

Vision

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

Motto

सत्यं वद। धर्मं चर। इष्टार्थं कुरु। तृणैः कुरुते। अश्विनं तु कुरुते। इन्द्र।

Mission

"To develop high calibre professionals facilitating good corporate governance"

Thursday, August 10, 2023

Info Capsule

President

CS Manish Gupta

Vice President

CS B Narasimhan

❖ Latest @ ICSI

Feedback on Company Forms in MCA21-V3 Portal

As you are aware, the Ministry of Corporate Affairs w.e.f. August 31, 2022 migrated filing of 9 Company Forms from MCA 21 V2 to V3 Portal.

The Ministry of Corporate Affairs w.e.f. January 23, 2023, has launched second set of Company Forms covering 56 forms on MCA21-V3 Portal for filing purposes. The list of all 56 Company Forms is available on MCA website.

The Institute of Company Secretaries of India, in its attempt to further facilitate the stakeholders and ensure smooth transition and implementation, is sharing your feedback to the Ministry of Corporate Affairs (MCA) on regular basis. Such feedback is constantly and closely monitored by MCA at all levels for timely resolution.

We request you to share your inputs/issues/suggestions on filing of Company Forms in MCA V3 at the link given below:

<https://forms.gle/m5NGoCbt4TibuD196>

We thank you for your continued support and hope for association in the future as well.

❖ GST

Cabinet clears changes to GST laws to levy 28% GST on online gaming, casinos & horse race clubs (August 10, 2023)

Pursuant to the decision taken in the Goods and Services Tax (GST) Council meeting to levy 28 per cent tax on full face value of bets in online gaming, casinos and horse race clubs, the Union Cabinet on August 9, 2023 approved the enabling changes to GST-related laws, sources said.

The amendments to the Central GST (CGST) and Integrated GST (IGST) acts, which were approved by the GST Council last week, are likely to be introduced in the ongoing monsoon session of Parliament, which will end on August 11.

The Council also recommended inserting a provision in the IGST Act, 2017, to impose GST liability on online money gaming provided by offshore entities. Such entities would be required to get GST registration in India. The amendments will also provide for blocking access to online gaming platforms located overseas in case of failure to comply with registration and tax payment provisions. The amended provisions in the GST laws — which would specifically define online gaming, online money gaming, virtual digital assets used to pay for online games and suppliers in case of online gaming — will be effective from October 1.

For details :

<https://indianexpress.com/article/business/cabinet-clears-changes-to-gst-laws-to-levy-28-gst-on-online-gaming-casinos-horse-race-clubs-8884879/>

❖ **Ministry of Electronics & IT**

Salient Features of the Digital Personal Data Protection Bill, 2023(August 09, 2023)

The Bill provides for the processing of digital personal data in a manner that recognizes both the rights of the individuals to protect their personal data and the need to process such personal data for lawful purposes and for matters connected therewith or incidental thereto. The Bill protects digital personal data (that is, the data by which a person may be identified) by providing for the following:

- a. The obligations of Data Fiduciaries (that is, persons, companies and government entities who process data) for data processing (that is, collection, storage or any other operation on personal data);
- b. The rights and duties of Data Principals (that is, the person to whom the data relates); and
- c. Financial penalties for breach of rights, duties and obligations.

The Bill also seeks to achieve the following:

- a. Introduce data protection law with minimum disruption while ensuring necessary change in the way Data Fiduciaries process data;
- b. Enhance the Ease of Living and the Ease of Doing Business; and
- c. Enable India's digital economy and its innovation ecosystem.

The Bill is based on the following seven principles:

- a. The principle of consented, lawful and transparent use of personal data;
- b. The principle of purpose limitation (use of personal data only for the purpose specified at the time of obtaining consent of the Data Principal);
- c. The principle of data minimisation (collection of only as much personal data as is necessary to serve the specified purpose);
- d. The principle of data accuracy (ensuring data is correct and updated);
- e. The principle of storage limitation (storing data only till it is needed for the specified purpose);
- f. The principle of reasonable security safeguards; and
- g. The principle of accountability (through adjudication of data breaches and breaches of the provisions of the Bill and imposition of penalties for the breaches).

For details:

<https://pib.gov.in/PressReleaseIframePage.aspx?PRID=1947264#:~:text=The%20Bill%20provides%20for%20the,connected%20therewith%20or%20incidental%20thereto.>

❖ *Business and Economics news*

Make in India initiative to make India a hub for manufacturing, design and innovation (August 09, 2023)

Make in India initiative was launched on September 25, 2014, to facilitate investment, foster innovation, building best in class infrastructure, and making India a hub for manufacturing, design and innovation. Government has taken a series of policy initiatives to improve the economic situation and convert the disruption caused by COVID 19 into an opportunity for growth. These includes the Atmanirbhar Bharat packages, introduction of Production Linked Incentive (PLI) Scheme in fourteen (14) sectors, investment opportunities under National Infrastructure Pipeline (NIP) and National Monetisation Pipeline (NMP), India Industrial Land Bank (IILB), Industrial Park Rating System (IPRS), soft launch of the National Single Window System (NSWS), etc.

In addition to ongoing schemes of various Departments and Ministries, Government has taken various steps to boost domestic and foreign investments in India. These include the introduction of Goods and Services Tax, reduction in corporate tax, improving ease of doing business, FDI policy reforms, measures for reduction in compliance burden, measures to boost domestic manufacturing through public procurement orders, Phased Manufacturing Programme (PMP) and QCOs (Quality Control Orders), to name a few.

For details:

<https://pib.gov.in/PressReleasePage.aspx?PRID=1947211>

❖ *Market Watch*

Stock Market Indices as on 10.08.2023	
S & P BSE Sensex	65688.18 (-307.63)
Nifty 50	19543.10 (-89.45)

Foreign Exchange Rates as on 09.08.2023 <i>(https://www.geojit.com/currency-futures)</i>			
INR / 1 USD	INR / 1 EUR	INR / 1 GBP	INR / 1 JPY
82.86	90.87	105.56	0.58

❖ **Pronouncement**

August 8, 2023.	M/S. Isnar Aqua Farms (Appellant) Vs. United India Insurance Co. Ltd (Respondent)	Supreme Court of India Civil Appellate Jurisdiction Civil Appeal No. 1077 of 2013
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It is the fundamental principle of insurance law that utmost good faith must be observed by the contracting parties.

The Hon'ble Apex Court noted that in *General Assurance Society Limited Vs. Chandumull Jain and another [AIR 1966 SC 1644]*, a Constitution Bench had observed, in the context of the insured, that uberrima fides, i.e., good faith, is the requirement in a contract of insurance. More recently, in *Jacob Punnen and another Vs. United India Insurance Company Limited [(2022) 3 SCC 655]*, this Court affirmed and reiterated the edict laid down earlier in *Modern Insulators Limited Vs. Oriental Insurance Company Limited [(2000) 2 SCC 734]*, that it is the fundamental principle of insurance law that utmost good faith must be observed by the contracting parties; that good faith forbids either party from non-disclosure of the facts which the party knows; and that the insured has a duty to disclose and similarly it is the duty of the insurance company to disclose all material facts within their knowledge since the obligation of good faith applies to both equally. This obligation and duty would rest on both parties not only at the inception of the contract of insurance but throughout its existence and even thereafter.

".....Merely because the contents thereof were not to its liking, the insurance company could not have ignored the same and swept it under the carpet. More so, as such certification was being made by impartial and independent bodies of significant stature and that, perhaps, was precisely the reason why the insurance company had attached such importance to it in its norms. In any event, it is not open to an insurance company to ignore or fail to act upon a certificate or document that it had itself called for from independent and impartial authorities, subject to just exceptions, merely because it is averse to it or to its detriment. Having undertaken to indemnify an insured against possible loss in specified situations, an insurance company is expected to make good on its promise in a bonafide and fair manner and not just care for and cater to its own profits....."

For details:

https://main.sci.gov.in/supremecourt/2011/28249/28249_2011_3_1501_46051_Judgement_08-Aug-2023.pdf

Prepared by Directorate of Academics

For any suggestions, please write to academics@icsi.edu.

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