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**Government of India
Ministry of Corporate Affairs**

Notification

New Delhi, 27th July, 2016

G.S.R. .—In exercise of the powers conferred by 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. (1) These rules may be called the Companies (Incorporation) Third Amendment Rules, 2016.

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

2. In the Companies (Incorporation) Rules, 2014 (hereinafter referred to as the principal rules), in rule 3, for sub-rule (2), the following shall be substituted, namely:-

“(2) A natural person shall not be member of more than a One Person Company at any point of time and the said person shall not be a nominee of more than a One Person Company”.

3. In the principal rules, in rule 8,-

(a) in sub-rule (2) for clause (ii), the following shall be substituted namely:-

“(ii) it includes the name of a trade mark registered or a trade mark which is subject of an application for registration under the Trade Marks Act, 1999 and the rules framed thereunder unless the consent of the owner or applicant for registration, of the trade mark, as the case may be, has been obtained and produced by the promoters;”

(b) in sub-rule (6), in clause(n), the comma between the words ‘financial’ and ‘corporation’ shall be omitted.

4. In the principal rules, in rule 13, after sub-rule (2), the following Explanation shall be inserted, namely:-

“Explanation.- For the purposes of sub-rule (1) and sub-rule (2), the type written or printed particulars of the subscribers and witnesses shall be allowed as if it is written by the subscriber and witness respectively so long as the subscriber and the witness as the case may be appends his or her signature or thumb impression, as the case may be.”

5. In the principal rules, in rule 16,-

(i) in sub-rule (1),-

(a) in clause (m), the following Explanation shall be inserted, namely:-

“Explanation.- In case the subscriber is already holding a valid DIN, and the particulars provided therein have been updated as on the date of application, and the declaration to this effect is given in the application, the proof of identity and residence need not be attached.”;

(b) “clause (q) shall be omitted;

(ii) in sub-rule (2) in clause (g), the words “ or partnership firm” shall be omitted.

6. In the principal rules, for rule 26, the following rule shall be substituted, namely:-

“**26. Publication of name by company.-** (1) Every company which has a website for conducting online business or otherwise, shall disclose/publish its name, address of its registered office, the Corporate Identity Number, Telephone number, fax number if any, email and the name of the person who may be contacted in case of any queries or grievances on the landing/home page of the said website.

(2) The Central Government may as and when required, notify the other documents on which the name of the company shall be printed.”.

7. In the principal rules, in rule 28, in sub-rule (2), after the second proviso, the following proviso shall be inserted, namely:-