

Info Capsule

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COMPANIES (PROSPECTUS AND ALLOTMENT OF SECURITIES) AMENDMENT RULES, 2019¹

Companies (Prospectus and Allotment of Securities) Rules, 2014 shall not apply to an unlisted public company which is (a) a Nidhi; (b) a Government company or (c) a wholly owned subsidiary

G.S.R. 43(E).—In exercise of the powers conferred by section 26, sub-section (1) of section 27, section 28, section 29, sub-section (2) of section 31, sub-sections (3) and (4) of section 39, sub-section (6) of section 40 and section 42 read with section 469 of the Companies Act, 2013 (18 of 2013), the Central Government hereby makes the following rules further to amend the Companies (Prospectus and Allotment of Securities) Rules, 2014, namely:—

1. Short title and commencement.—(1) These rules may be called the Companies (Prospectus and Allotment of Securities) Amendment Rules, 2019.
(2) They shall come into force on the date of their notification in the Official Gazette.
2. In the Companies (Prospectus and Allotment of Securities) Rules, 2014, in rule 9A, after sub-rule (10), the following shall be inserted, namely:—
“(11) This rule shall not apply to an unlisted public company which is:—
 - a. Nidhi;
 - b. Government company or
 - c. Wholly owned subsidiary.”

Note : The Principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) vide notification number G.S.R. 251(E), dated the 31st March, 2014 and were subsequently amended:—

- (1) Vide notification number G.S.R. 424(E), dated the 30th June, 2014;
- (2) Vide notification number G.S.R. 430 (E) dated the 7th May, 2018;
- (3) Vide notification number G.S.R. 752 (E) dated the 7th August, 2018; and
- (4) Vide notification number G.S.R. 853 (E) dated 10th September, 2018.

¹ Available at: http://www.mca.gov.in/Ministry/pdf/CompaniesProspectusAllotmentRule_23012019.pdf

CABINET APPROVES CREATION OF THE NATIONAL BENCH OF THE GOODS AND SERVICES TAX APPELLATE TRIBUNAL (GSTAT)²

The Union Cabinet, chaired by the Prime Minister Shri Narendra Modi, has approved the creation of National Bench of the Goods and Services Tax Appellate Tribunal (GSTAT).

The National Bench of the Appellate Tribunal shall be situated at New Delhi. GSTAT shall be presided over by its President and shall consist of one Technical Member (Centre) and one Technical Member (State).

The creation of the National Bench of the GSTAT would amount to one time expenditure of Rs.92.50 lakh while the recurring expenditure would be Rs.6.86 crore per annum.

Details:

Goods and Services Tax Appellate Tribunal is the forum of second appeal in GST laws and the first common forum of dispute resolution between Centre and States. The appeals against the orders in first appeals issued by the Appellate Authorities under the Central and State GST Acts lie before the GST Appellate Tribunal, which is common under the Central as well as State GST Acts. Being a common forum, GST Appellate Tribunal will ensure that there is uniformity in redressal of disputes arising under GST, and therefore, in implementation of GST across the country.

Chapter XVIII of the CGST Act provides for the Appeal and Review Mechanism for dispute resolution under the GST Regime. Section 109 of this Chapter under CGST Act empowers the Central Government to constitute, on the recommendation of Council, by notification, with effect from such date as may be specified therein, an Appellate Tribunal known as the Goods and Services Tax Appellate Tribunal for hearing appeals against the orders passed by the Appellate Authority or the Revisional Authority.

² Available at: <http://pib.nic.in/PressReleaseDetail.aspx?PRID=1561067>