

# Corporate Secretary

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Re. 1/-

August, 2009



*Dear Professional Colleagues,*

### Companies Bill 2009

Much awaited Companies bill, 2009 was introduced in Lok Sabha on 3rd August 2009 by Honorable Minister for Corporate Affairs, Shri Salman Khurshid. This exercise has been undertaken after half a century from the introduction of Companies Act, 1956. The proposed bill, if it is passed, will surely going to regulate industry for another half a century atleast. Knowing the importance of it, the institute is conducting many seminars and other activities to assimilate opinions and suggestions to strengthen and consolidate it. Therefore this is the time for our professional fraternity to engage into a debate not only from the viewpoint of professionals and industry but also from the viewpoint of society at large and also keeping public good at heart. A regulation will lead to public good only when it is a result of lot of public discussion, public reasoning and public thinking which ultimately leads to public good. Therefore I appeal to all of you to actively participate in this debate and contribute your might to it.

### Foundation Day Celebration

On the eve of Foundation Day ie August 10th, 2009 our chapter has celebrated Foundation Week from August 4th to August 10th, 2009. During this week, Chapter had conducted many programs and activities for students and members. Many academic development programmes, games and cultural activities have been conducted for students. Seminar, sports and other programs were conducted for members. As a part of these celebrations, Chapter has organized a cricket match between members and Registrar of Companies, Andhra Pradesh. Members and students have participated in large numbers in this celebrations. I thank the members and students for making it a grand success.

### Career Awareness Programme

Chapter has conducted Career Awareness Week from Monday, the 20th July to Saturday, the 25th July 2009 in all the 23 Districts of Andhra Pradesh. The ICSI- Hyderabad Chapter has selected 64 centers. Care has been taken to avoid those areas where career awareness programmes are already conducted. Large number of students have been addressed.

We are giving hereunder the actions and initiatives of the chapter in its three predominant spheres

#### A) Students

Chapter has organized 7th All India Moot Competition on 25th July, 2009 at the Chapter premises and selected four students. These students will qualify to participate in competition at Regional level to be held on 14th -16th August, 2009 at Chennai. Chapter has also organized 10th Company Law Quiz on 1st August, 2009 at the Chapter premises and selected two students. These students will qualify to participate in competition at Regional level to be held on 14th -16th August, 2009 at Coimbatore.

#### B) Members in practice

The Chapter has conducted a half day seminar on role of private sector in power. This is an area which has tremendous potential for enthusiastic professionals. Going forward, we would like to conduct more and more programs on infrastructure as it has become a thrust area and is throwing open many opportunities to explore.

#### Members in Employment

As you are aware, right from the beginning, we are focusing on segment-wise role for organizational deliverables for individual members. As part of this process, Chapter would like to join hands with members who have carved out a niche in a respective industry. We have initiated the process and request cooperation of all members.

Sincerely yours

**CS A. Visweswara Rao**  
Chairman

Chairman's Page

**ROC's COLUMN**

The process of improvisation of e-forms is an ongoing process. The objective is to facilitate/ benefit the interest of stakeholders and Regulators as well. MCA is very responsive to such needs. Effective from July, 2009 following improvement in e-form will come into effect.

➤ **Changes have been made in Form 8,10 & 17**

1. Field has been added to accept email ID of the Company in the e-Form - 8,10 and 17.
2. A field has been added in eForm-8 to accept amount secured by the charge id in Foreign Currency.
3. A field has also been added in eForm-8 and 10 to capture information of amount secured by Charge in Words.
4. Short particulars of the property of assets field has been added in eForm.8. Upto ten entries could be made in the Form.
5. New field has been added to capture "Board Resolution Number" in the eForm.8,10 and 17.
6. In eForm.10 and 17, fields "Designation" and "DIN" has been added.

➤ **Changes have been made in the eForm61**

1. A category field has been provided in eForm.61. eForm.61 can now be filed by category of Applicants like Foreign Company, Others.
2. In case of "Compounding of Offence", details can be given upto 8 persons. The required block for getting information is generated automatically depending on the data entered in the field 9b i.e. "Number of Person(s) for whom the application is being filed".
3. Field has been added to capture particulars of payment of stamp duty. Blocks are generated dynamically based on value entered in the "Total number of stamp duty payment(s)"
4. Filing and approval of eForm 61 for section 560 and updation in respect of various 560 status through the BO screen shall not be allowed in

case there are any open charges or any pending eForm work item(s) existing in the system for the company or if the company status is "Vanishing".

- A check has been introduced in the "Pay Miscellaneous Fee" Screen, where for the option "Penalty/ Others", the payment could be made against any regular SRN only if the status of that SRN is "Paid".
- A check has been provided in the system not to allow the satisfaction of any charge, if any work item related to that charge id is in open status. It is required that unless all other work item in respect of the charge ID get processed (closed/expired), eForm.17 shall not be approved and the charge will not get satisfied.
- The Field for name and State of ROC cannot be changed henceforth at the time of "Resubmission"

One of the problems frequently highlighted by professionals in interactive meetings is relating to the up-gradation of Adobe Acrobat Reader Version 7.0.5. Currently MCA021 is using the version of 7.05 only. MCA has started the implementation of a new frame work and the eForms have been technically upgraded to allow filing of form in any adobe version (>-7.05 and all currently available adobe versions). However, it may take a short while for this facility to become operational as all the e-forms also require technical upgradation, which is expected to be completed shortly.

The problem faced in Back Office relating to uploading of CD's to the relevant Form 20B is still persisting. I appeal to the Professional Friends to co-operate for quick completion of work, in every case where CD is filed in this office, the company may submit ODS request by creating a work item, giving complete details of relevant Form 20Bs, including SRN no. etc. This will facilitate speedy uploading of CDs to the relevant Forms. The Professional Friends are requested to verify whether the Form 20B filed by them has reached the e-Record Room, if not steps should be taken immediately for creating ODS request in respect of such pending Form 20B for immediate action.

**CS HENRY RICHARD**  
REGISTRAR OF COMPANIES.

## LEGAL SCAN

(August, 2009)

**CS S.V. Rama Krishna**

Advocate

Email: svramakrish@gmail.com

The members of ICSI, by virtue of rigorous passing standards and post-qualification challenges, are already equipped with the techniques of wading through plethora of legislations. To help the members, a humble attempt is made to have a glimpses of some of important judgments, to present the “essential” points held by various Courts of Law. It is sincerely recommended to read the full judgments to appreciate the finer points of law.

**Your feedback is invited to enrich this column.**

<p><b>Partnership Act, 1932 – Sec. 4 and 5</b></p>	<p>In <b>V. Subramaniam vs. Rajesh Raghuvandra Rao</b>, the Hon'ble Supreme Court of <b>India</b> held that a partnership firm, unlike a company registered under the Companies Act, is not a distinct legal entity, and is only a compendium of its partners. Even the registration of a firm does not mean that it becomes a distinct legal entity like a company. Hence, the partners of a firm are co-owners of the property of the firm, unlike shareholders in a company who are not co-owners of the property of the Company.</p> <p><b>Ref: (2009) 5 Supreme Court Cases 608</b></p>
<p><b>Negotiable Instruments Act, 1881 – Sec. 138</b></p>	<p>In <b>Raj Kumar Khurana vs. State of (NCT of Delhi) and another</b>, the Hon'ble Supreme Court of <b>India</b> held that Section 138 creates a legal fiction of deemed commission of offence when a cheque is dishonoured either due to insufficiency of funds or the amount mentioned in the cheque exceeds the amount arranged to be paid from a particular account by an agreement with the bank. The fiction does not extend to lost cheque. Hence dishonor of cheque on this ground does not constitute an offence under Section 138. A legal fiction must receive strict construction especially when it creates a penal provision.</p> <p><b>Ref: (2009) 6 Supreme Court Cases 72; [2009] 92 SCL 370 (SC)</b></p>
<p><b>SICA, 1985 – Sec. 22</b></p>	<p>In <b>M.D., Bhoruka Textiles Ltd. vs. Kashmiri Rice Industries</b>, the Hon'ble Supreme Court of <b>India</b> held that if the civil court's jurisdiction was ousted in terms of the provisions of Section 22, any judgment rendered by it would be coram non-judice. It is a well settled principle of law that a judgment and decree passed by a Court or Tribunal lacking the inherent jurisdiction would be a nullity.</p> <p><b>Ref: [2009] 92 SCL 335 (SC)</b></p>

**SERVICE TAX UPDATES**

**CS K. K. Rao**

**Practising Company Secretary**  
kkrao2008@gmail.com

**NO SERVICE TAX** is payable on commission paid by Companies to Managing Director/Directors.

The following amendments have been made affecting the service tax:

- Some of the taxable services received by the exporter of goods used for export of goods have been exempted from the service tax on such terms and conditions as are notified in notifications no. 17 & 18/2009 dated 7.7.2009
- Inter bank transactions of purchase and sale of foreign currency provided by one scheduled bank to

another scheduled bank stands exempted from the applicability of service tax vide notification no. 19/2009 dt. 7.7.2009

- Exemption from the provisions of service tax has been provided to a tour operator having a contract or inter-state or intra-state transportation of passengers excluding tourism, conducted tours, charter or hire service, vide notification no. 20/2009 dt. 7.7.2009
- Service tax has been exempted on Management, Maintenance and Repair of Roads vide notification no. 24/2009 dt. 27.2.2009.

**VOLUNTARY SERVICES EXTENDED BY THE MEMBERS  
DURING THE MONTH OF JULY, 2009**

Sl.No	Name of the Members	Nature of the Support/Services Rendered
01.	<b>CS. S. Bala Chandra</b>	For Coordinating the Career Awareness Programmes at Manchiryala, Aarmoor
02.	<b>CS J. Rama Krishna</b>	For Coordinating Career Awareness Programme at Kothagudem
03.	<b>CS G. Srinivas</b>	For Coordinating Career Awareness Programme at Kothagudem
04.	<b>CS G. Madhavi</b>	For Coordinating Career Awareness Programme at Hyderabad
05.	<b>CS Surya Prakash</b>	For Coordinating Career Awareness Programme at Thirupathi
06.	<b>CS P. Chiranjeevulu</b>	For Coordinating Career Awareness Programme at Hyderabad
07.	<b>CS U. Padma Shenoy</b>	For Coordinating Career Awareness Programme at Hyderabad
08.	<b>CS Ch. Subba Rao</b>	For Coordinating Career Awareness Programme at Kakinada
09.	<b>CS PK Singh</b>	For Coordinating Career Awareness Programme at Hyderabad
10.	<b>CS J. Krishna Murthy</b>	For acting as Judge for Company Law Quiz



**Congratulations**

The Managing Committee of the ICSI- Hyderabad Chapter heartily congratulates **CS C. Sudhir Babu**, Central Council Member of ICSI, on his nomination as Chairman of the Expert Committee on Legal, Company Law, IPR and Capital Markets of the Federation of AP Chambers of Commerce and Industry for the year 2009-10.

## ACTIVITY REPORTS

### Union Budget – 2009 : Impact on Direct Taxation

Chapter organized a meeting on the Union Budget – 2009- Impact on Direct Taxes on 8 July 2009 jointly with, National Institute for Micro, Small and Medium Enterprises and Institute of Cost and Works Accountants of India - Hyderabad Chapter at KLN Prasad Auditorium, Federation of Andhra Pradesh Chamber of Commerce and Industry.

Mr. A. Visweswara Rao, Chairman, ICSI - Hyderabad Chapter welcomed the speaker and the gathering and stated that the main focus of the budget was on the expenditure. The objective was to overcome the current market crisis.

Mr. G. Narayana Rao, Chairman, ICWAI - Hyderabad Chapter highlighted important aspects of the budget and expressed the need for expert analysis of the same.

Dr U.B. Raju, Director (School of Enterprise Management), National Institute for Micro, Small and Medium Enterprises informed that the budget was going to give stimulus for overcoming the recession. .

Mr. A. Bhaskar Reddy, IRS, Commissioner of Income Tax, Andhra Pradesh made a power point presentation on Union Budget – 2009 : Impact on Direct Taxation. He said that this budget was meant for the common man with a focus to bridge the gap between rich and the poor.

The Chief Guest highlighted the salient features of the budget, such as scrapping of surcharge; Abolition of fringe benefit tax and commodity transaction tax; Relief to trust by not taxing anonymous donations

received to the extent of 5% of their total income or a sum of Rs.1 lakh, whichever is higher; Minimum alternate tax on book profits increased to 15% and carry forward of MAT credit extension to 10 years; All small businesses with a turnover upto Rs.40 lakh have option to declare their income from business at 8% of turnover and enjoy exemption from compliance of maintaining books of accounts. They will be allowed to pay their entire tax liability at the time of filing return by exempting them from paying advance tax.

Earlier Mr Ch Venkateswarlu, Chairman – Professional Development Committee, ICWAI welcomed the Chief Guest. Mr A. Nageswara Rao, Secretary, ICWAI - Hyderabad Chapter introduced the Chief Guest to the gathering.

Mr Ch Venkateswarlu, Chairman – Professional Development Committee, ICWAI proposed vote of thanks.

### Report on Interactive Meeting on “Regulations 17 and its implications”

The Chapter organized an Interactive Meeting on “Regulation 17 and its implications” on 10 July 2009 at the Chapter Premises. CS. A. Visweswara Rao, Chairman of the Chapter welcomed the speaker and gathering and informed about the importance of the topic. Shri W. Murali Krishna, Advocate was the speaker and he spoke on the Companies (Amendment) Regulations, 2008, and its implications. Members actively participated and doubts were clarified by the speaker CS. Ajay Kishan, Secretary of the Chapter proposed a vote of thanks.



## OBITUARY

The Managing Committee of The ICSI- Hyderabad Chapter deeply regrets the sudden demise of its beloved **Shri S. Rama Krishnan**, FCS-2136 Former Chairman of the Chapter [ 1992 & 1993 ] on 22nd July, 2009 at Hyderabad.

We sadly mourn the death of **Shri S. Rama Krishnan**

We pray to the Almighty God that the departed soul may rest in peace and give strength to the bereaved family members of the deceased to bear this irreparable loss.

### Career Awareness Programmes conducted during the month of July, 2009

Sl. No.	Date	Name of the Institution	Place	Address by	Approx. No. of Students Attended
1	08.07.2009	A. Syamala Devi Degree College	Hyderabad	CS Rajnish C Popat, Chairman Oral Coaching & Students Facilities Committee & CS R. Chandra Sekhar, EO	100
2	15.07.2009	Sahiti Jr. College	Karimnagar	CS R. Chandra Sekhar, EO	150
3	16.07.2009	Sri Chaitanya Degree College	Karimnagar	CS R. Chandra Sekhar, EO	100
4	18.07.2009	Swathi Degree College	Hyderabad	CS PK Singh, Company Secretary	100
5	18.07.2009	Avanthi Degree College	Hyderabad	CS BalaChandra , Company Secretary	400
6	20.07.2009	Smt. AV Syamaladevi Jr. College	Hyderabad	CS PK Singh, Company Secretary	100
7	20.07.2009	Vijay Jr. College	Armoor	CS AV Rao, Chairman, CS Rajnish C Popat, Vice Chairman and CS S. Balachandra, Company Secretary	250
8	20.07.2009	Vijay Girls Jr. College	Armoor	CS AV Rao, Chairman, CS Rajnish C Popat, Vice Chairman and CS S. Balachandra, Company Secretary	180
9	20.07.2009	Sri Chaitanya Degree College	Manchiryala	CS AV Rao, Chairman, CS Rajnish C Popat, Vice Chairman and CS S. Balachandra, Company Secretary	1400
10	20.07.2009	Career Degree College	Guntur	CS R. Chandra Sekhar, EO	90
11	20.07.2009	Career Jr. College	Guntur	CS R. Chandra Sekhar, EO	90
12	20.07.2009	GVR&S College for Education	Guntur	CS R. Chandra Sekhar, EO	60
13	20.07.2009	Govt. Degree College for Womens	Guntur	CS R. Chandra Sekhar, EO	40
14	20.07.2009	BHH Degree College for Womens	Guntur	CS R. Chandra Sekhar, EO	50
15	20.07.2009	YA Degree College for Women	Chirala	CS R. Chandra Sekhar, EO	60
16	20.07.2009	Vignana Bharathi Jr. College	Chirala	CS R. Chandra Sekhar, EO	40
17	20.07.2009	Bharathi Degree College	Chirala	CS R. Chandra Sekhar, EO	30
18	21.07.2009	Govt. Jr. College	Hyderabad	CS. P. Chiranjeevulu , Company Secretary	180
19	21.07.2009	Hindu Jr. College for Women	Hyderabad	CS G. Madhavi Latha & CS Padma Shenoy Company Secretaies	75
20	21.07.2009	Hindu Degree College for Women	Hyderabad	CS G. Madhavi Latha & CS Padma Shenoy Company Secretaies	85
21	21.07.2009	DVM Degree College	Hyderabad	CS PK Singh , Company Secretary	100
22	21.07.2009	Sri Padmavathi Jr. College	Kavali	CS R. Chandra Sekhar, EO	60
23	21.07.2009	MSK Degree College	Kavali	CS R. Chandra Sekhar, EO	60
24	21.07.2009	Sri Cooperative Jr. College	Kavali	CS R. Chandra Sekhar, EO	60
25	21.07.2009	Sri Padmavathi Degree & PG College	Kavali	CS R. Chandra Sekhar, EO	60
26	22.07.2009	MS Jr. College	Karimnagar	CS R. Chandra Sekhar, EO	100
27	22.07.2009	Govt. Degree & PG College	Karimnagar	CS R. Chandra Sekhar, EO	100
28	22.07.2009	Sri Chaitanya Degree College	Karimnagar	CS R. Chandra Sekhar, EO	100
29	22.07.2009	Shivani Degree College	Karimnagar	CS R. Chandra Sekhar, EO	100
30	22.07.2009	Vijwila Jr. College	Siddpet	CS R. Chandra Sekhar, EO	60

31	22.07.2009	Mahila Degree College	Siddpet	CS R. Chandra Sekhar, EO	100
32	22.07.2009	Sai Chaitanya Jr. College	Siddpet	CS R. Chandra Sekhar, EO	100
33	22.07.2009	Gurukrupa Jr. College	Siddpet	CS R. Chandra Sekhar, EO	90
34	22.07.2009	Sangamithra Degree College	Siddpet	CS R. Chandra Sekhar, EO	60
35	22.07.2009	BMR Degree & PG College	Siddpet	CS R. Chandra Sekhar, EO	90
36	22.07.2009	Adarsha Degree College	Siddpet	CS R. Chandra Sekhar, EO	60
37	22.07.2009	JPR Degree College	Siddpet	CS R. Chandra Sekhar, EO	100
38	22.07.2009	New Generaton Jr. College	Siddpet	CS R. Chandra Sekhar, EO	90
39	22.07.2009	Pragathi Mahavidyalaya	Hyderabad	CS AV Rao, Chairman & CS Rajnish C Popat, Vice Chairman	300
40	22.07.2009	Railway Degree College	Hyderabad	CS Rajnish C Popat, Vice Chairman	80
41	22.07.2009	SV Ranga Reddy Degee College	Hyderabad	CS Rajnish C Popat, Vice Chairman	55
42	22.07.2009	SV Ranga Reddy Jr. College	Hyderabad	CS Rajnish C Popat, Vice Chairman	40
43	22.07.2009	Seecom College	Tirupati	CS Suryaprakash, Company Secretary	75
44	23.07.2009	Ideal Degree College	Hyderabad	CS Rajnish C Popat, Vice Chairman	100
45	23.07.2009	Govindaraja Swamy Arts College	Tirupati	CS Suryaprakash, Company Secretary	125
46	23.07.2009	SV Cooperative Jr. College	Janagam	CS R. Chandra Sekhar, EO	45
47	23.07.2009	Chaitanya Jr. College	Janagam	CS R. Chandra Sekhar, EO	40
48	23.07.2009	St. Mary's Jr. College	Janagam	CS R. Chandra Sekhar, EO	60
49	23.07.2009	Sai Krupa Jr. College	Bhongir	CS R. Chandra Sekhar, EO	90
50	23.07.2009	Sri Sneha degree College	Nalgonda	CS R. Chandra Sekhar, EO	70
51	23.07.2009	Sri Prathibha Girils Jr. College	Nalgonda	CS R. Chandra Sekhar, EO	75
52	23.07.2009	Govt. Jr. College	Bhongir	CS R. Chandra Sekhar, EO	60
53	24.07.2009	Govt. Jr. College	Hyderabad	CS SS Marthi, Managing Committee Member	100
54	24.07.2009	Nizams College	Hyderabad	CS Rajnish C Popat, Vice Chairman & CS R. Chandra Sekhar, EO	380
55	24.07.2009	Indian Institute of Mangement & Commerce	Hyderabad	CS AV Rao, Chairman, CS AV Syamala, Member- SIRC, CS R. Candra Sekhar, EO	100
56	24.07.2009	Nalanda Science & Arts College	Kakinada	CS Ch. Subba Rao	60
57	24.07.2009	PSN Murthy Degree & PG College	Gollaprolu	CS Ch. Subba Rao	46
58	24.07.2009	BRVBSJB Maha Raneer College	Peddapuram	CS Ch. Subba Rao	60
59	24.07.2009	SK Govt. College	Kothagudem	CS J. Rama Krishna & CS G. Srinivas Company Secretaries	485
60	24.07.2009	SC Womence Degree College	Kothagudem	CS J. Rama Krishna & CS G. Srinivas Company Secretaries	550
61	25.07.2009	KLR Degree & PG College	Kothagudem	CS J. Rama Krishna & CS G. Srinivas Company Secretaries	300
62	25.07.2009	Singareni Colleges Womens Jr.College	Kothagudem	CS J. Rama Krishna & CS G. Srinivas Company Secretaries	650
63	25.07.2009	Nirmala Jr. College	Mangalagiri	CS KK Rao, Managing Committee Member of the Chapter. & CS R. Chandra Sekhar, EO	100
64	25.07.2009	Sri Nalanda College	Mangalagiri	CS KK Rao, Managing Committee Member of the Chapter. & CS R. Chandra Sekhar, EO	60
65	25.07.2009	Sri Durga Malleswara Siddhartha Mahila Kalasala	Vijayawada	CS KK Rao, Managing Committee Member of the Chapter. & CS R. Chandra Sekhar, EO	90
66	25.07.2009	Shathavahana College	Vijayawada	CS R. Chandra Sekhar, EO	100

## Photo Gallery



### “ UNION BUDGET – 2009 IMPACT ON DIRECT TAXATION”

on 08.07.2009 at FAPCCI Jointly organized with ICWAI- Hyderabad Chapter & National Institute For Micro, Small And Medium Enterprises (ni-msme), :

**L-R: CS A. Visweswara Rao**, Chairman, The ICSI- Hyderabad Chapter, **Dr U.B. Raju**, Director (School of Enterprise Management), (ni-msme), **Sri A. Bhaskar Reddy**, IRS, Commissioner of Income Tax, Andhra Pradesh and **Mr. G. Narayana Rao**, Chairman, ICWAI - Hyderabad Chapter

**CS A. Visweswara Rao**, Chairman, The ICSI- Hyderabad Chapter addressing the Students on **Career Awareness Programme** at Armoor on 20.07.2009



## PRINTED MATTER - BOOK POST

To.

From :



**THE INSTITUTE OF  
Company Secretaries of India**

**IN PURSUIT OF PROFESSIONAL EXCELLENCE**

Statutory body under an Act of Parliament

**An ISO 9001 : 2000 Chapter**

I No. 6-3-609/5,

Anandnagar Colony, Khairatabad, Hyderabad 500 004

tel 040-2339 9541, 2339 6494 fax +91-40-2332 5458 email hyderabad@icsi.edu

HYDERABAD  
CHAPTER

### NEWS LETTER COMMITTEE

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**Editor : CS Sudheendra Putty**, The Institute of Company Secretaries of India - Hyderabad Chapter, 6-3-609/5, Anand Nagar, Khairatabad, Hyderabad - 500 004