

B.A.LL.B. VII SEMESTER
SUBJECT: COMPANY LAW
BL-702
TOPIC : INCORPORATION OF COMPANY

Incorporation of a company is the legal process that is used to form a corporate entity or a company. After incorporation the company will become a separate legal entity on its own, recognised by the law.

The Companies Act, 2013 details the regulations and company registration papers essential for the incorporation of a company.

Section 7 of the Companies Act, 2013, details the procedure for incorporation of a company. Here is the procedure:

(1) **Filing of Company Registration Papers with the Registrar that Includes–**

- (a) The memorandum and articles of the company. All subscribers have to sign on the memorandum
- (b) A person named in the articles also has to sign the declaration.
- (c) Each subscriber to the memorandum and individuals named as first directors in the articles should submit an affidavit.
- (d) Address for correspondence until the registered office is set-up.
- (e) Details specified along with the director identification number.
- (f) Articles must provide particular of interest with their consent to act as directors of the company as per the prescribed form and manner.

(2) **Issuing the Certification of Incorporation**

Once the registrar receives the information and company registration papers, he registers all information and documents and issues a certificate of incorporation in the prescribed form.

(3) **Corporate Identity Number (CIN)**

The registrar also allocates a corporate identity number to the company which is a district identity for the company. The certificate carries this date.

(4) **Maintain Copies of Company Registration Paper-** Until dissolution.

FORMATION OF A COMPANY

Section 3 of the Companies Act, 2013, details the basic requirements of forming a company as follows:

- ✓ Formation of a public company involves 7 or more people who subscribe their names to the memorandum and register the company for any lawful purpose.
- ✓ Similar, 2 or more people can form a private company.
- ✓ One person can form a one person company.

Compiled By
Dr Sushil Kumar Sharma
Teaching Assistant
ILS, CCSU campus, Meerut

For further queries you may reach us via..
E-mail - pcsjsushil@gmail.com
Mob - 7017178215