COMPANYS REGISTRATION.com

Overseas Individual: NRI, OCI or Foreign National

For individual founders investing or managing an Indian business from overseas.

Use the boxes to track preparation. Record your responsible person and agreed deadline beside each item. This is a preparation aid; confirm the final documents and requirements for your facts.

Establish status before choosing a route

Investor and activity

- ☐ Record citizenship, OCI status if relevant, and the FEMA residence assessment. Do not use a tax-residence label as the only test.
- ☐ Define the activity, proposed ownership and the correct investment basis; review sector caps, conditions and approvals.
- ☐ Review investor-country, beneficial-ownership and control issues under the current rules.
- ☐ For a sole owner, distinguish an eligible Indian-citizen OPC route from foreign-citizen ownership; OCI does not equal Indian citizenship.

Identity and management

- ☐ Prepare passport and overseas address evidence; Indian citizens should prepare PAN details and the identity evidence relevant to the application.
- ☐ For an OCI investor, prepare OCI evidence as well as passport/address documents.
- ☐ Plan directors/designated partners, genuine duties, consents, DSC/DIN/DPIN and the applicable India-residence requirements.

Execution, funding and records

Confirm the receiving professional and bank requirements before paying for document authentication.

Prepare documents correctly

- ☐ Confirm which documents will be signed or issued overseas, where execution occurs, and whether translation is needed.
- ☐ Confirm the applicable notarisation, apostille or consular authentication route for each document and signatory.
- ☐ Agree the exact wording, certification, number of copies and acceptance requirements before signing.
- ☐ Prepare Indian office evidence and owner consent for the chosen structure.

Before sending funds

- ☐ Agree repatriation/non-repatriation treatment where eligible, the funding instrument and permissible payment route with the AD bank.
- ☐ Confirm remitter KYC, source of funds and the evidence the receiving bank will provide.
- ☐ Treat share capital, partner contribution, loans, service fees and reimbursements as separate transactions.

After establishment

- ☐ Assign investment-reporting, books, tax, audit and annual-filing responsibilities.
- ☐ Keep incorporation/subscription dates and later issue or transfer dates separate for reporting analysis.
- ☐ Check visa/work conditions separately for any visit, employment or management presence in India.

Sources and next steps

MCA incorporation FAQs - https://www.mca.gov.in/content/dam/mca/pdf/SPICEplus-and-linked-filings-FAQs-V3-20230122.pdf

RBI foreign investment guidance - https://rbi.org.in/scripts/BS_ViewMasDirections.aspx?id=11200

MEA apostille and attestation - https://www.mea.gov.in/apostille-menu.htm

CR compliance calendar - https://companysregistration.com/pages/compliance-calendar

Read current instructions and your approval communication. Do not assume name approval, incorporation, investment approval, an operating licence and immigration permission are interchangeable.