

Kind Attn. – Company Secretaries

Company Secretaries are to note that if the word 'CS' or 'Company Secretary' or 'Company Secretaries' is used by a LLP as suffix, then a prior No Objection Certificate (NOC) is mandatorily required to be obtained from the ICSI by such proposed LLP.

It is also observed that many Company Secretaries directly approach the Registrar of Companies (ROCs) and obtain approval for their LLP names from the ROCs without taking prior approval from ICSI claiming that their LLP name does not contain the word "Company Secretary/Company Secretaries" and hence prior approval is not required from ICSI. Later they inform the ICSI about the same. In such cases too, if the proposed LLP is to provide secretarial/attestation services, NOC from the ICSI needs to be taken from the ICSI first for their LLP name and then approach the ROCs for the name registration.

All the LLPs which are covered as per the above will also need to update information, if not updated earlier, to the ICSI within 30 days of issue of this advisory such as name of the LLP, date of incorporation, approval of name details, professional address and contact details (email id, telephone number, fax number, mobile number etc.) of the LLP, details of the partners with membership number, LLP incorporation certificate received from RoC (Registrar of Companies), copy of Form 2 filed with ROC, copy of LLP deed executed & filed with ROC with Form 25.

Further, in all such cases as mentioned above, the Company Secretaries are also required to intimate ICSI about any subsequent changes in the partnership pattern of the LLP within thirty days of any such change.

However, notwithstanding anything contained hereinabove, if a Company Secretary intends to form a LLP for a purpose, not at all related directly or indirectly, to the profession of Company Secretary, he/she is exempted from obtaining NOC from the Institute.