

# THE INSTITUTE OF Company Secretaries of India

Statutory body under an Act of Parliament

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Shilanyasa of ICSI-HOUSE, Mysore on 26<sup>th</sup> September, 2010

# **MYSORE CHAPTER OF**



Warmly welcomes you to be a part of the cherished occasion of

# SHILANYASA OF ICSI-HOUSE MYSORE

On Sunday, 26th September 2010 @ 8 am

### CS. VINAYAK S. KHANVALKAR

PRESIDENT, ICSI

has kindly consented to lay the foundation Stone

in the presence of

CS. N.K. JAIN SECRETARY & CEO, ICSI

and other distinguished guests at

Site No. 125, NHCSL Layout, Opp JK Tyres, KRS Road, Mysore 570 016



# International Competition Law Conference, October 19, 2010, New Delhi

September 20, 2010

Dear Members,

### Sub: International Competition Law Conference, October 19, 2010, New Delhi

You are aware that the ICSI is actively engaged in capacity building of its members in new and emerging areas. The Competition Law is one such area where the Company Secretaries by virtue of their knowledge and expertise can render valuable services to corporates and clients, by appearing before Competition Commission of India and Competition Appellate Tribunal besides advisory services on competition related matters.

Carrying forward its capacity building initiatives in Competition Law, the ICSI is pleased to be associated as **Knowledge Partner** in the organisation of International Competition Law Conference being hosted by Competition Law Bar Association on October 19, 2010 at New Delhi.

I invite you to register for the Conference and benefit from the interaction with galaxy of experts in competition law.

A copy of the brochure is placed below for your ready reference.

For more details please visit www.competitionlaw2010.com.

With kind regards,

Your sincerely,

(N K JAIN) SECRETARY & CEO

To view as a Webpage, click here





# INTERNATIONAL COMPETITION LAW CONFERENCE

## 19th October 2010 The Lalit Hotel, New Delhi

### SPEAKERS

- A. K. Chauhan
- A. N. Haksar
- Anand S. Pathak
- Bobby Chandhoke Senior Partner, Luthra & Luthra, India
- Bernard E. Amory Partner, Jones Day, Belgium
- Christine C. Wilson Partner, O'Melveny & Myers LLP, USA
- Dhanendra Kumar
- D. S. Sengar Director, ILI, India
- Dushyant Dave
- lan Forrester QC, Partner, White & Case
- Joseph Winterscheid Partner, McDermott, USA
- K. K. Sharma
- Kala Anandarajah Partner, Rajah & Tann LLP, Singapore
- Madhu Khatri
- Manas Kumar Chaudhuri Partner, Khaitan & Co, India
- Marc Waha
   Partner, Norton Rose, Hong Kong
- Martina Maier Partner, McDermott, Belgium
- P. N. Parashar
- Pravin Tripathi Member, COMPAT, India
- P. H. Parekh
- Percy Billimoria
   Partner, AZB & Partners, India Rahul Goel
- Partner, Seth Dua & Associates, India Rahul Sarin
   Rahul Sarin
   COMPAT, India
- Riccardo Celli Partner, O'Melveny & Myers LLP. Belgium
- Vijaya Sampath General Counsel & Company Secy., Bharti Enterprises Ltd.,

### INTERNATIONAL COMPETITION LAW CONFERENCE

Competition Law Bar Association is hosting a Conference covering all aspects of the Indian and Foreign Competition Laws. This coincides with the 1st Anniversary of the Competition Appellate Tribunal (COMPAT).

The inaugural and valedictory sessions are being organized by COMPAT whereas Competition Law Bar Association would be organizing four technical sessions with academic inputs provided by the Indian Law Institute, the Premier Legal Research Institute and Amity Law School

Hon'ble Judges of the Supreme Court, High Courts; Chairman & Members of Competition Commission of India, Dignitaries from Government of India; Lawyers; Chartered Accountants; Company Secretaries and other Professionals; Policy Makers; Academicians; Students from various Universities and Eminent persons in the field of Competition Law from different parts of the World are likely to participate.

Primarily in four technical sessions which are being organized, the various aspects of the newly enforced Competition Law would be discussed.

Please block the 19th October 2010 in your schedule of engagements

Email us at: secretariat@competitionlaw2010.com

Last Date of Early bird Registration is 27th September.

### **COMPETITION LAW BAR** ASSOCIATION EXECUTIVE COMMITTEE

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Dr. V. K. Aggarwal Vice President

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# Timely Filing Of Annual Return And Balance Sheet to avoid last minute rush in MCA21\*

DEAR CORPORATES,

TO AVOID LAST MINUTE RUSH AND SYSTEM CONGESTION IN MCA21 DUE TO HEAVY FILING IN LAST 10 DAYS OF THE MONTHS OF OCTOBER AND NOVEMBER 2010, IT IS REQUESTED THAT FILING OF ANNUAL RETURN AND BALANCE SHEET MAY BE DONE IN THE FOLLOWING ORDER:-

Company Names starting with	September 2010	October 2010	November 2010
Alphabets A to D	All days during	1st Oct to 05 Oct	1 <sub>st</sub> Nov to 05 Nov
	the month	2010	2010
Alphabets E to K	-do-	6th Oct to 10th Oct	6th Nov to 10th Nov
//		2010	2010
Alphabets L to Q	-do-	11th Oct to 15th	11th Nov to 15th
6		Oct 2010	Nov 2010
Alphabets R & S	-do-	16th Oct to 20th	16th Nov to 20th
		Oct 2010	Nov 2010
Alphabets T to Z	-do-	21st Oct to 25th	21st Nov to 25th
		Oct 2010	Nov 2010
Remaining/ Left	-do-	26th Oct to 31st	26th Nov to 30th
out companies	/-	Oct 2010	Nov 2010

YOU ARE REQUESTED TO PLAN YOUR ANNUAL GENERAL MEETING AND FILING ACCORDINGLY.

\*Source: www.mca.gov.in





### In-bound Cross Border Money Transfer Service-Exclusivity Arrangements

RBI/2010-11/206

.CO.PD. 591/02.27.001 /2010-2011

September 17, 2010

All Authorised In-bound Money Transfer Service providers

Madam / Dear Sir

# <u>In-bound Cross Border Money Transfer Service– Exclusivity Arrangements</u>

It has come to our notice that, certain Overseas Entities who are authorized by the Reserve Bank of India, under the Payment and Settlement System Act, 2007, to operate in-bound cross border money transfer services through agents appointed in India, have been insisting on "exclusivity" arrangements with their agents for rendering such services in India. These entities also extend the scope of these exclusivity arrangements to the sub-agents, through their agents. As a result, the Indian entities appointed as agents/sub-agents are not permitted to act as agents/sub-agents of any other entities engaged in the same activity.

- 2. We have examined the desirability of such arrangements in India. We are constrained to conclude that "exclusivity" arrangements limit competition, distort pricing and thereby act as a deterrent to a payment system from achieving the desired goal of efficiency, affordability and being ubiquitous.
- 3. In view of the above, it has been decided that:
  - i. Overseas Entities, authorized by the Reserve Bank of India, under the Payment and Settlement Systems Act, 2007, to operate in-bound cross border money transfer services through agents appointed in India, shall not enter into any arrangement with any entity regulated by the Reserve Bank, appointed as agent, incorporating any kind of "exclusivity" clause in the contracts which restrict or prohibit the agent from entering into agency relationship with other overseas entities operating in-bound cross border money transfer services.



- ii. The agents appointed by the overseas entities shall also not enter into any arrangement with any entity regulated by the Reserve Bank, to function as sub-agents, incorporating any kind of "exclusivity" clause in the contracts.
- iii. The agents appointed by the overseas entities can enter into agreements with "exclusivity" clause with entities not regulated by Reserve Bank, only through mutual consent.
- 4. All entities that have been authorized by the Reserve Bank to operate in-bound cross border money transfer services are required to comply with these directions by December 31, 2010. All new agreements and renewal of existing agreements executed from the date of this circular shall not contain the "exclusivity" clause as set out above.
- 5. All authorized entities may bring the contents of this circular to the notice of all the agents/sub-agents immediately.
- 6. Please acknowledge receipt.

Yours faithfully G Padmanabhan Chief General Manager







### Clarification on Introduction of Call Auction in preopen session

### **CIRCULAR**

CIR/MRD/DP/32/2010

September 17, 2010

The Managing Director National Stock Exchange of India Exchange Plaza, Bandra Kurla Complex Bandra(E) Mumbai-400 051

The Managing Director and CEO Bombay Stock Exchange Limited Phiroze Jeejeebhoy Towers Dalal Street Mumbai-400001

Dear Sir,

# Sub: Clarification on Introduction of Call Auction in pre-open session

This is further to the SEBI Circular No. CIR/MRD/DP/21/2010 dated July 15, 2010 regarding introduction of call auction in pre-open session.

- 2. It is clarified that para 11 of the aforesaid circular shall read as under:
  - (a) In case the equilibrium price is not discovered in the preopen session, wherein, there are only market orders, the market orders shall be matched at previous day's close price and all unmatched market orders shall be shifted to the order book of the normal market at previous day's close price following time priority. Previous day's close price shall be the opening price.
  - (b) In case the equilibrium price is not discovered in the preopen session and there are no market orders to be matched, all unmatched market orders (at previous day's



close price) and limit orders shall be shifted to the order book of the normal market following price time priority

- 3. The stock exchanges should bring out this clearly in their communication to brokers, who in turn shall disseminate the information to their clients desirous of placing call auction orders in pre-open session.
- 4. In light of the above, SEBI Circular No. CIR/MRD/DP/27/2010 dated August 27, 2010 on "Clarification on Introduction of call auction in pre-open session" shall stand superseded.
- 5. This circular is being issued in exercise of powers conferred under Section 11 (1) of the Securities and Exchange Board of India Act, 1992 to protect the interests of investors in securities and to promote the development of, and to regulate the securities market.

Yours faithfully,

Harini Balaji Deputy General Manager 022-26449372 harinib@sebi.gov.in



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### All Industry Rates of Duty Drawback, 2010-11 - Reg.

F.No. 609/76/2010-DBK
Government of India
Ministry of Finance
(Department of Revenue)
Central Board of Excise & Customs, New Delhi

Circular No. 35/2010-Cus.,

New Delhi dated: 17.09.2010

To

All Chief Commissioners of Customs / Customs (Prev.).

All Chief Commissioners of Customs & Central Excise/ Central Excise.

All Director Generals under CBEC, CDR (CESTAT).

All Commissioners of Customs / Customs (Prev).

All Commissioners of Customs & Central Excise/ Central Excise.

Subject: All Industry Rates of Duty Drawback, 2010-11 - Reg.

Sir/ Madam,

The Ministry has announced the revised All Industry Rates (AIR) of Duty Drawback vide Notification No. 84/2010-Cus. (N.T.), dated 17/09/2010. The rates of drawback have been made effective from 20.9.2010. The Notification may please be downloaded from CBEC website www.cbec.gov.in and perused for details.

2. Like in previous years, the drawback rates have been determined on the basis of certain broad parameters including, inter alia, the prevailing prices of inputs, Standard Input Output Norms (SION), share of imports in the total consumption of inputs and the applied rates of duty. The incidence of duty on HSD/Furnace Oil has been factored in the drawback calculations. The incidence of service tax paid on taxable services which are used as input services in the manufacturing or processing of export goods has also been factored. The Commissioners may ensure that the exporters do not avail of the refund of this tax



through any other mechanism while claiming the All Industry Rates of duty drawback.

- 3. The Drawback Schedule includes some new entries such as Denim Fabric and cotton garments containing 1% or more by weight of Spandex / Lycra / Elastane, garments of blend containing wool & Man Made Fibre(MMF), woven carpets and floor coverings of jute, knotted carpets and floor coverings of MMF, brass parts of ball or roller bearings and silk embroidery. The Schedule may please be perused for details.
- 4. The drawback rates have undergone changes in line with the changes in the prices of inputs, duties etc. Thus the drawback rates have been changed in most cases. The more important changes are discussed below:-

### (i) Leather and Leather Articles (Chapters 41, 42 & 64)

The Drawback rates for all the goods falling in the Chapters 41, 42 and 64 have been decreased by 5% - 15% approximately. The caps have also been revised downwards. It may be noted that value cap for headings 420501 and 420502 has been changed from Rs. 585 per piece to Rs. 15 per sq. ft. This change was necessitated because of representations received from the field formations and the trade in respect of Leather Sofa cover being exported in SKD/CKD condition which was being denied drawback rate as 'per piece'.

### (ii) Textiles and Textile Articles (Chapters 50-63)

- (a) **Silk:** The drawback rate for silk fabric has been increased from 9.8% with a drawback cap of Rs. 295 to 11% with a drawback cap of Rs. 330/kg. The rate for fabric of noil silk has also been revised upwards.
- (b) **Wool:** In the case of wool tops, woollen yarn and fabrics the drawback rates have been decreased by 5% 20% approximately. The caps have also been revised downwards.
- (c) **Cotton Yarn and Fabrics:** The drawback rates for grey cotton yarn and dyed cotton yarn continue to be Nil for the present. As for cotton fabrics, the new rate is 3.7% (grey)/4.2% (dyed) with a drawback cap of Rs. 12 per kg (grey)/Rs. 14 per kg (dyed). In case of denim fabrics the new rate is 4.3% with a cap of Rs. 16.2/kg. The new entry for Denim Fabric with 1% or more by weight of Spandex / Lycra /



Elastane has been created with a drawback rate of 4.6% and value cap of Rs. 17.4 per Kg.

- (d) Man-made Filaments and Man-made Staple Fibres: The Drawback rates for most of the goods falling in the Chapters 54 and 55 have been marginally reduced.
- (e) Carpets and Floor Coverings: The Drawback rates for most of the goods except for silk carpets, falling in the Chapter 57 have been decreased by 10% approximately. For silk carpets, there is no change. New entries have been created for carpets and floor coverings of Jute and Coir under heading 5702 with drawback rates of 3.5%.

A new entry for carpets and floor coverings of cotton has been created under heading 5702 to cover cotton woven durries/rugs etc. Earlier these goods were being classified under the heading 570501. Representations were received that these goods were correctly classifiable under the heading 5702. Accordingly, the change has been made in this Drawback Schedule. As regards the past consignments, no demands may be raised as the intention was always to allow these goods the rate specified under heading 570501.

There has been a dispute about the heading 570301 as to whether the existing description "hand tufted carpets" covers hand- held gun tufted carpets or not. In order to resolve this dispute, the word "hand" has been deleted from this heading and the description now reads only "tufted woollen floor coverings, all sorts".

(f) Ready Made Garments & Made Ups: In the readymade garment sector, except for silk garments, drawback rates have been decreased by 10% - 15% approximately. The caps have also been revised downwards. The new drawback rate for cotton garment is 7.5% as against the earlier rate of 8.8%. For garments of blend containing cotton and (MMF), the new drawback rate is 8.6% as against the earlier rate of 9.8%; for garments of MMF the new drawback rate is 9.5% as against the earlier rate of 10.5%; for readymade garments made of silk and of wool, the rates are 10% and 7.5% respectively. The new entries for garments of blend containing wool and MMF and for those made of cotton with 1% or more by weight of Spandex/Lycra/Elastane have been created with drawback rates of 8.6% and 8% respectively.



In the made up category, the revised drawback rate for cotton made-ups is 7.1% with a cap of Rs. 60 per kg. The drawback rates and caps for made-ups of MMF and of blend containing cotton and MMF have also been reduced.

# (iii) Base Metals and Articles of Base Metals (Chapters 72-83)

The duty drawback rate for stainless steel utensils falling under Chapter 73 and stainless steel cutlery falling under Chapter 82 has been reduced from 12.5% to 8.8%. For other articles of iron and steel where there is a composite rate, the same has been reduced by 25% to 30%. The drawback rate for handicrafts, hardware and other items of brass has been decreased from 15% to 11%. The drawback rates for hand tools have been decreased by 30% approximately. The caps have also been revised downwards.

In order to resolve the dispute whether the description handicrafts/art ware of galvanized iron with brass includes products which are coated/plated, the entry '732603' has been amended to read as "Handicrafts/ Art ware of Iron with or without plating / coating, galvanized or otherwise, with Brass".

### iv) Machinery and Equipment (Chapters 84 and 85)

The new entry for brass parts of Ball or roller bearing has been created with a drawback rate of 3% under heading 848202.

# (v) Bicycle & Bicycle Parts (Chapter 87), Sports Goods (Chapter 95) and Writing Instruments (Chapter 96)

The drawback rates for bicycles and bicycle parts have been revised downwards. The new rate for complete bicycle is 9%. Further, a value cap of Rs. 10/- per Kg. has been introduced for the residuary entry 'Others' (871423). The drawback rates for Sports Goods and Writing Instruments have also been revised downwards by about 10% and 20% respectively.

### (vi) Miscellaneous

(a) In the earlier schedule, wooden artware and handicrafts were covered under the heading 4420. On representations from the exporters that a number of wooden handicraft items are not covered under the said heading, it has been decided to



have a uniform rate of 2.5% for wooden items of headings 4414, 4419 and 4420. A specific entry has also been created for wooden handicraft and artware under the residuary head 4421 with a drawback rate of 2.5%.

- (b) The description under heading 22071090 has been changed to read as "Ethanol or Ethyl Alcohol, Rectified Spirit / ENA or otherwise containing more than 94.5% Ethyl Alcohol".
- (c) References have been received seeking clarifications as to what should be the minimum percentage of MMF in a garment or made-up for it to be considered as a blended garment /made-up. The issue has been examined and the term 'blend' has been explained in the Notification. It may be noted that the term 'blend' in chapters 61, 62 & 63 refers to only two types of blends i.e. cotton & MMF and wool & MMF. It shall mean that MMF shall be more than 15% but less than 85% by weight in such garment or made-up. Further, the garment or made-up shall be classified as of cotton or wool or MMF or silk or noil silk if the percentage of the concerned fibre is 85% or more by weight in such garment or made-up.
- (d) The earlier notification (No. 103/2008 Cus. (N.T.) dated 29.08.08 as amended) provided that the rates of drawback in the Drawback Schedule would not be applicable to products manufactured or exported by availing the rebate of Central Excise duty paid on materials used in the manufacture of export goods in terms of Rule 18 of the Central Excise Rules, 2002, or if such raw materials were procured without payment of Central Excise duty under Rule 19 (2) of the Central Excise Rules, 2002. References have been received that exporters are being denied 1% of drawback, which is the customs component of the AIR drawback, on the basis of the above condition although the manufacturers had taken only the rebate of Central Excise duties in respect of their inputs / procured the inputs without payment of central excise duties; and the Customs duties which remained unrebated should be provided through the AIR drawback route.

The issue has been examined. The present notification No. 84/2010-Cus. (N.T.) dated 17.09.2010 provides that customs component of AIR drawback shall be available even if the rebate of Central Excise duty paid on raw material used in the manufacture of export goods has been taken in terms of Rule 18 of the Central Excise Rules, 2002, or if such raw materials were procured without payment of Central Excise duty under Rule 19 (2) of the Central Excise Rules, 2002.



- (e) The earlier notification provided that the gold and silver jewellery exports under the Drawback scheme would be examined by the Customs Appraiser/ Superintendent (Jewellery Expert). Problems have been reported since the jewellery experts are not available at all ports. Accordingly, the notification has been modified. Now such exports may also be examined by other Appraisers/Superintendents who have not been recruited as jewellery experts. It is however advised that officers may be posted to these positions after adequate training. Efforts should also be made to provide electronic Carat Meters to them.
- (f) The earlier notification provided that the rates of drawback in the Drawback Schedule shall not be applicable to products manufactured or exported by availing the facility under the DEPB (Duty Exemption Pass Book) scheme. References were received seeking clarification whether an exporter who manufactured the export goods with raw material imported against DEPB scrips, shall be eligible for drawback on such exports even if DEPB benefits is not claimed. The doubt appeared to have arisen because the above mentioned notification debarred benefit of AIR drawback if the export goods had been 'manufactured' availing the benefit of the DEPB scheme.

In order to resolve the matter, the word 'manufactured' has been deleted in the present notification and the condition has been modified to read that the drawback will not be available if the goods are 'exported' availing the benefits of the DEPB scheme.

- 6. The Notification and the new Drawback Schedule may be perused carefully to note the changes made therein. Though all care has been taken, the possibility of inadvertent errors/omissions cannot be ruled out. It is requested that any error/omission noticed during the implementation of the rates be brought to the notice of the Board immediately for suitable corrective action.
- 7. The Public Notice and Standing Order for guidance of the trade and staff may be issued. Difficulties faced, if any in implementation of the changes may be brought to the notice of the Board at once.

Kindly acknowledge receipt of this Circular.



(Najib Shah) Joint Secretary to the Government of India

**HOME** 

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