

Companies Act, 1956

Section 33 - Registration of Memorandum and Articles

(1) There shall be presented for registration, to the Registrar of the State in which the registered office of the company is stated by the memorandum to be situate -

(a) the memorandum of the company;

(b) its articles, if any; and

1 [(c) the agreement, if any, which the company proposes to enter into with any individual for appointment as its managing or whole-time director or manager.]

(2) A declaration by an advocate of the Supreme Court or of a High Court, an attorney or a pleader entitled to appear before a High Court, or 2 [a Secretary or a chartered accountant in whole-time practice in India] who is engaged in the formation of a company, or by a person named in the articles as a director 3 [***] manager or secretary of the company, that all the requirements of this Act and the rules thereunder have been complied with in respect of registration and matters precedent and incidental thereto, shall be filed with the Registrar; and the Registrar may accept such a declaration as sufficient evidence of such compliance.

4 [Explanation.--For the purposes of this sub-section, "chartered accountant in whole-time practice in India" means a chartered accountant within the meaning of clause (b) of sub-section (1) of section 2 of the Chartered Accountants Act, 1949 (38 of 1949) who is practising in India and who is not in full-time employment.]

(3) If the Registrar is satisfied that all the requirements aforesaid have been complied with by the company and that it is authorised to be registered under this Act, he shall retain and register the memorandum, the articles, if any, and the agreement referred to in clause (c) of sub-section (1), if any.

1. Substituted by Act 31 of 1988, Section 6, for clause (c) (w.e.f. 15-6-1988).

2. Substituted by Act 31 of 1988, Section 6, for "a chartered accountant practicing in India" (w.e.f. 15-6-1988).

3. The words "managing agent, secretaries and treasures," omitted by Act 31 of 1988, Section 6 (w.e.f. 15-6-1988).

4. Inserted by Act 31 of 1988, Section 6 (w.e.f. 15-6-1988).
