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Simplified Proforma for Incorporating Company Electronically (SPICe)

The Ministry of Corporate Affairs has taken various initiatives for ease of business. In a step towards easy setting up of business, MCA has simplified the pROCeSS of filing of forms for incorporation of a company through Simplified Proforma for incorporating company electronically.

Following are the steps for SPICe:

(1) The application for allotment of Director Identification Number upto three Directors, reservation of a name, incorporation of company and appointment of Directors of the proposed company shall be filed in Integrated Form No. INC-32, for One Person Company, Private company, Public Company and Producer Company, with the Registrar within whose jurisdiction the registered office of the company is proposed to be situated, along with the fee of rupees two thousand in addition to the registration fee as specified in Companies (Registration of Offices and Fees) Rules, 2014.

(2) For the purposes of filing Integrated Incorporation form, the particulars of maximum of three directors shall be allowed to be filed in INC-32 and allotment of Director Identification Number of maximum of three proposed directors shall be permitted in Form INC-32 in case of proposed directors not having approved Director Identification Number.

(3) The promoter or applicant of the proposed company shall propose only one name in e-form No. INC-32.

(4) The promoter or applicant of the proposed company may prepare Memorandum of Association as per templates in Form INC-33 and may opt for templates of Articles of Association in Form INC-34 in accordance with the provisions of rule 13 for preparation of Memorandum of Association and Article of Association.

(5) The promoter or the applicant shall sign and witness, the Memorandum of Association and Articles of Association in the forms downloaded from the portal of the Ministry of Corporate Affairs and scanned legibly and attach to e-form INC-32 in accordance with the provisions of rule 16 for preparation of Memorandum of Association and Articles of Association.

(6) The facility to file Integrated application for incorporation in Form INC-32 is available as an option to the pROCeSS for separate applications for allotment of Director Identification Number, reservation of name and Incorporation of a company as provided in these rules.

(7) For an application filed using the Integrated pROCeSS of incorporation as provided in this rule, the provisions of sub clause (i) of sub-section (5) of section 4 of the Act and rule 9 of these rules shall not apply.

(8) A company using the provisions of this rule may furnish verification of its registered office under sub-section (2) of section 12 of the Act by filling e-Form INC -32 in which case the company shall attach along with such e-Form I NC-32, any of the documents referred to in sub-rule (2) of rule 25.

(9) The requirement of filing e-Form INC-22 may be dispensed with if, the proposed company maintains its registered office at the given correspondence address.

(10) The Registrar within whose jurisdiction the registered office of the company is proposed to be situated shall pROCeSS INC-32 including application for allotment of Director Identification Number.

(11) (a) Where the Registrar, on examining e-form INC-32, finds that it is necessary to call for further information or finds such application or document to be defective or incomplete in any respect, he shall give intimation to the application to remove the defects and re-submit the e-form within 15 days from the date of such intimation given by the Registrar.

(b) After the resubmission of the document, if the registrar still finds that the document is defective or incomplete in any respect, he shall give one more opportunity of 15 days to remove such defects or deficiencies.

(ba) After the re-submission of the documents and on completion of second opportunity, if the registrar still finds that the documents are defective or incomplete, he shall give third opportunity to remove such defects and deficiencies;

Provided that the total period for re-submission of documents shall not exceed a total period of 30 days.

(c) In case, the Registrar is of the opinion that the document is defective or incomplete in any respect after giving such three opportunities, the e-form INC- 32 of the proposed company shall be rejected.

(12) The Certificate of Incorporation shall be issued by the Registrar in Form No. INC-11 .