



Instruction Kit for eForm FC-1
(Information to be filled by Foreign Company)

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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 FC-1 is required to be filed pursuant to Section 380(1) (a) to (h) and Rule 3(3) of the Companies (Registration of Foreign Companies) Rules, 2014 which are reproduced for your reference:

Section 380:

(1) Every foreign company shall, within thirty days of the establishment of its place of business in India, deliver to the Registrar for registration—

(a) A certified copy of the charter, statutes or memorandum and articles, of the company or other instrument constituting or defining the constitution of the company and, if the instrument is not in the English language, a certified translation thereof in the English language;

(b) The full address of the registered or principal office of the company;

(c) A list of the directors and secretary of the company containing such particulars as may be prescribed;

(d) The name and address or the names and addresses of one or more persons resident in India authorized to accept on behalf of the company service of process and any notices or other documents required to be served on the company;

(e) The full address of the office of the company in India which is deemed to be its principal place of business in India;

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- (f) Particulars of opening and closing of a place of business in India on earlier occasion or occasions;
- (g) Declaration that none of the directors of the company or the authorized representative in India has ever been convicted or debarred from formation of companies and management in India or abroad; and
- (h) Any other information as may be prescribed.

Rule 3(3):

(2) For the purposes of clause (h) of sub-section (1) of section 380, a foreign company shall, within thirty days of the establishment of its place of business in India, file with the Registrar Form No. FC-1 with such fee as provided in Annexure 'B' and with the documents required to be delivered for registration by a foreign company in accordance with the provisions of sub-section (1) of section 380. The application shall also be supported with an attested copy of approval from Reserve Bank of India under FEMA Regulations and also from other regulators, if any, approval is required by such Foreign Company to establish a place of business in India or a declaration from the authorized representative of such Foreign Company that no such approval is required.

Purpose of the eForm

A foreign company shall file the particulars of the principal place of business in eform FC-1 within 30 days of establishment of place of business in India alongwith the required documents to RoC, Delhi. The Registrar of the corresponding state shall have access to these documents filed with the RoC, Delhi.

eForm Number as per Companies Act 1956

Form 44 as per Companies Act, 1956.

Part II – Instructions to fill the eForm

Specific Instructions to fill the eForm FC-1 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
<p>Note:</p> <ul style="list-style-type: none"> • Stamp duty on eForm FC-1 can be paid electronically through the MCA portal. • Payment of stamp duty electronically through MCA portal is mandatory in respect of the states which have authorized the Central Government to collect stamp duty on their behalf. • Now eStamp duty payment is to be done online through MCA portal for all the states. 		

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S. No/ Section Name	Field Name	Instructions
<p>• Refund of stamp duty, if any, will be processed by the respective state/ union territory government in accordance with the rules and procedures as per the state/ union territory Stamp Act.</p>		
2	(a) & (b)	<p>ISO code of the country where the foreign company is registered</p> <p>Name of Country</p> <p>User is required to enter the ISO code of the country where the foreign company is registered.</p> <p>System shall prefill the name of the country based on ISO code.</p>
3		<p>Full address of registered or principal office of foreign company</p> <p>Enter the full & complete address of the registered office or principal office of the foreign company situated outside India.</p>
4	(a)	<p>Date of establishment of principal place of business in India</p> <p>Enter the date of establishment of principal place of business in India and select the type of office from the drop down values and describe the type of office in case others is selected by the user.</p> <p>Enter the main division of business activity to be carried out in India as per National Industrial Classification (NIC)-2004 given below in Annexure A.</p> <p>The main division should be selected based on relevant sub-class and description applicable to the company given in NIC-2004.</p>
5 & 6		<p>Details of other places of business in India (if any)</p> <p>Particulars of place(s) of business in India established on any earlier occasion(s) other than above (if any)</p> <p>Enter the details of the other places of business in India and also give particulars of places established on earlier occasions in India even if the same is closed other than above. It is mandatory to enter the date of closure of such place of business and also FCRN of such office.</p> <p>Maximum seven of such offices can be entered. If more than seven then details can be given in necessary attachment(s).</p>
7		<p>Details of the one or more person(s) resident.....</p> <p>Enter the number of persons authorized in India on behalf of the company. Based on the number entered, blocks for entering particulars of persons authorized shall be displayed.</p> <p>Details of maximum seven person authorized(s) can be filed through this eForm. If the total number is more than</p>

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S. No/ Section Name		Field Name	Instructions
			<p>seven, then details of remaining person(s) can be provided as an optional attachment.</p> <p>Enter the particulars of person authorized(s). Select whether the person authorized has been appointed through power of attorney or by passing the resolution.</p>
12	(a) & (b)	<p>Whether the company is falling</p> <p>If yes, specify the</p>	<p>Enter the number of person who holds the company's not less than fifty percent paid up share capital (singly or in aggregate) as per section 379 of the Act.</p> <p>Enter the particulars of such persons and system shall generate blocks up to seven. If more than seven persons are to be mentioned then attach the information in attachment no 5.</p>
13	(a) & (b)	Particulars of payment of stamp duty	<p>Click the Pre-fill button.</p> <p>System shall automatically display the state or union territory for which stamp duty is to be paid on eForm FC-1 based on the state wise stamp rules. Amount of stamp duty is Rs 100.00 in case of Delhi and Rs 50.00 in case of other states. The state wise stamp rules are also available on MCA website.</p> <p>Select whether stamp duty is to be paid electronically through MCA portal. Now estamp duty payment is to be done online through MCA portal for all the states.</p> <p>'Yes' shall be selected for the states and union territories where stamp duty is mandatory to be paid electronically through MCA portal and where amount of stamp duty to be paid electronically is greater than zero.</p> <p>In case payment of stamp duty is not applicable (i.e. any person authorized is not appointed through power of attorney), select 'Not applicable'.</p>
	(b) (ii)	Provide details of stamp duty already paid	In case 'No' is selected and if any person authorized is appointed through power of attorney, enter the details of stamp duty paid under the relevant Stamp Act.

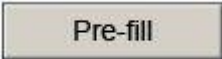


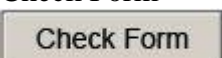
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S. No/ Section Name	Field Name	Instructions
		<p>Enter the total amount of stamp duty paid. Select the mode of payment of stamp duty; and enter the Name of the office of the collector of stamps or prescribed authority, serial number of embossing or stamps or treasury challan number, date and place of payment of stamp duty.</p> <p>Place of payment of stamp duty shall be mandatory to enter in case mode of payment of stamp is 'Manual'.</p>
Declaration		<p>Enter the full name of the authorised representative of the foreign company.</p> <p>Enter serial number and date of board resolution where such person has been authorised to sign, give declaration and submit the eForm.</p>
To be digitally signed by	DSC	Ensure the eForm is digitally signed by the Authorized representative of the foreign company.
	Name and Income Tax PAN of the Authorised representative	Enter full name of authorized representative who is signing this eForm and also valid income-tax PAN number of the authorized representative of the foreign company.
Attachments	<ul style="list-style-type: none"> • Certified copy of the charter, statutes, or memorandum and articles of the company or other instrument constituting or defining the constitution of the company (Mandatory). • List of directors and secretary of the foreign company (Mandatory). • Power of attorney or board resolution in favor of the authorized representative(s) (Mandatory). • Reserve bank of India approval letter (It is mandatory to attach attested copy of such approval). • Copy of permission letter of other Authority(s)/Regulator(s), if any is required to be attached. <p>It is mandatory to attach following in case number entered is more than seven of respective field:</p> <ul style="list-style-type: none"> • Particulars of the persons covered u/s 379 • Details of the places of business other than principal place of business in India 	



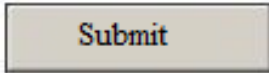
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S. No/ Section Name	Field Name	Instructions
		<ul style="list-style-type: none"> Details of the places of business established at any earlier occasion(s) Particulars of the authorized representatives Interest of authorized person(s) in other entities Particulars of subsidiary, holding or associate companies of the foreign company in India Particulars of related party of the foreign company <p>Any other information can be provided as an optional attachment and if the document attached is not in English, then a certified translation in English language has to be attached.</p>

Common Instructions to fill eForm

Buttons	Particulars
Pre-Fill 	<p>The Pre-fill 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>Note: 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>
Remove Attachment 	<p>You can view the attachments added to the eForm in the List of attachment field.</p> <p>To remove any attachment from the eForm, select the attachment in the List of attachment field and click the Remove attachment button.</p>
Check Form 	<p>1. Click the Check Form 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.</p>

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Buttons	Particulars
	<p>2. Correct the highlighted errors.</p> <p>3. Click the Check Form button again and system will perform form level validation once again. On successful validations, a message is displayed “Form level pre scrutiny is successful”.</p> <p>Note: The Check Form functionality does not require Internet connectivity.</p>
<p>Modify</p> 	<p>The Modify button is enabled, after you have checked the eForm using the Check Form button.</p> <p>To make changes to the filled and checked form:</p> <ol style="list-style-type: none"> 1. Click the Modify button. 2. Make the changes to the filled eForm. 3. Click the Check Form button to check the eForm again.
<p>Pre scrutiny</p> 	<ol style="list-style-type: none"> 1. After checking the eForm, click the Prescrutiny button. System performs some checks and displays errors, if any. 2. Correct the errors. <p>Click the Prescrutiny button again. If there are no errors, a message is displayed “No errors found. The Prescrutiny functionality requires Internet Connectivity.</p>
<p>Submit</p> 	<p>This button is disabled at present.</p>
<p>Country code</p>	<p>Enter the country code. Refer Annexure B – ISO Country Codes.</p>

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Part III - Important Points for Successful Submission

Fee Rules

S. No.	Purpose	Normal Fee	Additional Fee (Delay Fee)	Logic for Additional Fees		Remarks
				Event Date	Time limit(days) for filing	
1.	Information to be filled by Foreign company	The Companies (Fee for filings with Registrar of Companies) Rules, 2014 Annexure C		Date of establishment of registered/principle place of business in India.	30 days	

Processing Type

The eForm will be processed by the office of Registrar of Companies (Non STP mode).

SRN Generation

On successful submission of the eForm FC-1, SRN will be generated and shown to the user which will be used for future correspondence with MCA. SRN for payment of stamp duty shall also be generated if the user opts to pay the stamp duty electronically through MCA21 system in the eForm.

Challan Generation

On successful submission of the eForm FC-1, 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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Certificate

A system generated Certificate for establishment of place of business in India is issued by Registrar and sent to the user as an attachment to the email and Foreign Company Registration Number (FCRN) is generated consequent upon approval of eForm.

Annexure A

List of main divisions of industrial activities

Categories	Divisions (Codes)
Agriculture and Allied Activities	Agriculture, Hunting and related Service activities (01); Forestry, logging and related Service activities(02); Fishing, Operation of fish hatcheries and fish farms; Service activities incidental to fishing (05)
Mining & Quarrying	Mining of coal and lignite, extraction of peat (10); Extraction of crude petroleum and natural gas, service activities incidental to oil and gas extraction excluding surveying (11); Mining of uranium and thorium ores (12); Mining of metal ores (13); Other Mining and Quarrying (14)
Manufacturing (Food stuffs)	Manufacture of food products and beverages (15); Manufacture of tobacco products (16)
Manufacturing (Textiles)	Manufacture of textiles (17); Manufacture of wearing apparel, dressing and dyeing of fur (18)
Manufacturing (Leather & products thereof)	Tanning and dressing of leather, manufacture of luggage handbags, saddlery & harness and footwear (19)
Manufacturing (Wood Products)	Manufacture of wood and of products of wood and cork, except furniture; manufacture of articles of straw and plating materials (20)
Manufacturing (Paper & Paper products; Publishing, printing and reproduction of recorded media)	Manufacture of paper and paper products (21); Publishing, printing and reproduction of recorded media (22)
Manufacturing (Metals & Chemicals, and products thereof)	Manufacture of coke, refined petroleum products and nuclear fuel (23); Manufacture of chemicals and chemical products (24); Manufacture of rubber and plastic products (25); Manufacture of other non-metallic mineral products (26) ; Manufacture of basic metals (27); Manufacture of fabricated metal products, except machinery and equipments (28)
Manufacturing (Machinery & Equipments)	Manufacture of machinery and equipment n.e.c (29); Manufacture of office, accounting and computing machinery (30); Manufacture of electrical machinery and apparatus n.e.c (31);

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Categories	Divisions (Codes)
	Manufacture of radio, television and communication equipment and apparatus (32); Manufacture of medical, precision and optical instruments, watches and clocks (33); Manufacture of motor vehicles, trailers and semi-trailers (34); Manufacture of other transport equipment (35)
Manufacturing (Others)	Manufacture of furniture; manufacturing n.e.c (36); Recycling (37)
Electricity, Gas & Water companies	Electricity, gas, steam and hot water supply (40); Collection, purification and distribution of water (41)
Construction	Construction (45)
Trading	Sale, maintenance and repair of motor vehicles and motor cycles; retail sale of automotive fuel (50); Wholesale trade and commission trade, except of motor vehicles and motorcycles (51); Retail trade, except of motor vehicles and motorcycles, repair of personal and household goods (52); Hotels and Restaurants (55)
Transport, storage and Communications	Land transport; transport via pipelines (60); Water Transport (61); Air Transport(62); Supporting and auxiliary transport activities, activities of travel agencies (63); Post and telecommunications (64)
Finance	Financial intermediation, except insurance and pension funding (65); Activities auxiliary to financial intermediation (67)
Insurance	Insurance and pension funding, except compulsory social security (66)
Real Estate and Renting	Real estate activities (70); Renting of machinery and equipment without operator and of personal and household goods (71)
Business Services	Computer and related activities (72); Other Business Activities (74)

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Annexure B

List of ISO Country Codes

Country Name	Country Code	Country Name	Country Code
AFGHANISTAN	AF	LIBERIA	LR
ÅLAND ISLANDS	AX	LIBYAN ARAB JAMAHIRIYA	LY
ALBANIA	AL	LIECHTENSTEIN	LI
ALGERIA	DZ	LITHUANIA	LT
AMERICAN SAMOA	AS	LUXEMBOURG	LU
ANDORRA	AD	MACAO	MO
ANGOLA	AO	MACEDONIA, THE FORMER YUGOSLAV REPUBLIC OF	MK
ANGUILLA	AI	MADAGASCAR	MG
ANTARCTICA	AQ	MALAWI	MW
ANTIGUA AND BARBUDA	AG	MALAYSIA	MY
ARGENTINA	AR	MALDIVES	MV
ARMENIA	AM	MALI	ML
ARUBA	AW	MALTA	MT
AUSTRALIA	AU	MARSHALL ISLANDS	MH
AUSTRIA	AT	MARTINIQUE	MQ
AZERBAIJAN	AZ	MAURITANIA	MR
BAHAMAS	BS	MAURITIUS	MU
BAHRAIN	BH	MAYOTTE	YT
BANGLADESH	BD	MEXICO	MX
BARBADOS	BB	MICRONESIA, FEDERATED STATES OF	FM
BELARUS	BY	MOLDOVA, REPUBLIC OF	MD
BELGIUM	BE	MONACO	MC
BELIZE	BZ	MONGOLIA	MN
BENIN	BJ	MONTENEGRO	ME
BERMUDA	BM	MONTSERRAT	MS
BHUTAN	BT	MOROCCO	MA
BOLIVIA	BO	MOZAMBIQUE	MZ
BOSNIA AND HERZEGOVINA	BA	MYANMAR	MM
BOTSWANA	BW	NAMIBIA	NA
BOUVET ISLAND	BV	NAURU	NR
BRAZIL	BR	NEPAL	NP
BRITISH INDIAN OCEAN TERRITORY	IO	NETHERLANDS	NL
BRUNEI DARUSSALAM	BN	NETHERLANDS ANTILLES	AN
BULGARIA	BG	NEW CALEDONIA	NC

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Country Name	Country Code	Country Name	Country Code
BURKINA FASO	BF	NEW ZEALAND	NZ
BURUNDI	BI	NICARAGUA	NI
CAMBODIA	KH	NIGER	NE
CAMEROON	CM	NIGERIA	NG
CANADA	CA	NIUE	NU
CAPE VERDE	CV	NORFOLK ISLAND	NF
CAYMAN ISLANDS	KY	NORTHERN MARIANA ISLANDS	MP
CENTRAL AFRICAN REPUBLIC	CF	NORWAY	NO
CHAD	TD	OMAN	OM
CHILE	CL	PAKISTAN	PK
CHINA	CN	PALAU	PW
CHRISTMAS ISLAND	CX	PALESTINIAN TERRITORY, OCCUPIED	PS
COCOS (KEELING) ISLANDS	CC	PANAMA	PA
COLOMBIA	CO	PAPUA NEW GUINEA	PG
COMOROS	KM	PARAGUAY	PY
CONGO	CG	PERU	PE
CONGO, THE DEMOCRATIC REPUBLIC OF THE	CD	PHILIPPINES	PH
COOK ISLANDS	CK	PITCAIRN	PN
COSTA RICA	CR	POLAND	PL
COTE D'IVOIRE	CI	PORTUGAL	PT
CROATIA	HR	PUERTO RICO	PR
CUBA	CU	QATAR	QA
CYPRUS	CY	REUNION	RE
CZECH REPUBLIC	CZ	ROMANIA	RO
DENMARK	DK	RUSSIAN FEDERATION	RU
DJIBOUTI	DJ	RWANDA	RW
DOMINICA	DM	SAINT BARTHELEMY	BL
DOMINICAN REPUBLIC	DO	SAINT HELENA	SH
ECUADOR	EC	SAINT KITTS AND NEVIS	KN
EGYPT	EG	SAINT LUCIA	LC
EL SALVADOR	SV	SAINT MARTIN	MF
EQUATORIAL GUINEA	GQ	SAINT PIERRE AND MIQUELON	PM
ERITREA	ER	SAINT VINCENT AND THE GRENADINES	VC
ESTONIA	EE	SAMOA	WS
ETHIOPIA	ET	SAN MARINO	SM
FALKLAND ISLANDS (MALVINAS)	FK	SAO TOME AND PRINCIPE	ST

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Country Name	Country Code	Country Name	Country Code
FAROE ISLANDS	FO	SAUDI ARABIA	SA
FIJI	FJ	SENEGAL	SN
FINLAND	FI	SERBIA	RS
FRANCE	FR	SEYCHELLES	SC
FRENCH GUIANA	GF	SIERRA LEONE	SL
FRENCH POLYNESIA	PF	SINGAPORE	SG
FRENCH SOUTHERN TERRITORIES	TF	SLOVAKIA	SK
GABON	GA	SLOVENIA	SI
GAMBIA	GM	SOLOMON ISLANDS	SB
GEORGIA	GE	SOMALIA	SO
GERMANY	DE	SOUTH AFRICA	ZA
GHANA	GH	SOUTH GEORGIA AND THE SOUTH SANDWICH ISLANDS	GS
GIBRALTAR	GI	SPAIN	ES
GREECE	GR	SRI LANKA	LK
GREENLAND	GL	SUDAN	SD
GRENADA	GD	SURINAME	SR
GUADELOUPE	GP	SVALBARD AND JAN MAYEN	SJ
GUAM	GU	SWAZILAND	SZ
GUATEMALA	GT	SWEDEN	SE
GUERNSEY	GG	SWITZERLAND	CH
GUINEA	GN	SYRIAN ARAB REPUBLIC	SY
GUINEA-BISSAU	GW	TAIWAN	TW
GUYANA	GY	TAJIKISTAN	TJ
HAITI	HT	TANZANIA, UNITED REPUBLIC OF	TZ
HEARD ISLAND AND MCDONALD ISLANDS	HM	THAILAND	TH
HOLY SEE (VATICAN CITY STATE)	VA	TIMOR-LESTE	TL
HONDURAS	HN	TOGO	TG
HONG KONG	HK	TOKELAU	TK
HUNGARY	HU	TONGA	TO
ICELAND	IS	TRINIDAD AND TOBAGO	TT
INDIA	IN	TUNISIA	TN
INDONESIA	ID	TURKEY	TR
IRAN, ISLAMIC REPUBLIC OF	IR	TURKMENISTAN	TM
IRAQ	IQ	TURKS AND CAICOS ISLANDS	TC
IRELAND	IE	TUVALU	TV
ISLE OF MAN	IM	UGANDA	UG



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Country Name	Country Code	Country Name	Country Code
ISRAEL	IL	UKRAINE	UA
ITALY	IT	UNITED ARAB EMIRATES	AE
JAMAICA	JM	UNITED KINGDOM	GB
JAPAN	JP	UNITED STATES	US
JERSEY	JE	UNITED STATES MINOR OUTLYING ISLANDS	UM
JORDAN	JO	URUGUAY	UY
KAZAKHSTAN	KZ	UZBEKISTAN	UZ
KENYA	KE	VANUATU	VU
KIRIBATI	KI	VENEZUELA, BOLIVARIAN REPUBLIC OF	VE
KOREA, DEMOCRATIC PEOPLE'S REPUBLIC OF	KP	VIET NAM	VN
KOREA, REPUBLIC OF	KR	VIRGIN ISLANDS, BRITISH	VG
KUWAIT	KW	VIRGIN ISLANDS, U.S.	VI
KYRGYZSTAN	KG	WALLIS AND FUTUNA	WF
LAO PEOPLE'S DEMOCRATIC REPUBLIC	LA	WESTERN SAHARA	EH
LATVIA	LV	YEMEN	YE
LEBANON	LB	ZAMBIA	ZM
LESOTHO	LS	ZIMBABWE	ZW

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Annexure C

The Companies (Fee for filings with Registrar of Companies) Rules, 2014

Normal fees

Rupees 6,000

Additional fees

Period of delays	Fee applicable
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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