

# Incorporation of A Company

The incorporation of a company refers to the legal process that is used to form a corporate entity or a company. An incorporated company is a separate legal entity on its own, recognized by the law. These corporations can be identified with terms like 'Inc' or 'Limited' in their names. It becomes a corporate legal entity completely separate from its owners.

## Steps in Incorporation of a Company

A group of seven or more people can come together so as to form a [public company](#) whereas, only two are needed to form a private company. The following steps are involved in the incorporation of a company.



### 1. Ascertaining Availability of Name

The first step in the incorporation of any company is to choose an appropriate name. A company is identified through the name it registers. The name of the company is

stated in the memorandum of association of the company. The company's name must end with 'Limited' if it's a [public company](#) and 'Private Limited' if its a [private company](#).

To check whether the chosen name is available for adoption, the promoters have to write an application to the Registrar of Companies of the State. A 500 rupee is paid with the application. The Registrar then allows the company to adopt the name given they fulfill all legal documentation formalities within a period of three months.

## **2. Preparation of Memorandum of Association and Articles of Association**

The memorandum of association of a company can be referred to as its constitution or rulebook. The [memorandum states](#) the field in which the company will do business, objectives of the company, as well as the type of business the company plans to undertake. It is further divided into five clauses

1. Name Clause
2. Registered Office Clause
3. Objects Clause
4. Liability Clause
5. Capital Clause

Articles of Association is basically a document that states rules which the internal management of the company will follow. The article creates a contract between the company and its members. The article mentions the rights, duties, and [liabilities](#) of the members. It is equally binding on all the members of the company.

## **3. Printing, Signing and Stamping, Vetting of Memorandum and Articles**

The Registrar of Companies often helps promoters to draw up and draft the memorandum and articles of association. Above all, with promoters who have no previous experience in drafting the memorandum and articles.

Once these have been vetted by the Registrar of Companies, then the memorandum of association and articles of association can be printed. The memorandum and articles are consequently divided into paragraphs and arranged chronologically.

The articles have to be individually signed by each subscriber or their representative in the presence of a witness, otherwise, it will not be valid.

#### **4. Power of Attorney**

To fulfill the legal and complex documentation formalities of incorporation of a company, the promoter may then employ an attorney who will have the authority to act on behalf of the company and its promoters. The attorney will have the authority to make changes in the memorandum and articles and moreover, other documents that have been filed with the registrar.

#### **5. Other Documents to be Filed with the Registrar of Companies**

The First – e-Form No.32 – Consent of directors

The Second – e-Form No.18 – Notice of Registered Address

The Third – e-Form No.32. – Particulars of Directors

#### **6. Statutory Declaration in e-Form No.1**


This declaration, furthermore states that ‘All the requirements of the Companies Act and the rules thereunder have been complied with respect of and matters precedent and incidental thereto.’

#### **7. Payment of Registration Fees**

A prescribed fee is to be paid to the Registrar of Companies during the course of incorporation. It depends on the nominal capital of the companies which also have share capital.

## 8. Certificate of Incorporation

If the Registrar is completely satisfied that all requirements have been fulfilled by the company that is being incorporated, then he will register the company and issue a certificate of incorporation. As a result, the incorporation certificate provided by the Registrar is definite proof that all requirements of the Act have been met.

 प्रारूप 1 पंजीकरण प्रमाण-पत्र	
कॉर्पोरेट पहचान संख्या : U72200DL2010PTC212030	2010 - 2011
मैं एतद्वारा सत्यापित करता हूँ कि मैसर्स RMA TECHNOLOGIES PRIVATE LIMITED	
का पंजीकरण, कम्पनी अधिनियम 1956 (1956 का 1) के अंतर्गत आज किया जाता है और यह कम्पनी प्राइवेट लिमिटेड है।	
यह निगमन-पत्र आज दिनांक इकतीस दिसम्बर दो हजार दस को मेरे हस्ताक्षर से दिल्ली में जारी किया जाता है।	
Form 1 Certificate of Incorporation	
Corporate Identity Number : U72200DL2010PTC212030 2010 - 2011 I hereby certify that RMA TECHNOLOGIES PRIVATE LIMITED is this day incorporated under the Companies Act, 1956 (No. 1 of 1956) and that the company is private limited.	
Given under my hand at Delhi this Thirty First day of December Two Thousand Ten	
(ANITA KLAIR) सहायक कम्पनी रजिस्ट्रार / Assistant Registrar of Companies राष्ट्रीय राजधानी क्षेत्र दिल्ली एवं हरियाणा National Capital Territory of Delhi and Haryana	
कम्पनी रजिस्ट्रार के कार्यालय अभिलेख में दर्जता पता का पता : Mailing Address as per record available in Registrar of Companies office: RMA TECHNOLOGIES PRIVATE LIMITED 703, VISHWA SADAN, DISTRICT CENTER, JANAKPURI, NEW DELHI - 110058, Delhi, INDIA	