

MINISTRY OF CORPORATE AFFAIRS
NOTIFICATION

New Delhi, the 8th April, 2022

G.S.R. 291(E).—In exercise of the powers conferred by section 10A read with sub-sections (1) and (2) of section 469 of the Companies Act, 2013 (18 of 2013), the Central Government hereby makes the following rules further to amend the Companies (Incorporation) Rules, 2014, namely:-

1. Short title and commencement. (1) These rules may be called the Companies (Incorporation) Amendment Rules, 2022.

(2) They shall come into force from the date of their publication in the Official Gazette.

2. In the Companies (Incorporation) Rules, 2014,

(a) in rule 12, the following proviso shall be inserted, namely:-

“Provided further that in case of a Company being incorporated as a Nidhi, the declaration by the Central Government under section 406 of the Act shall be obtained by the Nidhi before commencing the business and a declaration in this behalf shall be submitted at the stage of incorporation by the company.”

(b) In the Annexure,-

(1) for FORM No.INC.20A, the following Form shall be substituted, namely:-

<p>FORM NO. INC-20A <i>[Pursuant to Section 10A(1)(a) of the Companies Act, 2013 and Rule 23A of the Companies (Incorporation) Rules, 2014]</i></p>	 Declaration for commencement of business
<p>Form language <input type="radio"/> English <input checked="" type="radio"/> Hindi Refer the instruction kit for filing the form.</p> <p>1. *(a) Corporate identity number (CIN) of company <input type="text"/> Pre-fill (b) Global location number (GLN) of company <input type="text"/></p> <p>2. (a) Name of the company <input type="text"/> (b) Address of the registered office of the company <input type="text"/></p> <p>(c) email ID of the company <input type="text"/></p> <p>3. (a) *Whether the affairs of the Company is regulated by any sectoral regulator (like RBI in case of NBFI activities) <input type="radio"/> Yes <input type="radio"/> No (b) *Specify the name of the regulator <input type="text"/> Specify 'others' <input type="text"/></p> <p>(c) *Specify the letter number/registration number/ approval issued under section 406 <input type="text"/> and date of approval/registration as the case may be <input type="text"/></p>	
<p>Attachments</p> <p>(1) *Subscribers proof of payment for value of shares (2) Certificate of Registration issued by the RBI (Only in case of Non-Banking Financial Companies)/ from other regulators (3) notification declaration as a Nidhi Company (4) Optional attachment(s) (if any)</p>	
<p style="text-align: right;">List of Attachments</p> <p><input type="button" value="Attach"/> <input type="button" value="Attach"/> <input type="button" value="Attach"/></p> <p><input type="button" value="Remove attachment"/></p>	

Declaration

I am authorized by the Board of Directors of the Company vide resolution number * [redacted] dated * [redacted] to sign this form and declare that all the requirements of Companies Act, 2013 and the rules made thereunder in respect of the subject matter of this form and matters incidental thereto have been complied with. I further declare that:

1. Whatever is stated in this form and in the attachments thereto is true, correct and complete and no information material to the subject matter of this form has been suppressed or concealed and is as per the original records maintained by the company.
2. All the required attachments have been completely and legibly attached to this form.
3. Every subscriber to the MOA has paid the value for shares agreed to be taken by him.
4. The company has filed with the registrar a verification of its registered office as provided in subsection (2) of section 12.

***To be digitally signed by**

Director

*Director identification number

DSC

Certificate by practicing professional

I declare that I have been duly engaged for the purpose of certification of this form. It is hereby certified that I have gone through the provisions of the Companies Act, 2013 and Rules thereunder relevant to this form and I have verified the above particulars (including attachment(s)) from the original records maintained by the Company/applicant which is subject matter of this form and found them to be true, correct and complete and no information material to this form has been suppressed.

Chartered accountant (in whole-time practice) or Cost accountant (in whole-time practice) or

Company secretary (in whole-time practice)

* Whether associate or fellow

Associate

Fellow

* Membership number

* Certificate of practice number

Note: Attention is drawn to provisions of Section 448 and 449 which provide for punishment for false statement / certificate and punishment for false evidence respectively.

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This eForm has been taken on file maintained by the registrar of companies through electronic mode and on the basis of statement of correctness given by the company

(2) in FORM No.INC-32 (SPICe+), in Part-B, in Declaration, the following shall be inserted at the end, namely:-

"□ I further declare that the company shall not commence the business of Nidhi, unless all the required approvals including the declaration to be issued under section 406 of the Act have been obtained from the Central Government.”.

[F. No. 1/13/2013-CL-V, Vol.IV]

K.V.R. MURTY, Jt. Secy.

Note : The principal rules were published in the Gazette of India, Extraordinary, Part-II, section 3, sub-section (i), vide number G.S.R. 250 (E), dated the 31st March, 2014 and last amended vide number G.S.R. 503(E) dated 22nd July, 2021.