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Instruction Kit for eForm INC-20A  
(Declaration for commencement of business)

## About this Document

The Instruction Kit has been prepared to help you file eForms with ease. This document provides references to law(s) governing the eForms, instructions to fill the eForm at field level and common instructions to fill all eForms. The document also includes important points to be noted for successful submission.

User is advised to refer instruction kit specifically prepared for each eForm.

This document is divided into following sections:

[Part I – Laws Governing the eForm](#)

[Part II – Instructions to fill the eForm](#)

[Part III – Important Points for Successful Submission](#)

*Click on any section link to refer to the section.*

## Part I – Law(s) Governing the eForm

### Section and Rule Number(s)

eForm INC-20A is required to be filed pursuant to Pursuant to **Section 10A(1)(a) of the Companies Act, 2013 and Rule 23A of the Companies (Incorporation) Rules, 2014**, which are reproduced for your reference.

### **Section 10A:**

(1) A company incorporated after the commencement of the Companies (Amendment) Ordinance, 2018 and having a share capital shall not commence any business or exercise any borrowing powers unless—

(a) a declaration is filed by a director within a period of one hundred and eighty days of the date of incorporation of the company in such form and verified in such manner as may be prescribed, with the Registrar that every subscriber to the memorandum has paid the value of the shares agreed to be taken by him on the date of making of such declaration; and

(b) The company has filed with the Registrar a verification of its registered office as provided in sub--section (2) of section 12.

(2) If any default is made in complying with the requirements of this section, the company shall be liable to a penalty of fifty thousand rupees and every officer who is in default shall be liable to

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a penalty of one thousand rupees for each day during which such default continues but not exceeding an amount of one lakh rupees.

(3) Where no declaration has been filed with the Registrar under clause (a) of sub-section (1) within a period of one hundred and eighty days of the date of incorporation of the company and the Registrar has reasonable cause to believe that the company is not carrying on any business or operations, he may, without prejudice to the provisions of sub-section (2), initiate action for the removal of the name of the company from the register of companies under Chapter XVIII.]

### **Rule 23A: Declaration at the time of commencement of business.-**

The declaration under section 10A by a director shall be in Form No, INC-20A and shall be filed as provided in the Companies (Registration Offices and Fees) Rules, 2014 and the contents of the said form shall be verified by a company Secretary or a chartered Accountant or a cost Accountant. in practice: Provided that in the case of a company pursuing objects requiring registration or approval from any sectoral regulators such as the Reserve Bank of India, Securities and Exchange Board of India, etc., the registration or approval, as the case may be from such regulator shall also be obtained and attached with the declaration.

### **Purpose of the eForm**

Declaration prior to the commencement of business or exercising borrowing powers

## **Part II – Instructions to fill the eForm**

### **Specific Instructions to fill the eForm INC-20A at Field Level**

Instructions to fill the eForm are tabulated below at field level. Only important fields that require detailed instructions to be filled in eForm are explained. Self-explanatory fields are not discussed.

S. No/ Section Name	Field Name	Instructions
		•
1	(a) Corporate identity number (CIN) of company	Enter a Valid and 'Active' CIN of company having share capital and where the flag for filing commencement of business is enabled.

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S. No/ Section Name		Field Name	Instructions
		Pre-fill button	Click the <b>Pre-fill</b> button. System will automatically display the name, address of the registered office and the email ID of the company.  In case email ID is not prefilled automatically, then enter valid email ID.
3	(a)	Whether the affairs of the Company is regulated by any sectoral regulator (like RBI in case of NBFIs activities)	Select the Radio button.
	(b)	Specify the name of the regulator	Select one of the option from the drop-down values – IRDA / RBI / SEBI / Others if ‘Yes’ is selected in above field 3(a).
		Specify ‘Others’	Enter the name of regulator if ‘Others’ is selected in field 3(b).
	(c)	Specify the letter number/registration number	Enter the letter number/registration number if ‘Yes’ is selected in field 3(a).
		Date of approval/registration	Enter the Date of approval/registration if ‘Yes’ is selected in field 3(a).
<b>Attachments</b>		<ul style="list-style-type: none"> <li>• Subscribers proof of payment for value of shares</li> <li>• Certificate of Registration issued by the RBI (Only in case of Non-Banking Financial Companies) /from other regulators. It is mandatory to attach this document if ‘Yes’ is selected in field 3(a).</li> </ul> <p>Any other information can be provided as an optional attachment(s).</p>	
<b>Declaration</b>		I am authorized by the Board of Directors of the Company vide resolution number..... Dated ..... to sign.....	Enter the serial number and date of board resolution authorizing the signatory to sign, give declaration and submit the eForm.
<b>To be digitally signed by</b>	Designation		Only Director of the company is allowed to sign this eForm.

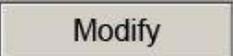
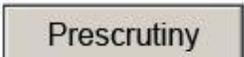
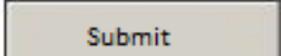
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S. No/ Section Name	Field Name	Instructions
	DSC	<p>The eForm should be digitally signed by a director of the company.</p> <p>The person should have registered his/her DSC with MCA by using the following link (<a href="http://www.mca.gov.in">www.mca.gov.in</a>). If not already register, then please register before signing this form. Disqualified Director should not sign the form.</p>
	Director identification number	Enter the approved DIN.
<b>Certificate by practicing professional</b>		This eform needs to be verified by a practicing professional. Enter the details of the practicing professional and attach the digital signature.

Common Instructions to fill eForm

Buttons	Particulars
Pre-Fill 	<p>The <b>Pre-fill</b> button can appear more than once in an eForm. The button appears next to a field that can be automatically filled using the MCA database.</p> <p>Click this button to populate the field.</p> <p><b>Note:</b> You are required to be connected to the Internet to use the Pre-fill functionality.</p>
Attach 	<p>Click this document to browse and select a document that needs to be attached to the eForm. All the attachments should be scanned in pdf format. You have to click the attach button corresponding to the document you are making an attachment.</p> <p>In case you wish to attach any other document, please click the optional attach button.</p>

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Buttons	Particulars
Remove Attachment 	<p>You can view the attachments added to the eForm in the <b>List of attachment</b> field.</p> <p>To remove any attachment from the eForm, select the attachment in the <b>List of attachment</b> field and click the <b>Remove attachment</b> button.</p>
Check Form 	<ol style="list-style-type: none"> <li>1. Click the <b>Check Form</b> button after, filling the eForm. System performs form level validation like checking if all mandatory fields are filled. System displays the errors and provides you an opportunity to correct errors.</li> <li>2. Correct the highlighted errors.</li> <li>3. Click the <b>Check Form</b> button again and. system will perform form level validation once again. On successful validations, a message is displayed “Form level pre scrutiny is successful”.</li> </ol> <p><b>Note:</b> The Check Form functionality does not require Internet connectivity.</p>
Modify 	<p>The Modify button is enabled, after you have checked the eForm using the <b>Check Form</b> button.</p> <p>To make changes to the filled and checked form:</p> <ol style="list-style-type: none"> <li>1. Click the <b>Modify</b> button.</li> <li>2. Make the changes to the filled eForm.</li> <li>3. Click the <b>Check Form</b> button to check the eForm again.</li> </ol>
Pre scrutiny 	<ol style="list-style-type: none"> <li>1. After checking the eForm, click the <b>Prescrutiny</b> button. System performs some checks and displays errors, if any.</li> <li>2. Correct the errors.</li> <li>3. Click the <b>Prescrutiny</b> button again. If there are no errors, a message is displayed “No errors found.”</li> </ol> <p>The <b>Prescrutiny</b> functionality requires Internet Connectivity.</p>
Submit 	<p>This button is disabled at present.</p>

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### Part III - Important Points for Successful Submission

#### Fee Rules

S.No	Purpose of the form	Normal Fee	Additional Fee (Delay Fee)	Logic for Additional Fees		Remarks
				Event Date	Time limit(days) for filing	
1.	Commencement of business and exercising borrowing powers.	<a href="#">The Companies (Registration Offices and Fees) Rules, 2014</a>	<a href="#">The Companies (Registration Offices and Fees) Rules, 2014</a>	Date of incorporation of company	180 days	

Fees payable is subject to changes in pursuance of the Act or any rule or regulation made or notification issued thereunder.

#### Processing Type

The eForm will be auto approved (STP).

#### SRN Generation

On successful submission of the eForm INC-20A, SRN will be generated and shown to the user which will be used for future correspondence with MCA.

#### Challan Generation

On successful submission of the eForm INC-20A, challan will be generated depicting the details of the fees paid by the user to the Ministry. It is the acknowledgement to the user that the eForm has been filed.

#### Email

When an eForm is completely processed by the authority concerned, an acknowledgement of the same with related documents, if any, is sent to the user in the form of an email to the email id of the company.

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Annexure A

**i. Fee for filing e-Forms or documents in case of company have share capital**

Nominal Share Capital	Fee applicable
Less than 1,00,000	Rupees 200
1,00,000 to 4,99,999	Rupees 300
5,00,000 to 24,99,999	Rupees 400
25,00,000 to 99,99,999	Rupees 500
1,00,00,000 or more	Rupees 600

**ii. Fee for filing e-Forms or documents in case of company not have share capital**

Fee applicable
Rupees 200

**Additional fee rules**

Period of delays	All forms
Up to 30 days	2 times of normal fees
More than 30 days and up to 60 days	4 times of normal fees
More than 60 days and up to 90 days	6 times of normal fees
More than 90 days and up to 180 days	10 times of normal fees
More than 180 days	12 times of normal fees

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