

Info Capsule

Friday, September 15, 2023

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

Regulatory Reporting by Alternative Investment Funds (AIFs) (September 14, 2023)

In order to enable the AIF industry to have uniform compliance standards, ease compliance reporting and for regulatory and developmental purposes, the existing quarterly reporting format has been reviewed and the revised format has been prepared by SEBI. It is prescribed that the said revised reporting format shall be hosted by the AIF associations on their website within 2 working days of issuance of this circular. The report shall be submitted within 15 calendar days from the end of each quarter. The association shall engage with all AIFs to ensure that to begin with and to carry out a trial run, quarterly report for the June 2023 quarter is submitted in the revised format by October 15, 2023 on the SEBI Intermediary Portal (SI Portal).

For details:

https://www.sebi.gov.in/legal/circulars/sep-2023/regulatory-reporting-by-aifs_76908.html

❖ Direct Tax

Notification No. 77 [Dated September 12, 2023]

The Central Government specifies the Multi Commodity Exchange Investor (Client) Protection Fund Trust set up by Multi Commodity Exchange of India Limited, Mumbai for the purposes of the sub-section (23EC) of section 10 of the Income-tax Act, 1961 for the assessment year 2014-15.

For details:

<https://incometaxindia.gov.in/communications/notification/notification-77-2023.pdf>

❖ ESG

S&P Global Ratings Updates SPO Approach to Provide More Transparency for Sustainable Bond Market (September 14, 2023)

S&P Global Ratings has updated its analytical approach for use of proceeds Second Party Opinions (SPOs) to provide more transparency to investors in the sustainable bond market. The updated approach combines important features of the methodologies of S&P Global Ratings and Shades of Green, a science-based assessment of sustainable finance projects.

For details:

<https://esgnews.com/sp-global-ratings-updates-spo-approach-to-provide-more-transparency-for-sustainable-bond-market/>

❖ **Business and Economic News**

G-20 Sustainable Finance Working Group finalises Sustainable Finance Report at a meeting in Varanasi (September 15, 2023)

The 4th and last meeting of the G20 Sustainable Finance Working Group (SFWG) successfully concluded in Varanasi yesterday with finalisation of the 2023 G20 Sustainable Finance Report. The two-day meeting witnessed proactive engagement from over 80 delegates from G20 member countries, invitee countries, and International Organisations including the World Bank, the New Development Bank, and NGFS among others. Many other organisations joined the meeting virtually

For details:

<https://newsonair.gov.in/News?title=G-20-Sustainable-Finance-Working-Group-finalises-Sustainable-Finance-Report-at-a-meeting-in-Varanasi&id=467778>

❖ **Ministry of Communications**

TRAI releases Consultation Paper on “Digital Inclusion in the Era of Emerging Technologies” (September 14, 2023)

Telecom Regulatory Authority of India (TRAI) has released a Consultation Paper (CP) on “Digital Inclusion in the Era of Emerging Technologies” today 14th Sept 2023. The consultation paper aims to explore and address the challenges and opportunities presented by the rapid advancement of emerging technologies, with a focus on ensuring inclusivity for all segments of society and industries particularly Micro Small and Medium Enterprises (MSMEs).

In today’s world, being connected online has become a way of life. Connectivity works as an essential tool for everyday functions such as accessing information, receiving basic services, working remotely, pursuing education, conducting financial transactions, and staying connected with loved ones. TRAI recognizes that digital inclusion is crucial empowerment of every citizen of the country at right moment, failing which the gaps in access of digital services may widen further and thereby depriving large segments of the society from an inclusive growth along with others who are well connected and availing the benefits of the digital services. In the consultation paper, TRAI emphasizes the need for a robust policy framework and collaborative efforts among stakeholders to ensure participation of individuals in digital economic activities.

India has made remarkable progress in digital transformation, emerging as the world’s second-largest telecom market in terms of subscribers. The country has experienced significant growth in mobile broadband subscriptions and internet usage, along with a substantial reduction in data costs. The government’s initiatives such as Digital India, National Digital Communications Policy 2018, National Broadband Mission 2019, BharatNet, Common Service Centres (CSCs), and Universal Service Obligation Fund (USOF) have played a pivotal role in expanding connectivity and promoting digital inclusion across the nation.

For details:

<https://pib.gov.in/PressReleasePage.aspx?PRID=1957411>

❖ **Terminology for today**

Conflict minerals

Minerals that are mined where armed conflict and human rights abuses are rife. Tin, tantalum and tungsten (derivatives of cassiterite, columbite-tantalite (coltan) and wolframite) as well as gold (also known as “3TG”) sourced from the countries, which are not deemed “DRC conflict-free.”

❖ **Banking**

RBI releases list of NBFCs in the Upper Layer (NBFC-UL) under Scale Based Regulation for NBFCs (September 14, 2023)

1. The Reserve Bank of India announced today the list of NBFCs in the Upper Layer under Scale Based Regulation for NBFCs for the year 2023-24.
2. The Reserve Bank had issued the Scale Based Regulation (SBR): A Revised Regulatory Framework for NBFCs (the framework) on October 22, 2021. The framework categorises NBFCs in Base Layer (NBFC-BL), Middle Layer (NBFC-ML), Upper Layer (NBFC-UL) and Top Layer (NBFC-TL) and gives the methodology to identify the NBFCs in the Upper Layer as per their asset size and scoring methodology. Accordingly, the 2023-24 list of NBFC-UL is as under:

Sl. No.	Name of the NBFC	Category of the NBFC
1	LIC Housing Finance Limited	Deposit taking HFC
2	Bajaj Finance Limited	Deposit taking NBFC-ICC
3	Shriram Finance Limited (formerly Shriram Transport Finance Company Limited)	Deposit taking NBFC-ICC
4	Tata Sons Private Limited	Core Investment Company (CIC)
5	L & T Finance Limited	Non-deposit taking NBFC-ICC
6	Piramal Capital & Housing Finance Limited	Non-deposit taking HFC
7	Cholamandalam Investment and Finance Company Limited	Non-deposit taking NBFC-ICC
8	Indiabulls Housing Finance Limited	Non-deposit taking HFC
9	Mahindra & Mahindra Financial Services Limited	Deposit taking NBFC-ICC
10	Tata Capital Financial Services Limited	Non-deposit taking NBFC-ICC
11	PNB Housing Finance Limited	Deposit taking HFC
12	HDB Financial Services Limited	Non-deposit taking NBFC-ICC
13	Aditya Birla Finance Limited	Non-deposit taking NBFC-ICC
14	Muthoot Finance Limited	Non-deposit taking NBFC-ICC
15	Bajaj Housing Finance Ltd.	Non-deposit taking HFC

3. Despite qualifying for identification as NBFC-UL as per scoring methodology, TMF Business Services Limited (formerly Tata Motors Finance Limited) is not being included in the list of NBFC-UL in the current review due to its ongoing business reorganisation.
4. In terms of the framework, once an NBFC is classified as NBFC-UL, it shall be subject to enhanced regulatory requirement, at least for a period of five years from its classification in the layer, even in case it does not meet the parametric criteria in the subsequent year/s.

For details: https://www.rbi.org.in/Scripts/BS_PressReleaseDisplay.aspx?prid=56373

