

### Vision

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

### Motto

सत्यं वद। धर्मं चर। इष्टार्थं कुरु। तृणैः क्लेशं ह्यु कुरु।

### Mission

"To develop high calibre professionals facilitating good corporate governance"

Tuesday, July 11, 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.

## ❖ Securities Laws and Capital Market

### SEBI says tightened FPI regulations, but tax havens pose a global challenge (July 11, 2023)

SEBI has said that despite tightening norms to lift the veil around the 'opaque structure' of Foreign Portfolio Investors (FPIs), the regulator has faced a wall since entities actually controlling FPIs are in jurisdictions which leave ambiguity around entities that have economic interest in FPIs, but no ostensible control. An expert committee appointed by the Supreme Court had in May had said that the difficulties experienced by SEBI in identifying holders of economic interest were at least partly because of the repeal, in 2019, of the 2014 provisions on "opaque structures". The expert committee was set up to investigate if there was violation of the minimum public shareholding norms and if there was a failure to disclose transactions with related parties. In its affidavit submitted in the Supreme Court, SEBI said that with the regulatory changes governing FPIs in 2018 and 2019, it had tightened the disclosure requirement for beneficial owners (BOs) of FPIs.

*For details:*

<https://indianexpress.com/article/business/sebi-says-tightened-fpi-regulations-but-tax-havens-pose-a-global-challenge-8825112/>

## ❖ Terminology for today

### Biomimicry

Biomimicry is the emulation of natural processes or structures to address specific human challenges. For example, termite mounds inspired architectural design of passive cooling structures or the hooks on some plant seeds inspired the creation of Velcro.

## ❖ **Direct Tax News**

### **Provisional figures of Direct Tax collections for FY 2023-24 register steady growth upto 9th July 2023 [PIB Dated July 10, 2023]**

Direct Tax collections up to 9<sup>th</sup> July, 2023 show that gross collections are at Rs. 5.17 lakh crore which is 14.65% higher than the gross collections for the corresponding period of last year. Direct Tax collection, net of refunds, stands at Rs. 4.75 lakh crore which is 15.87% higher than the net collections for the corresponding period of last year. This collection is 26.05% of the total Budget Estimates of Direct Taxes for F.Y. 2023-24. Refunds amounting to Rs. 42,000 crore have been issued during 1<sup>st</sup> April, 2023 to 9<sup>th</sup> July 2023, which are 2.55% higher than refunds issued during the same period in the preceding year.

*For details:*

*Press Information Bureau (pib.gov.in)*

## ❖ **Banking**

### • **Expedite loan sanction, disbursement for projects under Rs 10,000 crore UIDF: Financial services secretary (July 10, 2023)**

Financial Services Secretary Vivek Joshi on July 10, 2023 asked officials to expedite sanction and disbursement of loans to eligible projects under Rs 10,000-crore Urban Infrastructure Development Fund (UIDF) announced in Budget. The early sanction and disbursement will help create better infrastructure in Tier 2 and Tier 3 cities, Joshi said at an event organised to mark the 35th anniversary of the National Housing Bank (NHB). Finance Minister Nirmala Sitharaman in her 2023-24 Budget speech announced the setting up of UIDF through the use of priority sector lending shortfall for the creation of urban infrastructure in Tier 2 and Tier 3 cities.

*For details:*

*<https://economictimes.indiatimes.com/industry/banking/finance/banking/expedite-loan-sanction-disbursement-for-projects-under-rs-10000-crore-uidf-financial-services-secretary/articleshow/101645172.cms>*

### • **70% of HDFC top executives to step down in integration process (July 10, 2023)**

Nearly 70% of the Senior Management of HDFC, which has merged with HDFC Bank, will step down from executive positions, in a move that could expedite the integration process. Most of the top management of erstwhile HDFC comprising members of the executive management - and not just the senior leadership- will not join the combined entity, HDFC Bank, as rules do not allow banks to have superannuated executives on bank's rolls, as per a Times of India report. The absence of senior executives from HDFC is expected to make the integration process more seamless as the bank leadership will drive the process.

*For details:*

*<https://economictimes.indiatimes.com/industry/banking/finance/banking/70-of-hdfc-top-executives-to-step-down-in-integration-process/articleshow/101643100.cms>*

## ❖ Pronouncement

July 05, 2023	<b>Mukesh Kumar (Appellant)</b> Vs <b>Ambrane India Pvt Ltd and          Other (Respondents)</b>	<b>National Company Law          Appellate Tribunal          Principal Bench, New Delhi</b> <b>Company Appeal (AT)(INS)          NO.659/2022</b>
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***Admission of an application under Section 7 of IBC if fulfils certain criteria is a Rule, however, rejection of such application is an Exception***

### Judgment

Hon'ble NCLAT inter-alia held that provisions for the admission of a petition under Section 7 of the IBC there are certain relevant criteria. There must be debt and default. If an application fulfils the said criteria, the Adjudicating Authority is to admit such application. However, proviso 1st to Section 7 (5) speaks that only for rejection of an application reasons are required to be assigned. Meaning thereby if an application fulfils certain criteria, the Adjudicating Authority is to admit the said application and while admitting there is no requirement for assigning detailed reasons. However, if the Adjudicating Authority is going to dismiss the application as per provisions contained Section 7 of the IBC reasons are mandatory. Accordingly, it is evident that admission of an application under Section 7, if fulfils certain criteria is a rule, however, rejection of such application is an exception.

*For details:*

<https://ibbi.gov.in/uploads/order/ea4a799f7e820fb793819e81f9dde3b4.pdf>

## ❖ Market Watch

<b>Stock Market Indices as on 11.07.2023</b>	
S & P BSE Sensex	65617.84 (+273.67)
Nifty 50	19439.40 (+83.50)

<b>Foreign Exchange Rates as on 10.07.2023</b> ( <a href="https://www.geojit.com/currency-futures">https://www.geojit.com/currency-futures</a> )			
<b>INR / 1 USD</b>	<b>INR / 1 EUR</b>	<b>INR / 1 GBP</b>	<b>INR/ 1 JPY</b>
82.59	90.61	105.89	0.58

**Prepared by Directorate of Academics**

*For any suggestions, please write to [academics@icsi.edu](mailto:academics@icsi.edu).*

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