

Info Capsule

Tuesday
March 30, 2021

President : CS Nagendra D. Rao

Vice President : CS Devendra V. Deshpande

❖ Latest @ ICSI

Extension of time for obtaining the Mandatory CPE Credits (March 27, 2021)

Considering the difficulties posed by the pandemic and in order to facilitate the members in fulfilling the mandatory requirement of CPE Credits for the year commencing April 01, 2020 to March 31, 2021, the ICSI has extended the last date for obtaining the mandatory CPE credits by the members till June 30, 2021.

For details:

https://www.icsi.edu/media/web-modules/Extension_of_Time_for_obtaining_Mandatory_CPE_Credits.pdf



**THE INSTITUTE OF
Company Secretaries of India**

भारतीय कम्पनी सचिव संस्थान

IN PURSUIT OF PROFESSIONAL EXCELLENCE

Statutory body under an Act of Parliament

(Under the jurisdiction of Ministry of Corporate Affairs)

❖ **Securities Laws and Capital Markets**

SEBI Circular

- **Transfer of business by SEBI registered intermediaries to other legal entity (March 26, 2021)**

The SEBI vide its circular clarified on new registration framework for registered intermediaries transferring business to other legal entity. It is clarified that the transferee will obtain fresh registration from SEBI in the same capacity before the transfer of business if it is not registered with SEBI in the same capacity. SEBI will issue new registration number to transferee different from transferor's registration number in case Business is transferred through regulatory process or non-regulatory process as prescribed in the circular.

For details:

https://www.sebi.gov.in/legal/circulars/mar-2021/transfer-of-business-by-sebi-registered-intermediaries-to-other-legal-entity_49678.html

SEBI Orders

- **In the matter of GDR Issue by Aqua Logistics Limited (March 26, 2021)**

SEBI has imposed a penalty of Rs. 20 Lakhs on Mr. Mukesh Chauradiya (Noticee) under Section 15HA of the SEBI Act, 1992 for violation of the provisions of Section 12A (a), (b), (c) of SEBI Act, 1992 read with Regulations 3(a), (b), (c), (d) and 4(1) of PFUTP Regulations. It was alleged that subscription to the GDR was obtained through a loan agreement as well as a pledge agreement and therefore, it was alleged that the GDR issuance was done through a fraudulent arrangement.

For details:

https://www.sebi.gov.in/enforcement/orders/mar-2021/adjudication-order-in-respect-of-shri-mukesh-chauradiya-in-the-matter-of-aqua-logistics-limited_49670.html

- **In the matter of B C Power Controls Ltd. (March 26, 2021)**

SEBI imposed a penalty of Rs. 3 Lakh on Silvertoss Shoppers Pvt. Ltd. (Noticee- 1) and Rs. 1 lakh (Noticee-2) on Shri Kamlesh Shantilalji Jain, a non-promoter shareholder(s) for not making required disclosure under SAST Regulations within specified time to the stock exchange and company for increase in their aggregate shareholding who acquired the shares of BC Power during the specified period and therefore violating the SAST Regulations.

For details:

https://www.sebi.gov.in/enforcement/orders/mar-2021/adjudication-order-in-respect-of-silvertoss-shoppers-pvt-ltd-and-shri-kamlesh-shantilalji-jain-in-the-matter-of-b-c-power-controls-ltd-_49683.html

- ❖ **Terminology for today**

- **Crowd Sourcing**

Obtaining services, ideas or content by inviting contributions from a large group of people, especially an online community. It's often used to raise funds for start-up companies and charities.

- ❖ **Direct Tax**

- **Tax Audit Report - Form 3CD - Applicability of Clause 30C and Clause 44 extended by one more year i.e. will be applicable for the Financials year 2022-23 [Circular No. 5 Dated March 25, 2021]**

Section 44AB of the Income-tax Act, 1961 ('the Act') read with rule 6G of the Income-tax Rules, 1962 ('the Rules') requires specified persons to furnish the Tax Audit Report along with the prescribed particulars in Form No. 3CD. The existing Form No. 3CD was amended vide notification dated 20th July, 2018 with effect from 20th August, 2018. However, the reporting under clause 30C (impermissible avoidance arrangement) and clause 44 (Break-up of total expenditure of entities registered or not registered under the GST) of the Tax Audit Report was kept in abeyance till 31st March, 2019 vide Circular No. 6/2018 dated 17.08.2018, which was subsequently extended to 31st March, 2020 vide Circular No. 912019. Vide circular no. 10/2020 dated 24.04.2020, it was further extended to 31st March, 2021.

In view of the prevailing situation due to COVID-19 pandemic across the country, it has been decided by the Board that the reporting under clause 30C and clause 44 of the Tax Audit Report shall be kept in abeyance till 31st March, 2022.

For details:

https://incometaxindia.gov.in/communications/circular/circular_no_5_2021.pdf

- **CBDT notifies New Income Tax Rules & Forms for Trust & NPOs (Notification No. 19 Dated March 26, 2021)**

CBDT issues Notification no. 19/2021 dated 26/03/2021 pertaining to procedure for registration of fund/ trust/charitable institutions etc.

Notification -

- Substitutes Rule 2C -Application for the purpose of grant of approval of a fund or trust or institution or university or any hospital or other medical institution under clause (i) or clause (ii) or clause (iii) or clause (iv) of first proviso to clause (23C) of Section 10
- Amends Rule 5C, Inserts Rule 5CA Intimation under Fifth Proviso to sub-section (1) of section 35,
- Amends Rule 5F, Substitutes Rule 11AA – Requirement for approval of institution of fund under clause (vi) of sub-section (5) of section 80G
- Substitutes Rule 17A - Application for registration of charitable or religious trusts etc.
- Inserts Rule 18AB - Furnishing of Statement of particulars and certificate under clause (viii) and clause (ix) of sub-section (5) of section 80G or under sub-section (1A) of section 35 and Substitutes/Inserts/Amends various Forms.

For details:

https://incometaxindia.gov.in/communications/notification/notification_19_2021.pdf

❖ Market Watch

Stock Market Indices as on 30.03.2021	
S & P BSE Sensex	50136.58 (+1,128.08)
Nifty 50	14845.10 (+337.80)

Foreign Exchange Rates as on 26.03.2021 <i>(https://www.geojit.com/currency-futures/rbi-reference-rate)</i>			
INR / 1 USD	INR / 1 GBP	INR / 1 EUR	INR/ 1 JPY
72.76	99.77	85.83	0.67

❖ **Indirect Tax****Customs**

- **Common Customs Electronic Portal - Notification No. 33/2021 - Customs (NT)(March 29, 2021)**

CBIC notified the common portal accessible through uniform resource locator (URL) <https://www.icegate.gov.in> as the Common Customs Electronic Portal for facilitating registration, filing of bills of entry, shipping bills, other documents and forms prescribed under the Customs Act, 1962.

For details:

<https://www.cbic.gov.in/resources//htdocs-cbec/customs/cs-act/notifications/notfns-2021/cs-nt2021/csnt33-2021.pdf>

- **Bill of Entry (Electronic Integrated Declaration and Paperless Processing) Amendment Regulations, 2021 - Notification No. 34/2021 - Customs (NT)(March 29, 2021)**

CBIC made regulations to amend the Bill of Entry (Electronic Integrated Declaration and Paperless Processing) Regulations, 2018. The amended regulations is called the Bill of Entry (Electronic Integrated Declaration and Paperless Processing) Amendment Regulations, 2021.

For details:

<https://www.cbic.gov.in/resources//htdocs-cbec/customs/cs-act/notifications/notfns-2021/cs-nt2021/csnt34-2021.pdf>

- **Bill of Entry (Forms) Amendment Regulations, 2021 - Notification No. 35/2021 - Customs (NT)(March 29, 2021)**

These regulations are called the Bill of Entry (Forms) Amendment Regulations, 2021. They shall come into force on the date of their publication in the Official Gazette. In case of a customs port (other than inland container depot and air freight station) at which goods are to be cleared for home consumption or warehousing, the authorised person shall file the bill of entry before the end of the day (including holidays) preceding the day on which the vessel carrying the goods arrives at the customs port: Provided that the authorised person shall file the bill of entry before the end of the day (including holidays) of said arrival of the vessel where the goods are consigned from any of the countries mentioned below:- (i) Bangladesh ; (ii) Maldives ; (iii) Myanmar ; (iv) Pakistan ; (v) Sri Lanka.

For details:

<https://www.cbic.gov.in/resources//htdocs-cbec/customs/cs-act/notifications/notfns-2021/cs-nt2021/csnt35-2021.pdf>

https://incometaxindia.gov.in/communications/notification/notification_19_2021.pdf

- **Clarifications on the legislative changes in Section 46 of Customs Act, 1962 - Circular No. 08/2021 – Customs (March 29, 2021)**

Amendments in Section 46 of the Customs Act, 1962 introduced through the Finance Act, 2021 facilitates pre-arrival processing and assessment of Bills of Entry (BE) by mandating their advance filing thus leading to significant decrease in the Customs clearance time. The amended Section 46 requires an importer to file a BE before the end of the day (including holidays) preceding the day of arrival of the vessel/aircraft/vehicle carrying the imported goods at a Customs port/station at which such goods are to be cleared for home consumption or warehousing. The BE can now be filed anytime from 30 days prior to the expected arrival of the aircraft or vessel or vehicle up to the end of day preceding the day of such arrival.

For details:

<https://www.cbic.gov.in/resources//htdocs-cbec/customs/cs-circulars/cs-circulars-2021/Circular-No-08-2021.pdf>

Prepared by Directorate of Academics

For any suggestions, please write to academics@icsi.edu, or call at 01204082116

Disclaimer : Although due care and diligence have been taken in preparation and uploading this info capsule, the Institute shall not be responsible for any loss or damage, resulting from any action taken on the basis of the contents of this info capsule. Anyone wishing to act on the basis of the material contained herein should do so after cross checking with the original source.

VISION
"To be a global leader in promoting
good corporate governance"

ICSI Motto
असत्यं वद। धर्मं चर।
कहाकरे के त्वाते, बोले हे के बर।

MISSION
"To develop high calibre professionals
facilitating good corporate governance"

Connect with ICSI

www.icsi.edu | [f](#) [t](#) [in](#) [v](#) [@](#) | Online Helpdesk : <http://support.icsi.edu>