

Info Capsule

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❖ 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.

❖ Securities Laws and Capital Market

SEBI asks AIF to provide option of direct plans (April 11, 2023)

SEBI asked Alternative Investment Funds(AIFs) to provide the option of direct plans for its investors. Through such plans, investors can participate in an AIF without having to pay any distribution fee or placement fee. AIFs are funds that cater to wealthy individuals willing to invest more than ₹1 crore in a single go. The regulator has also asked the AIFs to disclose distribution fees to the investors while on-boarding them. Also, for category III AIFs, which invest in listed securities, the distribution fee needs to be charged on a trail basis. These measures have been brought in to enhance the transparency and curb misselling, SEBI circular added.

For details:

<https://economictimes.indiatimes.com/markets/stocks/news/sebi-asks-aif-to-provide-option-of-direct-plans/articleshow/99391933.cms>

❖ Competition Law

Industry body calls for separate digital competition law (April 11, 2023)

Indian startups have called for a separate Digital Competition Law with ex ante regulations, without which Big Tech would continue to have the upper hand. "In case of the absence of such law, bigtechs would be the biggest beneficiaries at the cost of Indian digital startups," said a spokesperson for Alliance for Digital India Foundation (ADIF).

For details:

<https://www.financialexpress.com/industry/industry-body-calls-for-separate-digital-competition-law/3041420/>

❖ **Direct tax**

Delay in TDS remit shall not attract penalty, rules Supreme Court(April 10, 2023)

The Supreme Court (SC) held that the delay in remitting tax deducted at source (TDS) by assesseees is not liable for penalty. It stated the revenue department should adopt a literal interpretation of the penal provision.

While allowing the assessee to appeal against the Kerala High Court (HC) judgment on the interpretation of Section 271C of the Income-Tax (I-T) Act, a Bench of Justices M R Shah and C T Ravikumar held that on “mere belated remitting the TDS after deducting the same by the assessee shall not attract penalty under the said Section”.

The apex court even observed that the appeal concerned is not the case of “non-deduction” of TDS. Thus, the particular Section will not apply.

It said the provision concerned references ‘fails to deduct’ the whole or any part of the tax, not failure to remit the deducted tax.

For details

https://www.business-standard.com/economy/news/delay-in-tds-remit-shall-not-attract-penalty-sc-rules-123041000891_1.html

❖ **Indirect tax**

Customs

Notification for imposition of provisional anti-dumping duty on the imports of subject goods, originating in or exported from the subject countries (Notification NO. 04/2023-Customs (ADD) New Delhi, April 10, 2023)

The Ministry of Finance, in the matter of ‘Ursodeoxycholic Acid (UDCA)’ (hereinafter referred to as the ‘subject goods’) originating in or exported from China PR and Korea RP (hereinafter referred to as the ‘subject countries’) and imported into India, had recommended imposition of definitive anti-dumping duty on imports of the subject goods, originating in or exported from the subject countries and imported into India, in order to remove injury to the domestic industry.

For details:

<https://taxinformation.cbic.gov.in/view-pdf/1009708/ENG/Notifications>

❖ **Banking**

RBI simplifies the application process for registration of Core Investment Companies(April 10, 2023)

The Reserve Bank has undertaken a comprehensive review of the system of processing of applications for registration as Core Investment Companies (CICs) to make the registration process smoother and hassle free. Accordingly, the application form has been revamped to make it structured and aligned with the extant CIC regulations. Also, the number of documents to be furnished along with the application form has been reduced to 18 from the existing set of 52 documents to make the registration process user friendly.

The revised application form together with an indicative list of documents/information to be furnished along with the application has been uploaded on the RBI website. It may be noted that the documents to be furnished along with the application are indicative and not exhaustive. The Reserve Bank, may, if necessary, call for further document/s to satisfy itself on the eligibility of the company seeking registration as a CIC. In the event of the Reserve Bank calling for further documents in addition to those mentioned in the list, the applicant company must respond within a stipulated time of one month.

For details:

https://www.rbi.org.in/Scripts/BS_PressReleaseDisplay.aspx?prid=55494

❖ **Business and Economics News**

SBI plans to raise up to \$2 billion through offshore bonds (April 11, 2023)

India's largest lender by assets, State Bank of India (SBI), announced that it plans to raise \$2 billion through offshore bonds.

To examine the status and decide on long-term fundraising in single/multiple tranches of up to \$2 billion under Reg-S/144A, through a public offer and/or private placement of senior unsecured notes in US Dollar or any other convertible foreign currency during the financial year 2023-24," SBI said.

The state lender plans to use the funds in augmenting Additional Tier 1 Capital and the overall capital base of the bank and strengthening capital adequacy in accordance with RBI Guidelines.

Last month, SBI had raised Rs 3,717 crore through Tier 1 bond at a coupon rate of 8.25 per cent. The sale of the bonds was intended to raise the bank's overall capital base and improve its capital adequacy ratio. It was SBI's third offering of Tier 1 bonds in the last fiscal year. These bonds have a perpetual tenor with a call option after 10 years and on each anniversary after that.

For details:

<https://www.google.com/amp/s/www.zeebiz.com/markets/stocks/news-sbi-plans-to-raise-up-to-2-billion-billion-through-usd-notes-offshore-infrastructure-tier-1-bonds-coupon-fund-price-state-bank-of-india-share-price-today-bse-nse-230083/amp>

- **RoCs set to crack the whip on company law violators (April 10, 2023)**

The Registrars of Companies (RoCs) will sharpen their oversight and enforcement efforts against company law violators later this year as ongoing reforms to cut red tape free them from routine work, two persons aware of the development said.

India's 25 RoCs oversee registrations of companies and limited liability partnerships (LLPs), ensuring these entities follow the law. The Ministry of Corporate Affairs is rolling out reforms that have two key parts: one is replacing RoC approvals with straight-through processing (STP), requiring companies to only obtain an online acknowledgement of their statutory filings to be considered compliant.

For details:

<https://www.livemint.com/news/india/indias-registrars-of-companies-to-focus-on-enforcement-as-reforms-cut-red-tape-11681064733082.html>

- **Draft 'Sagarmala Innovation and Start-up Policy' issued for Stakeholder Consultation(April 10,2023)**

A nation's growth is augmented by start-ups and entrepreneurs. In order to build a strong innovation ecosystem, the Ministry of Ports, Shipping and Waterways (MoPSW) issued draft on 'Sagarmala Innovation and Start-up Policy'. This draft policy aims at nurturing start-ups and other entities to co-create the future of India's growing maritime sector. This entails intensive collaboration of the organizations to build a strong eco-system facilitating innovation and Startups in the country that will drive sustainable growth and generate large scale employment opportunities.

For details:

<https://pib.gov.in/PressReleaseIframePage.aspx?PRID=1915330>

❖ Market Watch

Stock Market Indices as on 11.04.2023

S & P BSE Sensex	60157.72(+311.21)
Nifty 50	17722.30(+98.25)

Foreign Exchange Rates as on 10.04.2023

(<https://www.geojit.com/currency-futures>)

INR / 1 USD	INR / 1 EUR	INR / 1 GBP	INR/ 1 JPY
81.95	89.15	101.58	0.62

Prepared by Directorate of Academics

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

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