



**Vision**

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

**Motto**

सत्यं वद। धर्मं चर। इष्टार्थं कुरु। तृप्तये। अस्मिन्। त्वं। कुरु।

**Mission**

"To develop high calibre professionals facilitating good corporate governance"

Monday, February 19, 2024

# Info Capsule

*President*

**CS B Narasimhan**

*Vice President*

**CS Dhananjay Shukla**

## ❖ **Capital Market and Securities Laws**

### **SEBI mulls mandatory registration of PMS distributors with industry body APMI (February 15, 2024)**

Markets regulator SEBI proposed promoting collective oversight of PMS distributors by making registration with the Association of Portfolio Managers in India (APMI) mandatory for them and facilitating ease of digital onboarding process for portfolio managers' clients. The proposals are aimed at promoting ease of doing business initiatives for portfolio managers. This came after the Finance Minister in the Budget announcements for the financial year 2023-24 made an announcement to simplify, ease, and reduce the cost of compliance for participants in the financial sector through a consultative approach. In its consultation paper, the regulator proposed making registration with APMI mandatory for PMS (Portfolio Manager Services) distributors.

*For details:*

<https://www.financialexpress.com/market/sebi-mulls-mandatory-registration-of-pms-distributors-with-industry-body-apmi-3395508/>

## ❖ **Ministry of Corporate Affairs**

### **MCA operationalises Central Processing Centre (CPC) for Centralised Processing of Corporate Filings. (February 16, 2024)**

CPC will process applications in time-bound and faceless manner on the lines of Central Registration Centre (CRC) and Centralised Processing for Accelerated Corporate Exit (C-PACE). 12 forms/applications will be processed at CPC from 16.02.2024 followed by other forms from 01.04.2024 onward.

On the lines of continuous endeavor to provide Ease of Doing Business in pursuance to Union Budget Announcement 2023-24, Central Processing Centre (CPC) has been established to process forms filed as part of various regulatory requirements under Companies Act and Limited Liability Partnership Act (LLP Act) in a centralised manner, requiring no physical interaction with the stakeholders.

The Central Registration Centre (CRC), Centralised Processing for Accelerated Corporate Exit (C-PACE), and CPC will ensure speedy processing of applications and forms filed for incorporation, closure and for meeting regulatory requirements so that the companies are incorporated, closed, can alter and raise capital, and are able to complete their various compliances under the corporate laws with ease.

*For details:*

<https://pib.gov.in/PressReleasePage.aspx?PRID=2006537>

## ❖ **International Financial Services Centres Authority (IFSCA)**

### • **Constitution of an Advisory Committee on Exchange traded Currency Derivatives (February 16, 2024)**

In order to develop the market for Exchange traded currency derivatives and to make GIFT-IFSC an international currency trading hub, IFSCA has constituted an Advisory Committee on Currency Derivatives under the chairmanship of Shri Gurumoorthy Mahalingam, Former Whole Time Member, SEBI.

The Terms of Reference (ToR) of the Committee inter-alia covers to identify lessons and best practices after reviewing the developments in the currency derivatives market in key global jurisdictions; study the international best practices for bench-marking the IFSC ecosystem in currency derivatives with developed markets etc.

*For details: [https://ifsc.gov.in/Viewer?Path=Document%2FLegal%2Fpress-release-for-the-advisory-committee-on-currency-derivatives-in-ifsc\\_final16022024102428.pdf&Title=IFSCA%20constitutes%20an%20Advisory%20Committee%20on%20Exchange%20traded%20Currency%20Derivatives&Date=16%2F02%2F2024](https://ifsc.gov.in/Viewer?Path=Document%2FLegal%2Fpress-release-for-the-advisory-committee-on-currency-derivatives-in-ifsc_final16022024102428.pdf&Title=IFSCA%20constitutes%20an%20Advisory%20Committee%20on%20Exchange%20traded%20Currency%20Derivatives&Date=16%2F02%2F2024)*

### • **Maintenance of net worth by Fund Management Entity (February 16, 2024)**

IFSCA vide this circular has issued clarification regarding Maintenance of net worth by Fund Management Entity. In case the net worth of any FME falls below the specified net worth, such FME shall not-

1. Launch new schemes in IFSC;
2. Onboard new clients towards any of the activities or undertake new business activities permitted under the IFSCA (Fund Management) Regulations, 2022.

*For details: <https://ifsc.gov.in/Viewer?Path=Document%2FLegal%2Fmaintenance-of-net-worth-by-fund-management-entity16022024055813.pdf&Title=Maintenance%20of%20net%20worth%20by%20Fund%20Management%20Entity&Date=16%2F02%2F2024>*

## ❖ **Banking**

### **No top-up or transfer of money to Paytm Payments Bank accounts after March 15: RBI's new FAQs (February 17, 2024)**

The Reserve Bank of India (RBI), while extending the deadline for restriction imposed on Paytm Payments Bank (PPBL) till March 15, 2024, issued a detailed list of Frequently Asked Questions (FAQs) on February 16, 2024 for customers of the bank. While the RBI said customers can't transfer or deposit money into the PPBL accounts after March 15, they can use the money lying in PPBL accounts till it's exhausted. Last month, the RBI had barred Paytm Payments Bank from accepting deposits or top-ups in any customer account, prepaid instruments, wallets, FASTags and NCMC card after February 29, 2024 in the wake of persistent non-compliances and material.

For details: <https://indianexpress.com/article/business/banking-and-finance/rbi-faqs-paytm-payments-bank-fastags-wallet-9165557/>

## ❖ **Ministry of Consumer Affairs, Food & Public Distribution**

### **Central Consumer Protection Authority (CCPA) seeks public comments on Draft Guidelines for Prevention of Misleading Advertisement in Coaching Sector (February 16, 2024)**

The Central Consumer Protection Authority has sought public comments on Draft Guidelines for Prevention of Misleading Advertisement in Coaching Sector. Draft Guidelines are placed on the website of the Department of Consumer Affairs and are accessible through the link

(<https://consumeraffairs.nic.in/sites/default/files/file-uploads/latestnews/Public%20Comments%20Letter%202.pdf>)

Public comments/suggestions/feedback are solicited and may be provided to the Central Authority within 30 days (until 16th March 2024).

Views/comments/suggestions on the proposed Guidelines may be sent within 30 days (by 16th March 2024) by email to [com-ccpa@gov.in](mailto:com-ccpa@gov.in).

For details: <https://pib.gov.in/PressReleasePage.aspx?PRID=2006533>

## **Market Watch**

### **Stock Market Indices as on 19.02.2024**

S & P BSE Sensex	72,744.77 (+318.13)
Nifty 50	22,128.35 (+87.65)

### **Foreign Exchange Rates as on 16.02.2024**

(<https://m.rbi.org.in/scripts/ReferenceRateArchive.aspx>)

INR / 1 USD	INR / 1 EUR	INR / 1 GBP	INR / 1 JPY
83.03	89.35	104.48	0.55

❖ **Pronouncement**

<b>February 16, 2024</b>	<b>Exalogic Solutions Private Limited (Petitioner) vs. The Director, Serious Fraud Investigation Office &amp; Anr (Respondents)</b>	<b>Writ Petition No.4268 of 2024 (GM - RES), High Court of Karnataka</b>
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***Once investigation has commenced under Section 210 of the Companies Act, 2013, the statute does not render the Government of India powerless, to assign the investigation under Section 212 to the SFIO***

Hon'ble High Court of Karnataka inter alia observed that once investigation has commenced under Section 210, the statute does not render the Government of India powerless, to assign the investigation under Section 212 to the SFIO. It neither results in duplication of investigation, nor takes away any right of the petitioner. Sub-section (2) clearly mandates that once the SFIO is entrusted with investigation under Section 212, any other investigation already initiated shall not be proceeded further and further, those agencies who are/were conducting any investigation, shall transfer all the relevant documents and records in respect of those offences to the SFIO. The powers of SFIO is statutorily determined from sub-section (3) to sub-section (17) of Section 212 and for conduct of investigation there is procedure in place which need not require elaboration at this juncture.

*"..... Section 210 does speak of a report, the report can be either interim or final it need not be the final report only. During an investigation under Section 210, if the Inspectors, out of serendipity come across information that would prima facie touch upon skullduggery and thereon necessity emerges to assign the investigation to a multi-disciplinary body like the SFIO, created under the Act, this Court cannot put shackles on the hands of the Central Government, for such assignment. If it had been entrusted to any other agency outside the Act, it would have been a circumstance altogether different. It is entrusted to the SFIO which is created under the Act, i.e., in terms of Section 211 with elaborate functions under Section 212. The protection to any Company from duplication of proceedings is kept tight under sub-section (2) of Section 212 and above all, and after all, it is investigation".*

For details: [https://karnatakajudiciary.kar.nic.in/judgements/Order-WP\\_4268\\_2024-17022024.pdf](https://karnatakajudiciary.kar.nic.in/judgements/Order-WP_4268_2024-17022024.pdf)

**Prepared by Directorate of Academics**

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

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