

[TO BE PUBLISHED IN THE GAZETTE OF INDIA PART II, SECTION 3,
SUB SECTION (i), EXTRAORDINARY]

GOVERNMENT OF INDIA
Ministry of Corporate Affairs

Notification

New Delhi the 14th July, 2011

G.S.R. (E). – In exercise of the powers conferred by clauses (a) and (b) of sub-section (1) of section 642 of the Companies Act, 1956 (1 of 1956) read with sections 20 and 21 of the Companies Act, 1956 and all other powers hereunto enabling the Central Government hereby makes the following rules, further to amend the Companies (Central Government's) General Rules and Forms, 1956 namely:-

1. Short title and commencement

- (1) These rules may be called the Companies (Central Government's) General Rules and Forms (Amendment) Rules, 2011.
- (2) They shall come into force with effect from 24th July, 2011.

2. The existing Rule-4A shall be substituted by the following Rule 4A:

“Rule 4A. Sections 20 and 21 –(1) The promoters of a company under a proposed name or a company seeking to change its name may make an application to the Registrar of Companies of the State in which the registered office of the proposed company or of the company to be or is situated.

- (2) The application shall be in Form 1A and be accompanied by a fee of rupees one thousand only.



(3) The Registrar shall cause to examine the application as to whether the changed name or the name with which the proposed company is to be registered, as case may be, is undesirable within the meaning of section 20. In case the name is undesirable, he may reject the same or ask for resubmission of the application with new names or call for further information, ordinarily within three days of receipt of the application.

Provided that the applicants shall be given only upto two opportunities for re-submission of their proposal against the fee paid in the first instance for name availability after the original application is filed. In the event the registrar does not find the proposals so submitted and re-submitted as fit for approval, he shall reject the application after the second re-submission. However, the applicant will be at liberty to file fresh application along with prescribed fee.

Provided further that when the application of the name for new company is certified by a practising Chartered Accountant, Company Secretary or Cost Accountant, the form shall be processed and examined electronically under MCA21 System and the name will be approved online.

(4) Where the Registrar of Companies informs the company or the promoters of the company that the changed name or the name with which the proposed company is to be registered, as the case may be, is not undesirable, such name shall be available for adoption by the said company or by the said promoters of the company for a period of sixty day from the date, the name is allowed:

A handwritten signature in black ink, appearing to be 'JMS', with a horizontal line underneath it.

● *Provided* that if the name so allowed is not adopted on or before the expiry of sixty days from the date it is allowed, the name allowed shall lapse. No extension will be granted after expiry of sixty days from the date, the name is allowed.

Also provided that the name allowed by the Registrar before the date of this notification comes into force, if not adopted, shall lapse after the expiry of a period of sixty days from the date on which it was initially allowed and further thirty days, if renewed.”

3. For, Form 1A, the following shall be substituted:-

A handwritten signature in black ink, appearing to be 'John', with a horizontal line underneath it.

FORM 1A

Application form for availability or change of name

[Pursuant to sections 20 and 21
of the Companies Act, 1956]

Note - All fields marked in * are to be mandatorily filled. Refer instruction kit for details with reference to obtaining online approval of name.

1. *Application for Incorporating a new company Changing the name of an existing company

Part A : Availability of name

2. Details of applicant (In case the applicant has been allotted DIN, then it is mandatory to enter such DIN)

(a) *Director identification number (DIN) or income tax permanent account number (Income tax PAN) or passport number

(b) *Name

(c) *Occupation

(d) *Address Line I
Line II

(e) *City

(f) *State (g) *Pin code

(h) *ISO country code

(i) Country

(j) *e-mail ID

(k) Phone (l) Fax

3. (a) *Type of company New Company(others) Section 25 company Part IX company Producer (PartIXA) company

(b) *State whether the proposed company is public or private Public Private

(c) *State the category of proposed company

(d) *State the sub-category of proposed company

4. *Whether the proposed company is Having share capital Not having share capital

5. *Name of the state in which the proposed company is to be registered

6. *Name of office of the Registrar of Companies in which the proposed company is to be registered

7. Details of promoters (proposed first subscribers to Memorandum of association (MoA))
(In case the promoter(s) has been allotted DIN, then it is mandatory to enter such DIN)

*Enter the number of promoters (proposed first subscribers to MoA)

I. *Category

*DIN or Income-tax PAN or passport number or corporate identity number (CIN) or foreign company registration number (FCRN) or any other registration number

*Name

II. *Category

*DIN or Income-tax PAN or passport number or CIN or FCRN or any other registration number

*Name

8. *Whether the application is being certified by a practicing professional Yes No

Proposed name of the company (Please give 6 names in order of preference)
(In case of new company, if the form is being certified by a practicing professional, only one name is to be entered.)

(a)*	
(b)	
(c)	
(d)	
(e)	
(f)	

10. State the significance of the key or coined word(s), if any, in the proposed name(s) (in brief)

(a)	
(b)	
(c)	
(d)	
(e)	
(f)	

11. In case name is similar to any existing company or to the foreign holding company, specify name of such company.
Also, attach copy of No Objection Certificate by way of board resolution

(a) Whether existing company or foreign holding company Existing company Foreign holding company

(b) In case of existing company, provide CIN

(c) Name of the company

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12. *Main objects of the proposed company to be included in its MoA

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13. *Whether the proposed name(s) contains any word or expression which is likely to give the impression that the company is in any way connected with, or having the patronage of, the Central Government, any State Government, or any local authority, corporation or body constituted by the Central or any State Government under any law for the time in force. If yes, attach copy of approval from Central Government as a proof of no objection. Yes No

14.(a) Proposed authorised capital (in Rs.)

(b) Proposed authorised capital (in words)

15. *Particulars of proposed director(s) (specify information of two directors in case the proposed company is a private company or specify information of three directors in case the proposed company is a public company or specify information of five directors in case the proposed company is a producer company)

I. *DIN

Name

Father's Name

Nationality	<input type="text"/>	Date of birth (DD/MM/YYYY)	<input type="text"/>
Income-tax PAN	<input type="text"/>	Passport number	<input type="text"/>
Voter identity card number	<input type="text"/>		

Present residential address

II. *DIN

Name

Father's Name

Nationality	<input type="text"/>	Date of birth (DD/MM/YYYY)	<input type="text"/>
Income-tax PAN	<input type="text"/>	Passport number	<input type="text"/>
Voter identity card number	<input type="text"/>		

Present residential address

16.(a) *Whether the proposed name(s) are based on a registered trade mark or is the subject matter of an application pending for registration under the trade marks Act Yes No

(b) If yes, furnish particulars of trade mark or application

Part B: In case of change of name

17.(a) *CIN of company



(b) Global location number (GLN) of company

18.(a) Name of the company

(b) Address of the registered office of the company

(c) *e-mail ID of the company

(d) Present authorised capital (in Rs.)

(e) Present authorised capital (in words)

(f) Maximum number of members

19.(a) *Whether the change in name requires change in main objects of the company Yes No

(b) *Reasons for change in name (in case of yes above, mention proposed main objects of the company)

Attachments

1. Copy of Board resolution of the existing company or foreign holding company as a proof of no objection
2. Copy of approval from Central Government as a proof of no objection
3. Trademark or authorisation to use trade mark, if the name of the company is based on trade mark or application for deed of assignment
4. In case of change of name of an existing company, a copy of Board resolution
5. If change is due to a direction received from the Central Government, then a copy of such direction
6. Optional attachment(s) - if any



List of attachments



Verification

- I am a promoter (proposed first subscriber to the MoA) and I am also authorised by the other proposed first subscribers to sign and submit this application.
- I have gone through the provisions of the Companies Act, 1956, the rules and prescribed guidelines framed there under in respect of availability of name, understood the meaning thereof and the proposed name(s) is/are in conformity thereof.
- I have used the search facilities available on the portal of the Ministry of Corporate Affairs (MCA) for checking the resemblance of the proposed name(s) with the companies and Limited Liability Partnerships (LLPs) respectively already registered or the names already approved.
- The proposed name(s) is/are not in violation of the provisions of Emblems and Names (Prevention of Improper Use) Act, 1950 as amended from time to time.
- The proposed name is not offensive to any section of people, e.g., proposed name does not contain profanity or words or phrases that are generally considered a slur against an ethnic group, religion, gender or heredity.
- The proposed name(s) is not such that its use by the company will constitute an offence under any law for the time being in force.
- I have complied with all the mandated requirements of the respective Act/regulator, such as IRDA, RBI, SEBI, MCA etc. (applicable only in case proposed name includes words like Insurance, Bank, Stock Exchange, Venture Capital, Asset Management, Nidhi, Mutual Fund, Finance, Investment, Leasing, Hire purchase etc. or any combination thereof)
- To the best of my knowledge and belief, the information given in this application and its attachments is correct and complete, and the proposed name does not infringe the registered trademark rights of any entity or person or a trademark which is subject of an application for registration, of any other person under the Trade Marks Act, 1999 .
- I have been authorised by the Board of directors' resolution number [] dated [] (DD/MM/YYYY) to sign and submit this application.
- I undertake to be fully responsible for the consequences, in case the name is subsequently found to be in contravention of the provisions of section 20 and 21 of the Companies Act, 1956 and the prescribed guidelines.

To be digitally signed by

Applicant or managing director or director or manager or secretary of the company []

*Designation []

*DIN or Income-tax PAN or passport number of the applicant; or DIN of the director or Managing Director; or Income-tax PAN of the manager; or Membership number, if applicable or income-tax PAN of the secretary (secretary of a company who is not a member of ICSI, may quote his/ her income-tax PAN) []

Certificate by practicing professional

- It is hereby certified that I have verified the above particulars (including attachment(s)) from the records maintained by the applicant in respect of incorporation of

[]

and found them to be true and correct. I further certify that :

- all required attachment(s) have been completely attached to this form.
- I have used the search facility available on the portal of Ministry of Corporate Affairs (MCA) for checking the resemblance of the proposed name(s) with the companies and LLPs respectively already registered or the name already approved.
- the proposed name is not an undesirable name under the provision of section 20 of the Companies Act, 1956 and also is in conformity with Name Availability Guidelines, 2011.

- 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 or certificate of practice number []

For office use only:

eForm Service request number (SRN) [] eForm filing date [] (DD/MM/YYYY)

Digital signature of the authorising officer

This e-Form is hereby approved []

This e-Form is hereby rejected []

Date of signing [] (DD/MM/YYYY)

OR

This eForm has been approved by the registrar of companies through electronic mode and on the basis of statement of correctness given by the applicant and certification given by the practicing professional, in terms of the Name Availability Guidelines.

[F No 17/90/2011-CL.V]


J.N. Tikku,
Joint Director

Note:- The Principal notification was published vide number G.S.R. 432 dated the 18th January, 1956 and last amended vide G.S.R. 514 (E) dated the 7th July, 2011.

o/c