

Info Capsule

Tuesday
October 27, 2020

President : CS Ashish Garg

Vice President : CS Nagendra D. Rao

❖ Latest @ ICSI

- **1st ICSI Alumni Meet (Virtual) for NIRC MSOP participants of 2019**

1st ICSI Alumni Meet (Virtual) will be organized on November 06 & November 07, 2020 from 4:00pm–6:30pm for Members who have attended MSOP Batches 287th to 300th at NIRC in 2019.

For details:

https://www.icsi.edu/media/webmodules/CSAlumnimeet_LV.PDF

- **Announcement for Commencement of Registration for Company Secretary Executive Entrance Test (CSEET) January 2021, Session**

January, 2021 Session of Company Secretary Executive Entrance Test (CSEET) shall be held on Saturday, January 9, 2021. It is hereby informed that the registration for CSEET, January, 2021 session is scheduled to commence from October 28, 2020. The Last date for registration is December 15, 2020.

For details:

https://www.icsi.edu/media/webmodules/CSEET_Jan2021_Session.jpg



**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 Law

Adjudicating Order

- **In respect of Kailash Prasad Purohit in the matter of Unisys Softwares and Holding Industries Limited (October 26, 2020)**

SEBI imposed a penalty of Rs. 2 lakh on Kailash Prasad Purohit (Promoter of Unisys) for not making the disclosure to the stock exchanges about pledging of 50,000 shares of Unisys Softwares and Holding Industries Limited, hence not adhered the provisions of SAST Regulations.

For details:

https://www.sebi.gov.in/enforcement/orders/oct-2020/adjudication-order-in-respect-of-kailash-prasad-purohit-in-the-matter-of-unisys-softwares-and-holding-industries-limited_47984.html

❖ Indirect Tax

Goods and Services Tax

- **Filing NIL Form CMP-08 statement through SMS on GST Portal (October 26, 2020)**

A Composition taxpayer may now file NIL statement in Form GST CMP-08 for a quarter, through an SMS, apart from filing it through online mode, on GST Portal. To file NIL Form GST CMP-08 through SMS, the taxpayer must be registered as composition taxable person (by filing Form GST REG-01) or the taxpayer might have opted for composition levy (by filing Form GST CMP-02). Taxpayer must have filed all the applicable statement(s) in Form GST CMP-08 for the previous quarter(s). All the authorized representatives for a particular GSTIN, with unique mobile number can file NIL Form GST CMP-08 through SMS. The due date for filing of Form GST CMP-08 is 18th of the month following the quarter.

For details:

<https://www.gst.gov.in/newsandupdates/read/409>

❖ **Banking & Insurance**

• **Scheme for grant of Ex-gratia payment of difference between compound interest and simple interest for six months to borrowers in Specified Loan Accounts (October 26, 2020)**

The Government of India has announced the Scheme for grant of ex-gratia payment of difference between compound interest and simple interest for six months to borrowers in specified loan accounts (1.3.2020 to 31.8.2020) on October 23, 2020, which mandates ex-gratia payment to certain categories of borrowers by way of crediting the difference between simple interest and compound interest for the period between March 1, 2020 to August 31, 2020 by respective lending institutions.

For details : <https://www.rbi.org.in/Scripts/NotificationUser.aspx?Id=11989&Mode=0>

• **Aditya Puri retires, Sashidhar Jagdishan takes over as HDFC Bank MD-CEO (October 27, 2020)**

Aditya Puri, who was HDFC Bank managing director and CEO for 26 years, retired on Monday from India's largest private bank. Sashidhar Jagdishan has taken over the charge. On his last day in office, while addressing his colleagues virtually, Puri, 70, spoke about the journey of building the bank which focused on the centrality of the employees. Puri retired in accordance with the RBI regulations which say a private bank CEO's tenure should not exceed 70 years.

For details: <https://indianexpress.com/article/business/banking-and-finance/aditya-puri-retires-sashidhar-jagdishan-takes-over-as-hdfc-bank-md-ceo-6887607/>

• **Customer spending getting back to pre-COVID levels: AU Small Finance Bank (October 26, 2020)**

AU Small Finance Bank on Monday said customer spending is getting back to pre-COVID levels and its festive season offer has witnessed 23 per cent rise in per day debit card spends. The 'AU Shopping Dhamaka' was launched on September 21 and will go on till November 22. AU Small Finance Bank is experiencing an increase of 23 per cent in per day debit card spends. Overall, point-of-sale (PoS) and e-commerce transactions witnessed a surge of 16 per cent since the launch of the festive offers, it said in a release.

For details: <https://www.financialexpress.com/industry/banking-finance/customer-spending-getting-back-to-pre-covid-levels-au-small-finance-bank/2114273/>

❖ **Market Watch**

Capital Market	
S & P BSE Sensex	40522.10 (+376.60)
Nifty 50	11889.40 (+121.65)

Reference Rate (https://www.fbil.org.in/#/home)			
INR / 1 USD	INR / 1 EUR	INR / 1 GBP	INR / 1 JPY
73.7331	87.2533	96.0172	.703

❖ **Pronouncement**

October 09, 2020	<i>Meethelaveetil Kaitheri Muralidharan (Appellant) vs. Union of India & Ors. (Respondents)</i>	Madras High Court
------------------	---	-------------------

Madras High Court quashes ROC action of Deactivation of DINs of all disqualified Directors

Fact of the case:

This writ appeal against the common order has been filed to quash the respective disqualification by the ROC and for consequential reactivation of the DIN or permission for appointment or reappointment as director were dismissed.

The Madras High Court observed that Rules 9 and 10 of the Companies (Appointment & Qualification of Directors) Rules, 2014 which deals with the application for allotment of DIN. Rule 10 (6) specifies that the DIN is valid for the life time of the applicant and shall not be allotted to any other person. Rule 11 of the Companies (Appointment & Qualification of Directors) Rules, 2014 provides for the cancellation or surrender or deactivation of the DIN. It is very clear upon examining Rule 11 that neither cancellation nor deactivation is provided for upon disqualification under Section 164(2) of the Companies Act, 2013. In this connection, it is also pertinent to refer to Section 167(1) of the Companies Act, 2013 which provides for vacating the office of director by a director of a Defaulting Company.

In this connection, it is also pertinent to point out that it is not possible to file either the financial statements or the annual returns without a DIN. Consequently, the director of defaulting company would be required to retain the DIN so as to make good the deficiency by filing the respective documents. Thus, apart from the fact that the Companies (Appointment & Qualification of Directors) Rules, 2014 do not empower the ROC to deactivate the DIN, such deactivation would also be contrary to Section 164(2) read with 167(1) of CA 2013 inasmuch as the person concerned would continue to be a director of the Defaulting Company.

Judgement

Hence, these appeals are allowed by setting aside the impugned order dated 27.01.2020. Consequently, the publication of the list of disqualified directors by the ROC and the deactivation of the DIN of the Appellants is hereby quashed.

For details : <https://www.mhc.tn.gov.in/judis/index.php/casestatus/viewpdf/548542>

Prepared by Directorate of Academics

For any suggestions, please write to academics@icsi.edu, or call at 01204082269

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
सत्यं वद। धर्मं चर।
Speak the truth. Abide by the law.

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>