

Vision

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

Motto

सत्यं वद। धर्मं चर। इष्टार्थं कुरु। त्वात्के। अक्षयं तु कुरु। इच्छ।

Mission

"To develop high calibre professionals facilitating good corporate governance"

Info Capsule

Friday, July 28, 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.

❖ Direct Tax

CBDT condoning delay for claiming Deduction u/s 80P for AY 2018-19 to AY 2022-23 [Circular No. 13 Dated July 26, 2023]

The CBDT has issued Circular regarding the condonation of delay for returns of income claiming deduction under section 80P (deduction in respect of income of co-operative societies) of Income Tax Act for various assessment years from AY 2018-19 to AY 2022-23.

In order to mitigate genuine hardship in cases, the Board directs that the Chief Commissioners of Income-tax (CCSIT) / Directors General of Income-tax (DGSIT) are authorised to deal with such applications of condonation of delay pending before the Board, upon transfer of such applications by the Board, and decide such applications on merits, in accordance with the law. The CCSIT/DGSIT shall examine the following while deciding such applications –

(i) the delay in furnishing the return of income within the due date was caused due to circumstances beyond the control of the assessee with appropriate documentary evidence/s;

(ii) where delay in furnishing return of income was caused due to delay in getting the accounts audited by statutory auditors appointed under the respective State Law under, the date of completion of audit vis-à-vis the due date of furnishing the return of income; and

(iii) any other issue indicating towards tax avoidance or tax evasion specific to the case, which comes into the light in the course of verification and having bearing either in the relevant assessment year or establishing connection of relevant assessment year with other assessment year/s.

The CCSIT/DGSIT shall preferably dispose the application within three months from the end of the month in which such application is received from the applicant or transferred by the Board. No order rejecting the application under section 119(2)(b) of the Act shall be passed without providing the applicant an opportunity of being heard.

For details:

<https://incometaxindia.gov.in/communications/circular/circular-13-2023.pdf>

❖ **Ministry of Commerce & Industry**

Lok Sabha passes Jan Vishwas (Amendment of Provisions) Bill, 2023 in Parliament (July 27, 2023)

The Jan Vishwas (Amendment of Provisions) Bill, 2023 was passed in Lok Sabha here on July 27, 2023. The Bill was first introduced in Lok Sabha on 22nd December 2022. Subsequently, it was referred to the Joint Committee of the Parliament. The Joint Committee on the Jan Vishwas (Amendment of Provisions) Bill, 2022 held detailed discussions with all the 19 Ministries/Departments along with Legislative Department and Department of Legal Affairs. The Committee conducted clause-by-clause examination of the Bill through a series of 9 sittings between 09.01.2023 and 17.02.2023. The Committee finally adopted its Report in its sitting held on 13.03.2023.

The Report of the Committee has been laid before Rajya Sabha and Lok Sabha on 17th March 2023 and 20th March 2023 respectively. The Committee recommended a few more amendments in the Bill. Committee also made 7 general recommendations, out of which, 6 recommendations have been accepted by all the Ministries/Departments concerned.

Through The Jan Vishwas (Amendment of Provisions) Bill, 2023, a total of 183 provisions are being proposed to be decriminalized in 42 Central Acts administered by 19 Ministries/Departments. Decriminalization is proposed to be achieved in the following manner: -

- (i) Both Imprisonment and/or Fine are proposed to be removed in some provisions.
- (ii) Imprisonment is proposed to be removed and fine retained in few provisions.
- (iii) Imprisonment is proposed to be removed and Fine enhanced in few provisions.
- (iv) Imprisonment and Fine are proposed to be converted to Penalty in some provisions.
- (v) Compounding of offences is proposed to be introduced in few provisions.

For effective implementation of the above, the bill proposes measures such as (a) pragmatic revision of fines and penalties commensurate to the offence committed; (b) establishment of Adjudicating Officers; (c) establishment of Appellate Authorities; and (d) Periodic increase in quantum of fine and penalties

For details:

<https://pib.gov.in/PressReleasePage.aspx?PRID=1943393>

❖ *Competition Commission of India*

CCI approves proposed combination involving acquisition of shareholding up to 59.38% of Unichem Laboratories Limited by Ipca Laboratories Limited (July 27, 2023)

The Competition Commission of India (CCI) approves the proposed combination involving acquisition of shareholding up to 59.38% of Unichem Laboratories Limited by Ipca Laboratories Limited.

Ipca Laboratories Limited (**Acquirer**) is a pharmaceutical company that manufactures formulations and active pharmaceutical ingredients for various therapeutic segments.

Unichem Laboratories Limited (**Target**) is active in the sale of formulations, active pharmaceutical ingredients, intermediates, and contract manufactured finished formulation dosages, globally.

The proposed combination pertains to proposed acquisition of ~33.38% of the issued and paid-up equity voting share capital (on a fully diluted basis) of the Target by the Acquirer pursuant to a share purchase agreement. Further, since the Acquirer is acquiring >25% shareholding in the Target, which is a listed company, the Acquirer is required to make an open offer for the purchase of equity shares up to 26% of the Target's equity share capital in accordance with the Securities and Exchange Board of India (Substantial Acquisition of Shares and Takeovers) Regulations, 2011. Accordingly, the Acquirer will acquire up to 59.38% shareholding of the Target (**Proposed Combination**).

The CCI approved the proposed combination subject to compliance of undertaking voluntarily submitted by the Parties.

For details:

<https://pib.gov.in/PressReleasePage.aspx?PRID=1943378>

❖ *Market Watch*

Stock Market Indices as on 28.07.2023	
S & P BSE Sensex	66160.20 (-106.62)
Nifty 50	19646.05 (-13.85)

Foreign Exchange Rates as on 27.07.2023 <i>(https://www.geojit.com/currency-futures)</i>			
INR / 1 USD	INR / 1 EUR	INR / 1 GBP	INR / 1 JPY
81.98	90.73	105.84	0.58

❖ **Banking**

• **Reserve Bank of India clarifies on Star Series Banknotes (July 27, 2023)**

It has come to the notice of the Reserve Bank that the validity of banknotes with a Star (*) symbol present on the number panel has recently been the subject of discussions on some social media platforms. In this connection, it is informed that the Star (*) symbol is inserted in the number panel of a banknote that is used as replacement for defectively printed banknotes in a packet of 100 pieces of serially numbered banknotes. A banknote with a Star (*) symbol is identical to any other legal banknote, except that in the number panel a Star (*) symbol is added between the prefix and the serial number. The Star (*) symbol is an identifier that it is a replaced / reprinted banknote. Information about the “Star Series” banknotes is available on the RBI website as part of FAQs (https://rbi.org.in/scripts/FS_FAQs.aspx?Id=136&fn=2753) on Indian Currency (Question 9 of Section B).

For details:

https://www.rbi.org.in/Scripts/BS_PressReleaseDisplay.aspx?prid=56103

• **RBI-Digital Payments Index for March 2023 (July 27, 2023)**

The Reserve Bank of India (RBI) has been publishing a composite Reserve Bank of India – Digital Payments Index (RBI-DPI) since January 01, 2021 with March 2018 as base to capture the extent of digitisation of payments across the country. The index for March 2023 stands at 395.57 as against 377.46 for September 2022, which was announced on January 31, 2023. The RBI-DPI index has increased across all parameters driven by significant growth in payment infrastructure and payment performance across the country over the period.

For details:

https://rbi.org.in/Scripts/BS_PressReleaseDisplay.aspx?prid=56104

❖ **NITI Aayog (July 2023)**

NITI Aayog has come out with National Multidimensional Poverty Index- A Progress Review 2023. Similar to its baseline edition launched in 2021, the second national MPI uses the latest household microdata of the all-India National Family Health Survey (NFHS), sourced by the International Institute for Population Sciences in coordination with the Ministry of Health and Family Welfare. The MPI measures simultaneous deprivations across the three dimensions of health and nutrition, education, and standard of living. It also retains the robust Alkire-Foster methodology developed by our technical partners, the Oxford Poverty and Human Development Initiative (OPHI) and United Nations Development Programme (UNDP).

For details: <https://niti.gov.in/sites/default/files/2023-07/National-Multidimensional-Poverty-Index-2023-Final-17th-July.pdf>

Prepared by Directorate of Academics

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

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