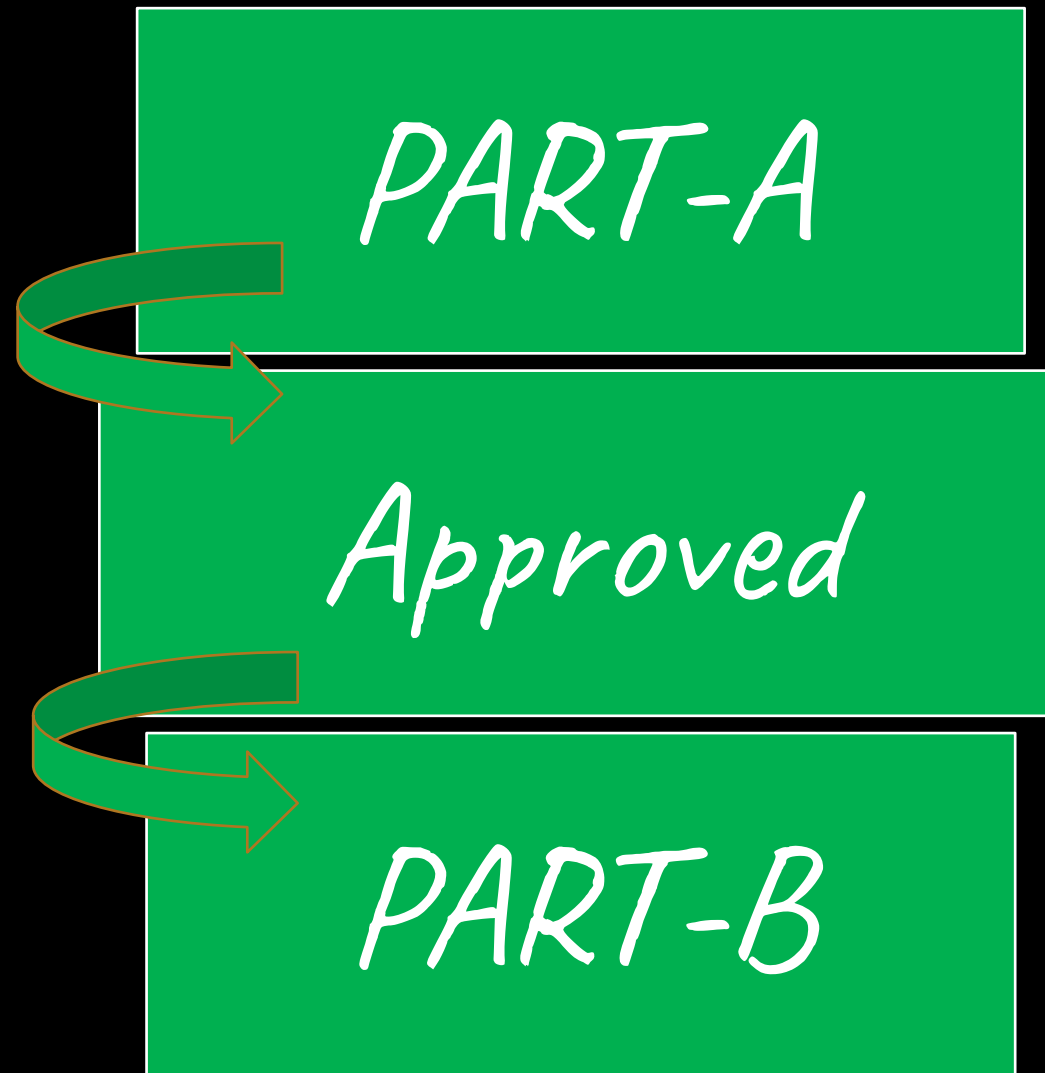
## WHAT IS THE FEE PAYABLE FOR EXTENSION OF NAME RESERVATION?

20-40 days Rs.1000

40-60 days Rs.2000

20-60 days Rs.3000

WHEN THE NAME GETS APPROVED IN SPICE+ PARTA,  
WHAT IS THE PROCESS TO FILL PART B?



# SPICe+ - Part B<sup>24</sup>

## REQUIREMENTS

### for Application of **Digital Signature** & DIN.

- 1 Self Attested Aadhar Card of each proposed Director & subscriber.
- 1 Self Attested PAN cards copy of each proposed Director & subscriber.
- 1 Passport Size photo of Each proposed Director & subscriber.

*Note: Digital Signature of all the Directors & subscribers is required*

### for Form **SPICE+ Part B**:- For all the Proposed Directors & subscribers designated.

- Authorized capital?
- Paid up Capital?
- Number of Promoters (here in after called as directors)?
- The shareholding pattern amongst the directors & subscribers?
- Educational qualifications of all the directors & subscribers?
- If NRI, Duration of stay in India by all the directors individually?



Contd...



# SPICe+ - Part B<sup>25</sup>

## REQUIREMENTS

- Individual Proof of Identity and address proofs of all the directors? (*not older than 2 months*)

### Identity Proofs (any one of the following)

- i) Voter ID
- ii) Passport
- iii) Driving License

### Address Proofs (any one of the following)

- i) Telephone Bill
- ii) Electricity Bill
- iii) Bank Statement

- Area of occupation, other than home-makers?
- Self Attested **PAN** Copy of each director & subscribers.
- 1 Passport Size photo of Each Director & subscribers.
- Directors Individual mail ID & Phone Number, Company's mail id & Phone Number.

Contd...

# SPICe+ - Part B<sup>26</sup>

## REQUIREMENTS

- Letter of Authorization for Opening bank Account, EPFO, ESIC (format)
- Registered office Address proof. ( only any one of the following)-(Can be optional in Few States of India)
  - ✓ Conveyance- Sale deed or Municipal tax receipts....
  - ✓ Lease deed
  - ✓ Rent Agreement
  - ✓ Including Rent Receipts
- Utility bills proof. (only any one of the following-not older than 2 months)
  - ✓ Telephone Bill
  - ✓ Gas Bill
  - ✓ Mobile bill
  - ✓ Electricity Bill
- NOC from the owner. (format)
- Place of the Company's registered office Jurisdictional Police Station.

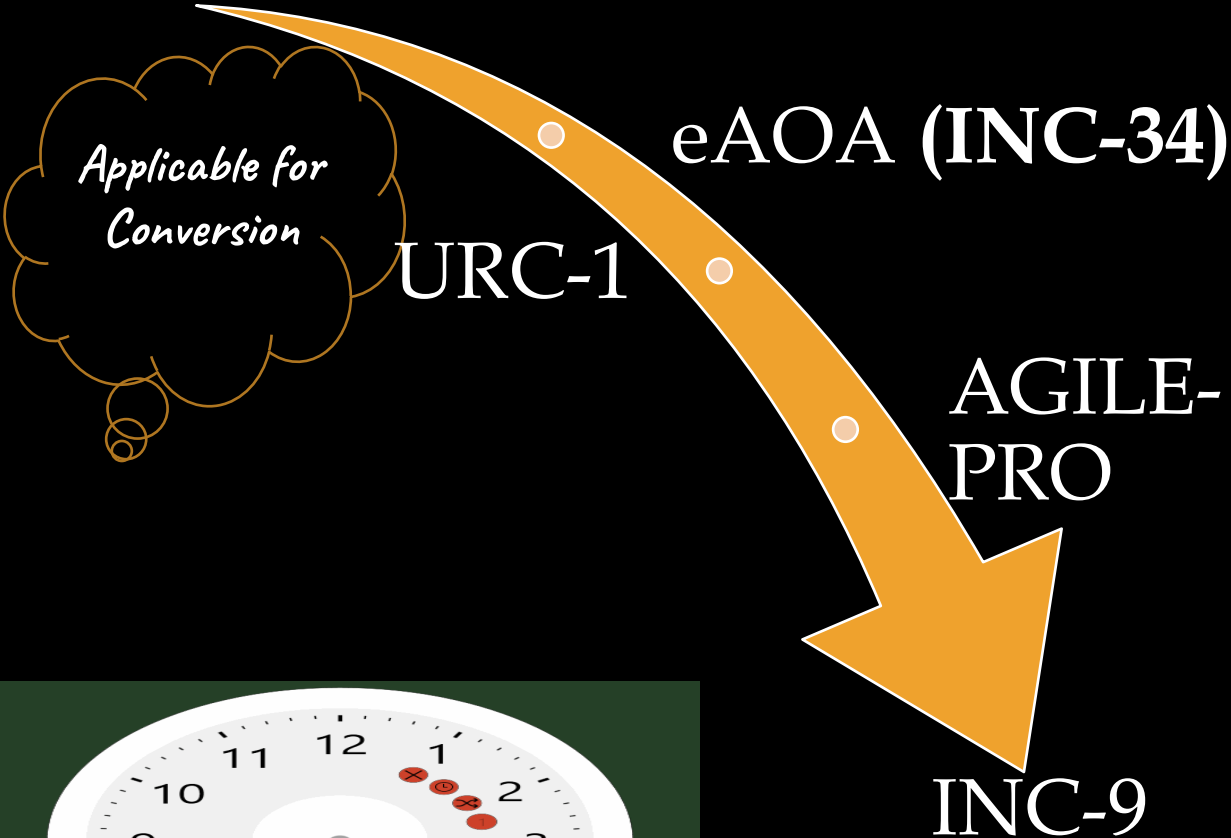
# SPICe+ - Part B<sup>27</sup>

## REQUIREMENTS

- List of all the companies, having the same registered office address, if any.
- Name of the Bank & Branch.
- The name of the director, who should be made as the Managing director.
- Consent letter of the Director-DIR 2. (format).
- Number of Shares and amount already invested by the above directors in any other companies, if any.

WHAT ARE THE **LINKED** FORMS TO BE FILED ALONG WITH SPICE+? s

eMOA (INC-33)



→ It's time to Proceed for Incorporation



# ARE AO CODES FOR PAN AND TAN DIFFERENT? WHERE CAN ONE FIND THESE AO CODES?

AO Codes for PAN

(<https://www.tin-nsdl.com/services/pan/pan-aocode.html>)

AO Codes for TAN

(<https://www.tin-nsdl.com/services/tan/tan-ao-code.html>)

SPICe+  
(PART B)

PAN/TAN Information

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.			
A	P	R	C		1	1	0	1			

Information specific to TAN

Area Code			AO Type		Range Code			AO No.			
A	P	R	C	T	1	0	8	1			

Source of Income

Income from business/profession     Capital Gains

Income from House property     Income from other source

No Income

Business/Professional Code

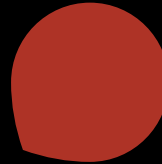
1    1

Prev    Save & Continue

# E-MOA (INC-33) AND E-AOA (INC-34) –WEB FORM



Electronic Memorandum of Association (e-MoA) which is a Charter of the company can be filed as a linked form to SPICe+.



Electronic Articles of Association (eAoA) which provide all the regulations related to internal affairs of the company can be filed as a linked form to SPICe+.

**SPICe+ MoA**

**SPICe+ MOA**

\* Table applicable to company as notified under schedule I of the Companies Act, 2013 E

**Table E- MEMORANDUM OF ASSOCIATION OF AN UNLIMITED COMPANY AND HAVING SHARE CAPITAL**

1. The Name of the Company is

FIRMM LIMITED

2. The Registered office of the company will be situated in the state of Haryana

3. (a) The objects to be pursued by the company on its incorporation are:

**SPICe+ AoA**

**SPICe+ AOA**

\* Table as notified under schedule I of the Companies Act, 2013 is applicable to the company F

**Name Of Company**

FIRMM LIMITED

A COMPANY LIMITED BY SHARES

**Table F- ARTICLES OF ASSOCIATION OF A COMPANY LIMITED BY SHARES**

Check if not applicable	Check if altered	Description
<input type="checkbox"/>	<input type="checkbox"/>	<b>Interpretation</b>
<input type="checkbox"/>	<input type="checkbox"/>	(1) In these regulations- (a) "the Act" means the Companies Act, 2013, (b) "the seal" means the common seal of the company. (2) Unless the context otherwise requires, words or expressions contained in these regulations shall bear the same meaning as in the Act or any statutory modification thereof in force at the

**ARE THERE ANY EXCEPTIONAL SCENARIOS IN WHICH PDF ATTACHMENTS (MOA, AOA) SHOULD BE USED INSTEAD OF eMOA, eAOA WITH SPICE+ (INC-32)?**

*FEW of the  
Exceptions are..*

- ✓ Section 8 company selected in field 1 or
- ✓ All or any of the non-individual first subscribers are based outside India or
- ✓ Number of subscribers entered in the field 8(a) 'Total number of first subscribers=  
(non-individual+individual)' are more than 7 or
- ✓ Individual foreign subscribers do not possess a valid business visa

*SPICE+  
(PART B)*

## WHAT IS THE WORD LIMIT FOR WRITING OBJECTS IN eMOA?

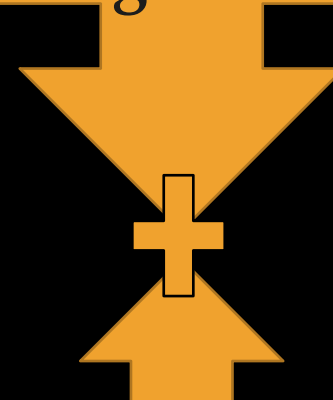
For main Objects (Field 3(a)), character limit is 20,000 and for furtherance of objects (Field 3(b)), it is 1,00,000 characters.



## WHAT IS AGILE-PRO?

**AGILE PRO** =  
**(INC 35)**

Application for **G**oods and services identification number, employees' state **I**nsurance corporation registration **p**lus Employees' provident fund organisation registration



**P**rofession tax **R**egistration (in Maharashtra) and **O**pening of bank account (AGILE-PRO)

*SPICe+*  
*(PART B)*

# AGILE-PRO –Web form

- ❑ Ensure that the form is digitally signed by the Proposed Director / Primary Owner who has signed the SPICe+ form.
- Both SPICe+ form and AGILE-PRO form shall be signed by same director who is also the authorised signatory.
- The Form should be digitally signed by Authorised Signatory who is citizen and resident of India and have PAN

AGILE-PRO 34

AGILE-PRO

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+) \*

7. Whether The Establishment On Lease \*  Yes  No

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

Save & Next

SPICe+  
(PART B)

# IS REGISTRATION FOR GSTIN THROUGH SPICE+ MANDATORY ALL OVER INDIA?

**OPTIONAL**

When is GST registration mandatory?

- Businesses whose turnover exceeds Rs. 20 lakhs (Rs 10 lakhs for NE and hill states) is required to register as a normal taxable person.
- For the vendors looking to sell online through E-commerce platforms.
- For vendors looking to sell

*SPICe+*  
*(PART B)*

FEW RELAXATIONS IN GST



## Relaxation in GST Returns\*\*

36

Return	Taxpayers	Period	Original Due Date	Interest			Late Fee
				NIL, if -	@ 9 per cent, if -	@ 18 per cent, if -	Waived, if -
GSTR - 3B/GST Payment	Having Aggregate Turnover up to Rs. 5 crores in preceding FY	March, 2021	20-04-2021	Return filed by 05-05-2021	Return filed by 20-05-2021	Return filed after 20-05-2021	Return filed by 20-05-2021
		April, 2021	20-05-2021	Return filed by 04-06-2021	Return filed by 19-06-2021	Return filed after 19-06-2021	Return filed by 19-06-2021
	Having Aggregate Turnover > Rs. 5 crores in preceding FY	March, 2021	20-04-2021	Return filed by 20-04-2021	Return filed by 05-05-2021	Return filed after 05-05-2021	Return filed by 05-05-2021
		April, 2021	20-05-2021	Return filed by 20-05-2021	Return filed by 04-06-2021	Return filed after 04-06-2021	Return filed by 04-06-2021
	Opted for QRMP Scheme	March, 2021	22/24-04-2021	Return filed by 07/09-05-2021	Return filed by 22/24-05-2021	Return filed after 22/24-05-2021	Return filed by 22/24-05-2021
		April, 2021	25-05-2021	GST paid by 09-06-2021	GST paid by 24-06-2021	GST paid after 24-06-2021	NA
GSTR - 1/IFF	Monthly	April, 2021	11-05-2021	NA	NA	NA	Return filed by 26-05-2021
	QRMP Scheme	April, 2021	13-05-2021	NA	NA	NA	Return filed by 28-05-2021
GSTR - 4	Composition Dealers	FY 2020-21	30-04-2021	NA	NA	NA	Return filed by 31-05-2021
CMP - 08		January - March, 2021	18-04-2021	GST paid by 03-05-2021	GST paid by 18-05-2021	GST paid after 18-05-2021	NA
ITC - 04	Principal - (Job Work)	January - March, 2021	25-04-2021	NA	NA	NA	Return filed by 31-05-2021

\*\*Based on the notifications and Press Release issued till May 2nd, 2021

Note: '22/24-04-2021' shall be read as 22-04-21 for **Group 1 states** and 24-04-21 for **Group 2 states**; and so on.

# IS REGISTRATION FOR PROFESSION TAX THROUGH SPICE+ MANDATORY ALL OVER INDIA?

Mandatory only  
for  
**MAHARASTRA**  
(through SPICe+)

## PROFESSIONAL TAX Slab Rates in Maharashtra 2020-21

Monthly Gross Salary	Amount Payable as Professional Tax
Up to Rs.7500	Nil
Rs. 7,501 to Rs.10,000	Rs. 175 per month
Above Rs. 10,000	<ul style="list-style-type: none"> <li>Rs. 2,500 p.a. The amount is can be paid in the following manner: Rs. 200 per month except for the month of February.</li> <li>Rs. 300 for the month of February.</li> </ul>

*SPICe+*  
(PART B)

**IS REGISTRATION FOR EPFO AND ESIC  
THROUGH SPICE+ SHALL BE MANDATORY FOR ALL  
NEW COMPANIES INCORPORATED ALL OVER INDIA?**



**MANDATORY**

*SPICE+*  
*(PART B)*

## WHAT IS EPF REGISTRATION?

- Provident Fund (PF) is one of the main platform of savings in India for nearly all people working in Government, Private or Public sector organizations.
- It is implemented by the Employees Provident Fund Organization (EPFO) of India.
- Registration has to be done within One month from the date of hiring 20th employees.

## WHAT IS ESIC REGISTRATION?

- Any factory or business establishment having 10 or more than 10 employees, irrespective of salary, have to register with ESIC.
- ESI contributions must be made for all employees having a salary of less than Rs.21,000 per month.

*(However, compliances are not required to be carried out in respect of EPFO and ESIC provisions until the company surpasses the threshold limit provided in EPFO and ESIC provisions.)*



# IS OPENING OF BANK ACCOUNT MANDATORY FOR ALL COMPANIES INCORPORATED THROUGH SPICE+?



**MANDATORY**

*SPICe+*  
*(PART B)*

## HOW MANY BANKS HAVE BEEN INTEGRATED THROUGH SPICe+?

- Punjab National Bank
- SBI Bank
- ICICI Bank
- Kotak Mahindra Bank
- Bank of Baroda
- UBI
- IndusInd Bank &
- HDFC Bank

presently

# URC-1–Web form layout/INC-9 PDF generation

In case of Part I companies, it is mandatory to file URC-1 form containing details of existing entity.

URC-1

Form URC-1

1. (a) Type of company \*

2. (a) Type of existing entity \*

(b) LLPIN/ Registration Number

(c) Name of the existing entity \*

(d) Address of the existing entity \*

(e) Email Id of the existing entity \*

(f) Number of members in the existing entity as on the date of application \*

(g) Name of the proposed company

3. (a) Category of the proposed company

[Pursuant to Sections 7(1)(c) to the Companies Act, 2013 and rule 15 of the Companies (Incorporation) Rules, 2015]

**FORM NO. INC-9**  
**Declaration by Subscribers and First Directors**

1. Name of the Company

2. This declaration is in respect of :

	Having valid DIN	Not having valid DIN
Total number of first subscribers (non-individual + individual)	1	0
Number of non-individual first subscriber(s)		0

Based on the details of subscribers and directors entered in Part B, INC-9 declaration form shall be auto populated and available in Dashboard for the user to download and affix DSCs.

SPICe+  
(PART B)

## EXCEPTIONS TO INC-9 TO BE GENERATED?

### EXCEPTIONS

- Total number of subscribers and/or directors is  $> 20$  &/or
- Any such subscribers and/or directors has neither DIN nor PAN.

# SPICe+ - Part B

- ❑ Once the SPICe+ is filled completely with all relevant details, the same would then have to be converted into pdf format, with just a click of the mouse button, for affixing DSCs.
- ❑ Also, all the relevant linked forms get enabled and available for the user to fill and submit based on the fields/parameters entered by the user in Part B.
- ❑ Declaration by all Subscribers and first Directors in INC-9 shall be auto-generated in pdf format.
- ❑ All Check form and Pre-scrutiny validations (except DSC validation) will happen on web-form itself.
- ❑ While filling up SPICe+ form, one can save the same periodically and retrieve any time later to complete the same hence the process can be done in piecemeal.

## Informational Alert

SPICe+ partB has been Submitted Successfully.

Okay

## Declaration and certification by professional

New Application

Existing Applications

Form	SRN	Status	Fill	Download
SPICe+ Part A				
SPICe+ Part B				
AGILE-PRO				
SPICe+ AoA				
SPICe+ MoA				
INC-9				

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.

SPICe+  
(PART B)

## WHAT IS THE SEQUENCE OF UPLOADING LINKED FORMS TO SPICE+?



Home > MCA Services > E-Filing > Upload E-Form

### Upload E-Form

To View The Step-By-Step Video Of Filing Linked Eform, Click Here.

Forms versions are undergoing changes. Stakeholders are requested to check the latest version before filing <http://www.mca.gov.in/MinistryV2/companyformsdownload.html>.

Please click here for useful instructions to optimize the PDF file size while affixing the Digital Signature Certificate(DSC).

Normal Forms
  Resubmission SRN

Linked Forms

\* You could observe issues with Adobe Reader DC version released recently. So we advise you to use Adobe acrobat 11 or above version for eform upload. [Click here to get Adobe 11 version](#)

\* If you are getting '\Need to attach mandatory DSC\' error during form upload then you need to check adobe versions used while affixing DSC. Please make sure to use adobe acrobat version 11 or above while affixing DSC. If problem still persists then please

SPICE+  
(PART B)

# SPICe+ upload

After affixing DSCs in SPICe+ Part B PDF and all other linked forms, user needs to click on upload forms option.

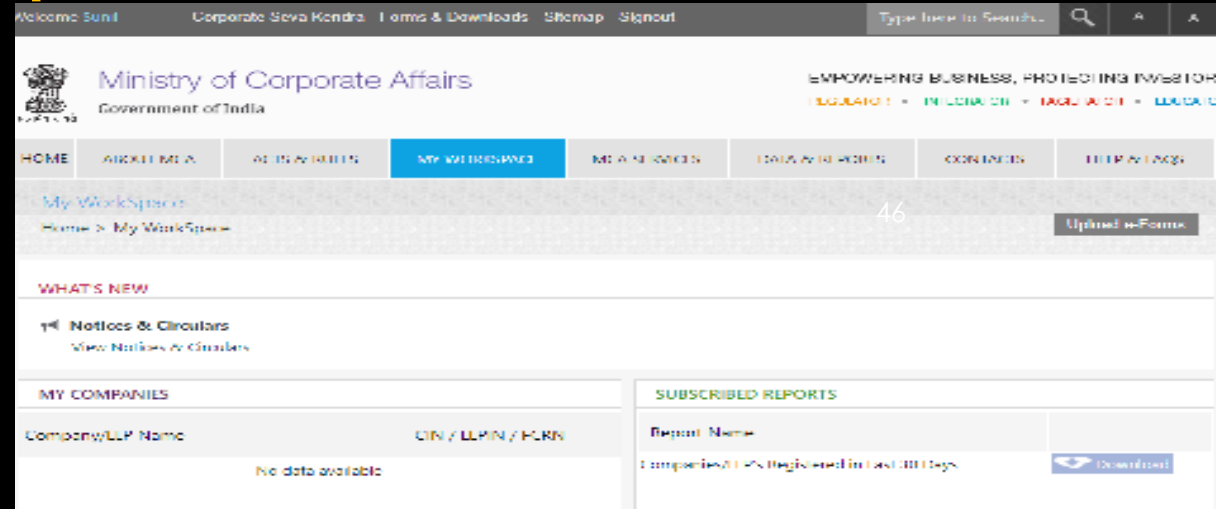
Promoter Directors will require DSC. MCA has facility for issuing DSC.

Upload SPICe+ Part B PDF and all the relevant linked forms.

On successful upload of forms, Unique service request number(SRN) gets generated and displayed to the applicant.

System prompts user to make payment

After successful payment, Work item/SRN gets routed to Back Office user for processing.



The screenshot shows the MCA website interface. At the top, there is a navigation bar with links for 'HOME', 'ABOUT MCA', 'ABOUT US', 'MY WORKSPACE', 'MCA SERVICES', 'CONTACT US', and 'HELP & FAQ'. The 'MY WORKSPACE' section is highlighted, showing a 'My Workspace' header with a 'Home > My Workspace' breadcrumb and a '46' notification badge. Below this, there is a 'WHAT'S NEW' section with a link to 'Notices & Circulars'. The 'MY COMPANIES' section is currently empty, displaying 'No data available'. To the right, there is a 'SUBSCRIBED REPORTS' section with a table containing one report: 'Companies Act, Registered in last 30 days', with a 'Download' button.

SPICe+

## IS INC-22 STILL REQUIRED TO BE FILED WITH SPICE+?

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.



### FORM NO. INC-22



सत्यमेव जयते

Notice of situation or change  
of situation of registered  
office

## FEW TECHNICAL ISSUES/OBSERVATIONS/ SUGGESTIONS WHILE FILLING & FILING FORM SPICE+

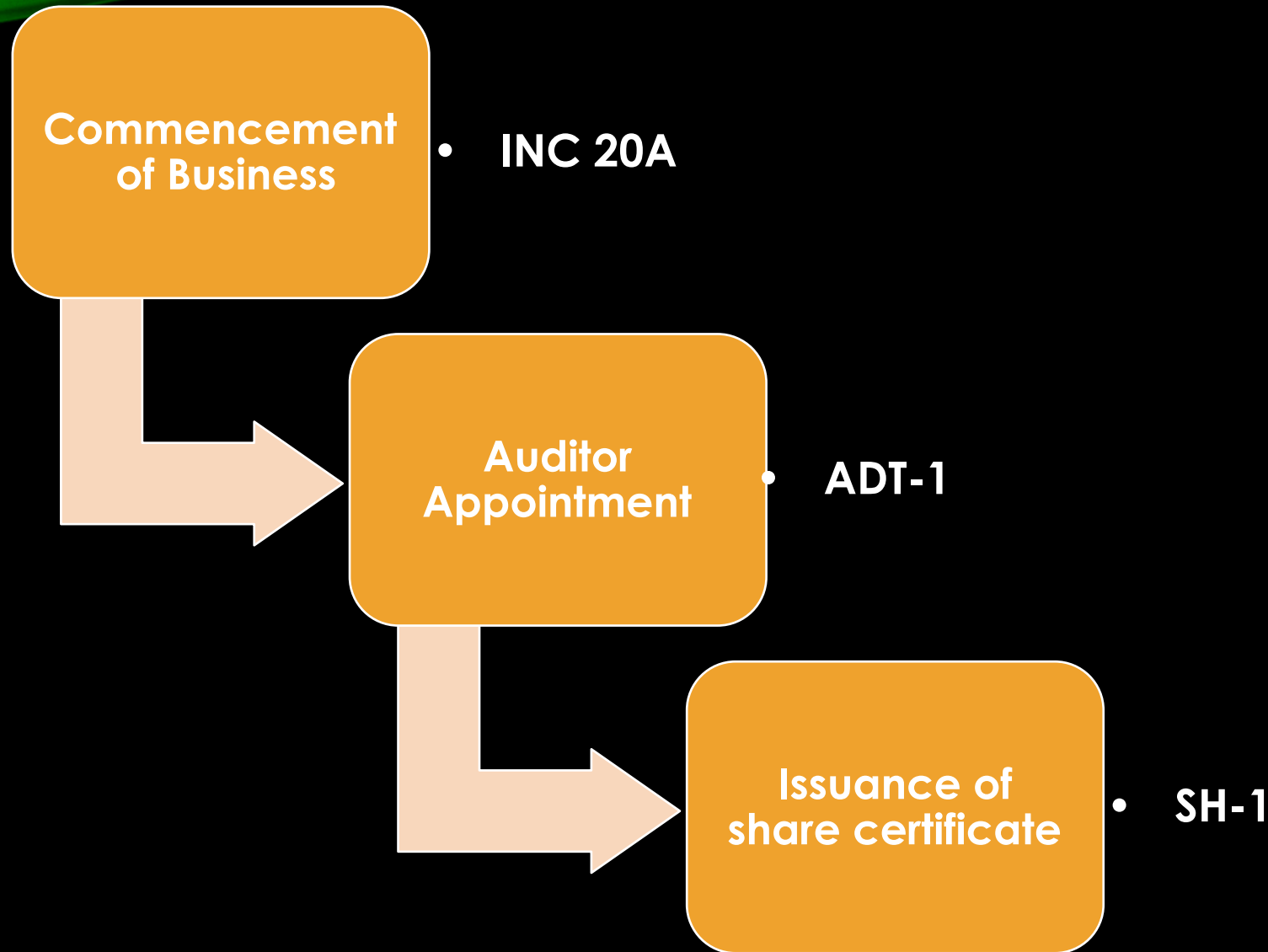
- While **registering DSC**, data regarding first name and last name of the proposed directors may take lot of time, since details of those will be different in different sites.
- While filling application even if we complete the form, if we didn't save the content & if we get logged off automatically before submission, then we need to fill the form again i.e., there is **no automatic save option**.
- Spice + form was divided into different sub sectors, **only after filling one step**, we can proceed to next step, i.e., there is no chance to fill the **SPICE+ 1<sup>st</sup>** which are known to us, So we cannot finish the work, unless we get all the details



## FEW TECHNICAL ISSUES/OBSERVATIONS/ SUGGESTIONS WHILE FILLING & FILING FORM SPICE+

- After finishing SPICe+ Part-B, while downloading other forms, some times, the download option will not be enabled, In those cases, we need to clear the data and fill the form again, which causes **duplication** of work.
- After submitting the form if there are any **mistakes** in the form or if any details are **missed** out, then form will be sent for resubmission. In these cases, we cannot edit that particular form we need, and all forms needs to be downloaded again & get it signed on same day, because, **Schema** has been Changed.
- At the time of Resubmission of the form, Write **“ERROR” description** with **amended** & attach the file.

# STEPS TO DO POST INCORPORATION<sup>50</sup>



# COMMENCEMENT OF BUSINESS (INC 20A)

*Notified on 26/01/2019*

- Every **PLC** with Share Capital Incorporated on or after **02-11-2018**.
- File Form 20A within **180 days**.
- Attach bank statement of the company

*Consequence for*

*De  
!  
ay*

# COMMENCEMENT OF BUSINESS (INC 20A)

## LATE FILING FEE

Period of delays	All forms
Up to 30 days	2 times of normal fees
More than 30 days and up to 60 days	4 times of normal fees
More than 60 days and up to 90 days	6 times of normal fees
More than 90 days and up to 180 days	10 times of normal fees
More than 180 days	12 times of normal fees

### Consequence if **INC-20A** is not Filed within time

- Registrar may initiate action for the removal of the name of Company
- Company cannot borrow money
- Company cannot start business

# AUDITOR APPOINTMENT (ADT-1)



Where  
r **ADT-1**  
is  
require  
d to file  
or  
not??

## AUDITOR APPOINTMENT (ADT-1)

### Whether ADT-1 is required to file or not??

- For the appointment of **1<sup>ST</sup> auditor** it is optional for the Company to file Adt-1 with ROC. The question arise when we will file Aoc-4 what we have to put in SRN of ADT-1. The answer is we can put Z9999999. So for the appointment of first auditor filing of ADT-1 is optional.

### Whether ADT-1 is required to file or not??

- For appointment of **subsequent auditor** it is mandatory for the Company to file ADT-1 **within 15 days** of appointing the auditor.



# ISSUANCE OF SHARE CERTIFICATE (SH 1)

- Every PLC need to issue share certificates within 2 months from the date of incorporation.
- **Allotment of ADDITIONAL SHARES**=share certificates must be issued within a period of 2 months from the date of allotment of allotment shares
- **Transfer** of Shares=share certificates must be issued to the Transferee within 1 month of the date of receipt of the instrument of transfer by the Company

format of  
Form  
SH-1 and  
details





## Few procedures and compliances which are to be followed **Annually-** Post incorporation.

- 1<sup>st</sup> BM=Within 30days of Incorporation.
- Should Conduct at least **04 board meetings** in a financial year & Gap <=120days.
- 1<sup>st</sup> Board meeting the directors need to disclose their **interest** in any other company in form **MBP-1.**
- Conduct AGM and gap between 2 AGM's should be <= **5 months.**

### Due date

- 1) AGM=  
Within **6M** from end of F.Y.
- 2) 1<sup>st</sup> AGM=  
Within **9M** from the end of F.Y.

**RELAXATIONS**

Few procedures and compliances<sup>58</sup> which are to be followed **Annually** -  
Post incorporation

- Filing of **Form AOC-4** within **30 days** from conclusion of AGM.
- Filing of **Form MGT-7** within **60 days** from conclusion of AGM .
- Filing of **Form DPT-3** on or before **30<sup>th</sup> June.**, w.r.t Company's Outstanding loan/amount as on 31st March of every financial year

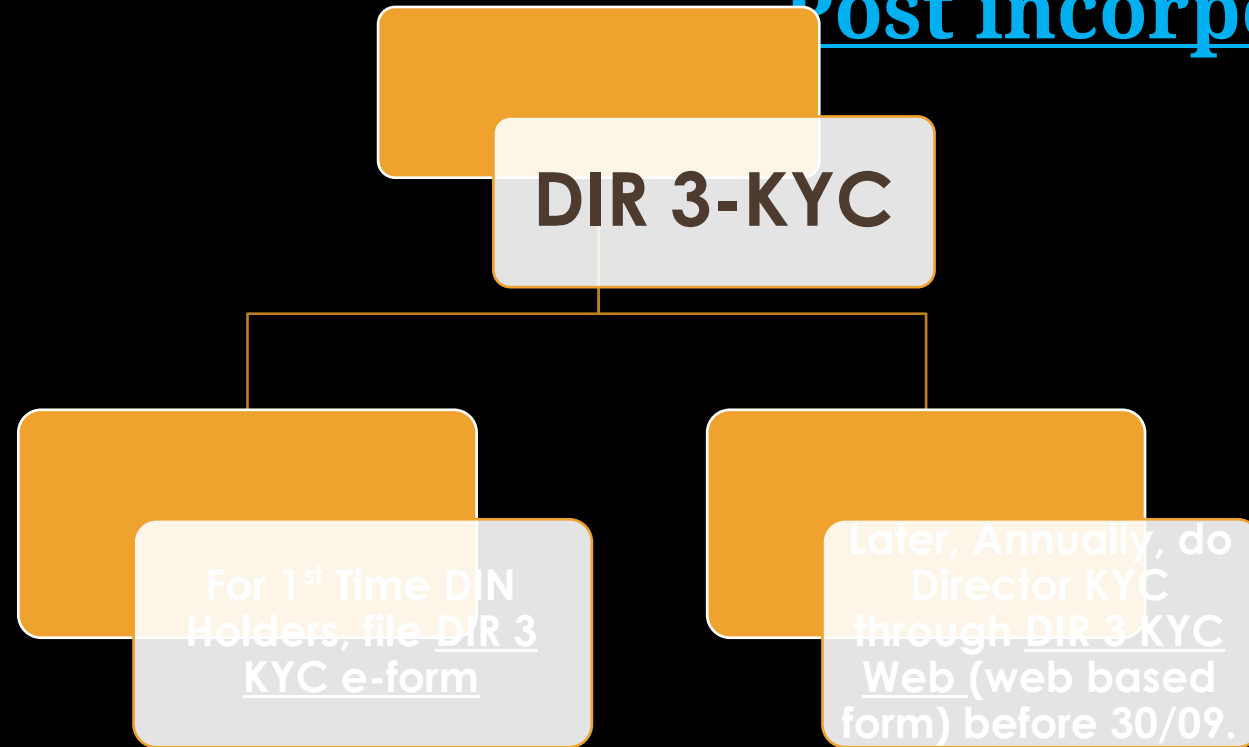


**RELAXATIONS**

Contd...



# Few procedures and compliances<sup>59</sup> which are to be followed **Annually** - Post incorporation.



- Filing of Form **ADT-1** 
- Filing of **Income Tax Returns** for Company before 30<sup>th</sup> September.

**RELAXATIONS**

# MCA RELAXATIONS AMID COVID-19

(03<sup>RD</sup> MAY 21)

- Relaxation in additional fees for filing of form after due date

Circular  
No.06/2021



- Relaxation in time for filing of Charge related form after due date

Circular  
No.07/2021



- Maximum Gap Between Two Board Meetings

Circular  
No.08/2021



CIRCULAR NO.06/2021: Relaxation in additional fees for filing of form after due date

Due Date of  
filing any  
Form

Falling between  
01/04/21-31/05/21

Period  
of  
Relaxati  
on from  
Due  
Date of  
Filing is  
till  
31st July,  
2021.

FORMS NOT ELIGIBLE UNDER  
THIS CIRCULAR

- **CHG-1** i.e. Application for registration of **Creation** or **Modification** of charge
- **CHG-4** i.e. Form for filing particulars for **Satisfaction** of charge the
- **CHG-9** i.e. Application for registration of creation or modification of charge for **Debentures**

*CIRCULAR NO.07/2021: Relaxation in time for filing of Charge related form after due date*

So, Charge Created/  
Modified on or after  
02/12/20 is eligible

(a) before  
01.04.2021

Date of  
creation /  
modification  
of charge

(b) any date  
between  
01.04.2021 to  
31.05.2021

Period of  
Relaxation  
from Due  
Date of  
Filing is  
01.04.2021  
to  
31.05.2021

Applicable  
to forms  
**CHG 1 &  
CHG 9**

CIRCULAR NO.08/2021: MAXIMUM GAP BETWEEN TWO BOARD MEETINGS

Gap Between 2  
BM's = **Extend to 180**  
**days**



*During the 1<sup>st</sup> & 2<sup>nd</sup>  
Quarters of 2021-22*

**Eg: 1st Board Meeting has been held on 01st April, 2021 and 2<sup>nd</sup> Board Meeting on 27th September 2021, then the same would not be viewed as violation**

To Conclude,

*The initiatives taken by the Government over the last few years has significantly advanced the process of company incorporation. Their aim for a seamless and fast procedure is now slowly turning into a reality. This, formerly, was a tedious process that involved months of toil and labour.*





thank you

**-CA.P.V.Sarish Kumar, FCA,  
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