

Vision

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

Motto

सत्यं वद। धर्मं चर। इष्टार्थं कुरु। कुरुते। अविद्वेदं तु कुरुते। इत्यम्।

Mission

"To develop high calibre professionals facilitating good corporate governance"

Wednesday, September 13, 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 releases framework for unitholders of REITs, InvITs to nominate directors (September 11, 2023)

Unitholders of Real Estate Investment Trusts (REITs) and Infrastructure Investment Trusts (InvITs) now have the framework to nominate directors on the boards of the investment manager of the trusts. The eligibility of the unitholders will be decided based on the unitholding pattern as on September 30, 2023. In two circulars issued on September 11, 2023 the SEBI detailed the framework for this and asked the investment managers to inform the unitholders of this within 10 days from September 30, 2023 and to request unitholders to send in their nominations if they wish to exercise this right. The eligibility of the nominee director will be confirmed by the investment manager, based on the evaluation done by the Nomination and Remuneration Committee and/or the Board of Directors of the investment manager in line with the policy formulated for this and within 10 days of receipt of notice from eligible unitholders.

For details:

<https://www.moneycontrol.com/news/business/markets/sebi-releases-framework-for-unitholders-of-reits-invits-to-nominate-directors-11349511.html>

❖ Terminology for today

Large Language Model

Large language models (LLMs) are deep learning algorithms that can recognize, summarize, translate, predict, and generate content using very large datasets.

❖ **Banking**

Reserve Bank of India (Classification, Valuation and Operation of Investment Portfolio of Commercial Banks) Directions, 2023 (September 12, 2023)

The Reserve Bank of India had issued a Discussion Paper (DP) on January 14, 2022 proposing revisions to the current norms for the classification, valuation, and operation of investment portfolios of commercial banks. After considering the feedback received on the DP, the Reserve Bank of India (Classification, Valuation and Operation of Investment Portfolio of Commercial Banks) Directions, 2023 has been issued on September 12, 2023. The revised Directions include principle-based classification of investment portfolio, tightening of regulations around transfers to/from held to maturity (HTM) category and sales out of HTM, inclusion of non-SLR securities in HTM subject to fulfilment of certain conditions and symmetric recognition of gains and losses. The revised Directions shall apply to all commercial banks (excluding Regional Rural Banks) from the financial year commencing on April 1, 2024.

For details:

https://www.rbi.org.in/Scripts/BS_PressReleaseDisplay.aspx?prid=56360

❖ **Business and Economics News**

• **IICA and UNICEF jointly organize workshop on Business Responsibility and Sustainability Reporting (BRSR) (September 12, 2023)**

Indian Institute of Corporate Affairs (IICA), organised a workshop on Business Responsibility and Sustainability Reporting (BRSR) in collaboration with UNICEF and National Stock Exchange at the NSE premises in Mumbai on September 12, 2023. The workshop was attended by above 50 Sustainability, CSR (Corporate Social Responsibility), ESG (Environment, Social and Governance) and BHR (Business Human Rights) professionals from key corporate houses. More workshops on BRSR in different cities across India are scheduled such as Indore (20 Sept.), Delhi (26 Sept.), and Bengaluru (29 Sept.).

For details: <https://pib.gov.in/PressReleasePage.aspx?PRID=1956690>

• **Bharat today showcases unbelievable jump from 350 to 1 lakh StartUps in nine years, says Dr Jitendra Singh (September 12, 2023)**

Union Minister of State (Independent Charge) Science & Technology; MoS PMO, Personnel, Public Grievances, Pensions, Atomic Energy and Space, Dr Jitendra Singh today said, Bharat today showcases unbelievable jump from 350 to 1 lakh StartUps in nine years. During his address, Dr. Jitendra Singh said, India has recognized the potential of disruptive technologies to transform its defence landscape by utilising technologies like Cyber security, Quantum computing, Artificial intelligence, Unmanned Aerial Vehicles (UAVs) etc. This not only enhances the country's national security but also positions India as a global technology leader in the defence sector.

For details: <https://pib.gov.in/PressReleasePage.aspx?PRID=1956728>

❖ **Pronouncement**

| | | |
|------------|---|---------------|
| 04.09.2023 | <i>Jamboo Bhandari (Appellant) vs. M.P. State Industrial Development Corporation Ltd. & Ors. (Respondent)</i> | Supreme Court |
|------------|---|---------------|

Condition of appellants depositing 20% of the amount of compensation not mandatory under section 148 of N.I. Act

The appellants in these appeals were the accused before the learned Judicial Magistrate who tried them on a complaint filed by the respondent No. 1 under Section 138 of the Negotiable Instruments Act, 1881 ("N.I. Act"). The learned Magistrate convicted the appellants and directed them to pay the cheque amount with interest thereon @ 9% per annum. An appeal was preferred by the appellants before the Sessions Court. Relying upon Section 148 of the N.I. Act, the Sessions Court granted relief under Section 389 of the Code of Criminal Procedure, 1973 ("Cr.P.C.") subject to condition of appellants depositing 20% of the amount of compensation.

High Court also confirmed the order of the Sessions Court.

In the appeal, the Supreme Court decided that a purposive interpretation should be made of Section 148 of the N.I. Act. Hence, normally, Appellate Court will be justified in imposing the condition of deposit as provided in Section 148. However, in a case where the Appellate Court is satisfied that the condition of deposit of 20% will be unjust or imposing such a condition will amount to deprivation of the right of appeal of the appellant, exception can be made for the reasons specifically recorded.

Therefore, when Appellate Court considers the prayer under Section 389 of the Cr.P.C. of an accused who has been convicted for offence under Section 138 of the N.I. Act, it is always open for the Appellate Court to consider whether it is an exceptional case which warrants grant of suspension of sentence without imposing the condition of deposit of 20% of the fine/compensation amount....

For details:

https://main.sci.gov.in/supremecourt/2022/30722/30722_2022_7_40_46699_Judgement_04-Sep-2023.pdf

❖ **Market Watch**

| Stock Market Indices as on 13.09.2023 | | Foreign Exchange Rates as on 13.09.2023 <i>(https://m.rbi.org.in/scripts/ReferenceRateArchive.aspx)</i> | | | |
|--|--------------------|--|--------------------|--------------------|--------------------|
| | | INR / 1 USD | INR / 1 EUR | INR / 1 GBP | INR / 1 JPY |
| S & P BSE Sensex | 67466.99 (+245.86) | | | | |
| Nifty 50 | 20070.00 (+76.80) | 82.95 | 89.11 | 103.29 | .5633 |

Prepared by Directorate of Academics

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

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