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Draft moa as per new companies act, 2013

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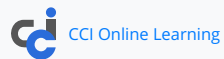
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Sandeep Kumar (Proprietor) 05 November 2013

Dear Ajay Sir,

Please provide Drafted MOA & AOA of Limited Company as per new Companies Act, if available with you.

Thanks



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Dear Ajayj

ROC has send back my form 1 for resubmission with following remarks:

This is to inform you that in term of the provisions under Regulation 17 of the Companies Regulations, 1956, the above-cited Form1,Form18,Form32 dated 07-10-2013 filed vide SRN B86210341 has been examined and marked as Sent for resubmission with the following remarks-

Noc from the owner and Regd. Office Address proof as utility bill has not been scanned. Aoa is not as per the section 2(68) of the companies Act,2013. Pl. refer to Circular No.15/2013.Clause II should be in the national capital territory oif delhi. 1. IN MOA and AOA the heading should be (THE COMPANIES ACT, 1956) AND (THE COMPANIES ACT, 2013 TO THE EXTENT APPLICABLE) 2. THE PRIVATE COMPANY DEFINITION MUST BE AS PER SECTION 2(68) OF THE COMPANIES ACT, 2013) Scan an affidavit on s/paper duly notaised from all the subscribers/first directors separately on rupees 10/-each reg. Non acceptance of deposits.

;



I need your help in redrafting of MOA & AOA

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• [Rahul Gupta](#) (Partner) [🕒 06 November 2013](#)

Dear Sunil Singh Ji

Our firm has incorporated around 15 companies by these MOA and AOA.

I dont think there will be any problem...

Please download the same from our web link...

<http://prags.co/memorandum-and-articles-of-association-to-the-extent-applicable-as-per-new-companies-act-2013-word-format/>

If any problem still persist feel free to email me at rahul @ prags.co

I will be happy to help.....

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• [Rahul Gupta](#) (Partner) [🕒 06 November 2013](#)

And sunil ji the errors you were talking are already dealt within the MOA and AOA we have uploaded on our website...

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• [Sunil Singh](#) (Proprietor) [🕒 06 November 2013](#)

Dear Rahulji

Please send me the draft of affidavit regarding non acceptance of deposit on sunilca01 @ gmail.com



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• [Rahul Gupta](#) (Partner) 🕒 08 November 2013

Dear Sunil Ji

Please download the SEBI Document from the following link...

<http://prags.co/sebi-clauseacceptanceof-deposit/>

It should be on a 10 Rs Stamp Paper.

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• [Lemme](#) (Software Architect) 🕒 09 November 2013

Dear Rahul,

I am from Bangalore and I have some questions i am hoping you could answer related to the same topic.

I recently employed a hyderabad based CA company to register my company in **Bangalore**. They got be DIN, Name Approval etc. And they filed for incorporation . The address proof they used while filing for incorporation is using my Telephone bill in Bangalore where i currently RENT.

The ROC has sent the form back and asked us to RESUBMIT before 8th December 2013. Following are their comments.

- 1. Telephone Bill attached as a Address proof but please attach a electricity bill or water bill or tax paid receipt*
- 2. Subscriber sheets of both MOA and AOA not in legible manner*
- 3. Second subscriber from Bangalore- Camped at Hyderabad not mentioned.*
- 4. The newly notified provisions of Companies Act, 2013 to be incorporated in AOA wherever applicable.*
- 5. The details in subscription sheet appears to be written by same hand. The details should be written by the subscribers only.*

Form should be resubmitted by 08/12/2013 failing which the eForm shall be treated as invalid and shall not be taken on record.

(Please refer Regulation 17 of the Companies Regulation, 1956)

My questions -

1. I never told them i am the owner of the registered address , they seemed to have given a director's NOC when submitting form 1 or 18. Do you happen to have an NOC template that i use for this purpose ?

2. While resubmitting Form 18 and Form 1, Can i declare myself as a tenant of that place. Show them the lease agreement and get an NOC from the Owner and show that as well. This change of stance , will that be

considered as illegal ?

3. I did not understand the 3rd point. Yes I am the second subscriber in question and i was in hyd for a while.

4. What are the newly notified provisions in AOA ?

Any help is greatly appreciated.



• [Rahul Gupta](#) (Partner) [🕒 09 November 2013](#)

Dear Lemme ji...

I will give your answers one by one...

(1) Telephone bill is not a valid address proof. You are required to get a Electricity Bill or Water Bill which should not be more than 3 months old.

(2) Subscriber Sheets should be written in a legible hand.. Subscriber sheets means the sheets in the last page of MOA and AOA

Earlier all Chartered Accountants used to fill them in their own hand. But now they check the handwriting also. Your CA should write them in 3 Handwrittings which can be done from 3 Trainees.

(4) MOA and AOA have changed w.e.f 12/09/2013 but all the changes have not been made applicable.

So MOA and AOA should be as per new companies act to the extent applicable.

(5) Second Subscriber address must have been mentioned wrong somewhere, Check all the forms

Advice:-

Prepare a Fresh Rent Agreement on a stamp paper duly signed and a NOC from the owner of the house and dont worry it will not be termed as illegal. They are treating you owner as since you were attaching a Telephone Bill as a Proof of Business.

Download MOA and AOA Applicable from this link <http://prags.co/memorandum-and-articles-of-association-to-the-extent-applicable-as-per-new-companies-act-2013-word-format/>

Download NOC from this link... (NOC is to be provided on a simple paper, No stamp paper is required)
<http://prags.co/noc-format/>

Regards

Rahul Gupta

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• [Lemme](#) (Software Architect) 🕒 11 November 2013

Dear Rahul,

I truly appreciate your quick response and I will follow your advice. As a follow up to your advice , i have a quick question.

1. I already have a lease agreement with the owner on a 100 rupee stamp paper expired last month . Can we just extend that lease agreement based on a clause that it can be extended on mutual consent ?



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