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NEWSFLASH

Incorporation of a Limited Liability Partnership with persons not having a valid Directors Identification Number

Background

A Limited Liability Partnership (“**LLP**”) is required to have a minimum of two (2) Designated Partners (“**DP**”). In order to be appointed as a DP, Director Identification Number (“**DIN**”) is a mandatory prerequisite. However, the Ministry of Corporate Affairs (“**MCA**”) vide its notification dated June 12, 2018, amended the Companies (Appointment and Qualification of Directors) Rules, 2014, pursuant to which Form DIR-3 was amended, wherein only DIN with respect to appointment in existing company(ies) / LLPs could be made.

However, in case of a new company, the proposed director has a facility to apply for DIN through Form SPICe, but in case of LLP there was no such facility available to the proposed DP not having DIN beforehand.

Amendment

Pursuant to notification dated September 18, 2018, issued by the MCA, the forms for incorporation of LLPs have been updated and incorporation of LLPs with proposed DPs not having DIN has been facilitated which will be effective from October 2, 2018. The application for allotment of DIN shall be made in Form FiLLiP, which is the newly introduced consolidated form in relation to incorporation of LLP as well as application for DIN.



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