

Info Capsule

Wednesday
December 28, 2022

President

CS Devendra V. Deshpande

❖ Ministry of Finance

Quarterly Report on Public Debt Management for July-September 2022 (December 27, 2022)

The Budget Division, Department of Economic Affairs, Ministry of Finance, brings out the Quarterly Report on Public Debt Management for July-September 2022. Since April-June (Q1) 2010-11, Public Debt Management Cell (PDMC) of the Budget Division has been bringing out a quarterly report on debt management on a regular basis. The current report pertains to the quarter July-September (Q2 FY23). During Q2 of FY23, the Central Government raised an amount worth ₹4,06,000 crore through dated securities, as against notified amount of ₹4,22,000 crore in the borrowing calendar, while repayments were at ₹92,371.15 crore.

For Details:

<https://www.pib.gov.in/PressReleasePage.aspx?PRID=1886817>



THE INSTITUTE OF
Company Secretaries of India
भारतीय कम्पनी सचिव संस्थान
IN PURSUIT OF PROFESSIONAL EXCELLENCE
Statutory body under an Act of Parliament
(Under the jurisdiction of Ministry of Corporate Affairs)



❖ Latest @ ICSI

• Campus Placement Drive for Company Secretaries- Bombay Stock Exchange Limited

The Institute is constantly making efforts for enhancing placement opportunities for professionals in India and abroad. The Institute is regularly conducting Campus Placement for the Corporates. Last date for Registration for Campus Placement Drive - Bombay Stock Exchange Limited is January 09, 2023.

For details:

https://www.icsi.edu/media/webmodules/ICSI_Campus_Placement_BSE_27122022.pdf

• Feedback on Company Forms in MCA21-V3

As you are aware, 9 Company forms (DIR3-KYC, DIR3-KYC web, CHG-1,4,6,8,9, DPT-3, DPT-4) are available in V3 portal of MCA for filing purposes.

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:

For details:

<https://forms.gle/nJsPM1psPWuqnYtt6>

❖ **Securities Laws & Capital Market**

Market volatility forces many companies to let go of their IPO plans (December 28, 2022)

In 2022, 59 companies raised Rs 59,332 crore through initial public offerings (IPOs). However, not everyone was lucky enough to realise their fund-raising plans. Market volatility forced several companies to let approval granted by the capital markets regulator — the Securities and Exchange Board of India (SEBI) — lapse. A company has to launch its IPO within one year after SEBI's final observations. In 2022, 28 such approvals lapsed. Together, they could have raised Rs 38,828 crore. The offer documents which expired in December could alone have raised Rs 10,350 crore. Industry players say some companies plan to re-file their draft red herring prospectus (DRHP) so that they can have another stab at listing. Meanwhile, some are looking at alternative ways of raising capital.

For details:

https://www.business-standard.com/article/markets/market-volatility-forces-many-companies-to-let-go-of-their-ipo-plans-122122700861_1.html

❖ **Technology and Automation**

IIT Roorkee and AIIMS Delhi develop SwasthGarbh app for pregnant women (December 27, 2022)

Under the Prime Minister Swasth Bharat Mission, researchers at IIT Roorkee have developed a new application for pregnant women called 'SwasthGarbh'. The new app is designed to provide antenatal care and real-time medical support to pregnant women. While there are a lot of apps to help women during pregnancy, most of these provide only pregnancy-related information and lack the involvement of professional clinicians. In contrast, SwasthGarbh is the first pregnancy app that gives users access to a doctor when needed.

Available for free on the Google Play Store, the app can assist pregnant women with hospital visits by reminding them when they are due and what tests they have to go through and supports various languages.

For details:

<https://indianexpress.com/article/technology/tech-news-technology/aiims-delhi-and-iit-roorkee-develop-swasthgarbh-app-pregnant-women-8346589/>

❖ **Market Watch**

Stock Market Indices as on 28.12.2022

S & P BSE Sensex	60910.28 (-17.15)
Nifty 50	18122.50 (-9.80)

Foreign Exchange Rates as on 27.12.2022

(<https://www.geojit.com/currency-futures>)

INR / 1 USD	INR / 1 EUR	INR / 1 GBP	INR / 1 JPY
82.72	87.82	99.69	0.62

❖ **Indirect Tax**

Goods and Services Tax

- **Clarification to deal with difference in ITC availed in FORM GSTR-3B as compared to that detailed in FORM GSTR-2A for FY 2017-18 and 2018-19 (Circular No. 183/15/2022-GST dated December 27, 2022)**

During the initial period of implementation of GST, during the financial years 2017-18 and 2018-19, in many cases, the suppliers have failed to furnish the correct details of outward supplies in their FORM GSTR-1, which has led to certain deficiencies or discrepancies in FORM GSTR-2A of their recipients. In case, where difference between the ITC claimed in FORM GSTR-3B and that available in FORM GSTR 2A of the registered person in respect of a supplier for the said financial year exceeds Rs. 5 lakh, the proper officer shall ask the registered person to produce a certificate for the concerned supplier.

For details:

<https://taxinformation.cbic.gov.in/view-pdf/1003135/ENG/Circulars>

- **Clarification on the entitlement of input tax credit where the place of supply is determined in terms of the proviso to sub-section (8) of section 12 of the IGST Act, 2017 (Circular No. 184/16/2022-GST dated December 27, 2022)**

As per provision of sub-section (8) of section 12 of Integrated Goods and Services Tax Act, 2017 which provides for the place of supply of services by way of transportation of goods, including by mail or courier to,—

- a registered person, shall be the location of such person;
- a person other than a registered person, shall be the location at which such goods are handed over for their transportation:

Provided that where the transportation of goods is to a place outside India, the place of supply shall be the place of destination of such goods.

For details:

<https://taxinformation.cbic.gov.in/view-pdf/1003136/ENG/Circulars>

- **Clarification with regard to applicability of provisions of section 75(2) of Central Goods and Services Tax Act, 2017 and its effect on limitation (Circular No. 185/17/2022-GST dated December 27, 2022)**

The sub-section (2) of section 75 of Central Goods and Services Tax Act, 2017 which provides that in cases where the appellate authority or appellate tribunal or court concludes that the notice issued by proper officer under sub-section (1) of section 74 is not sustainable for reason that the charges of fraud or any wilful-misstatement or suppression of facts to evade tax have not been established against the person to whom such notice was issued. Sub-section (3) of section 75 of CGST Act provides that an order, required to be issued in pursuance of the directions of the appellate authority or appellate tribunal or the court, has to be issued within two years from the date of communication of the said direction.

For details:

<https://taxinformation.cbic.gov.in/view-pdf/1003137/ENG/Circulars>

- **Clarification on various issue pertaining to GST (Circular No. 186/18/2022-GST dated December 27, 2022)**

As per practice prevailing in the insurance sector, the insurance companies deduct No Claim Bonus from the gross insurance premium amount, when no claim is made by the insured person during the previous insurance period(s). The customer/ insured procures insurance policy to indemnify himself from any loss/ injury as per the terms of the policy, and is not under any contractual obligation not to claim insurance claim during any period covered under the policy, in lieu of No Claim Bonus.

For details:

<https://taxinformation.cbic.gov.in/view-pdf/1003138/ENG/Circulars>

- **Clarification regarding the treatment of statutory dues under GST law in respect of the taxpayers for whom the proceedings have been finalised under Insolvency and Bankruptcy Code, 2016 (Circular No. 187/19/2022-GST dated December 27, 2022)**

As per Section 84 of CGST Act, if the Government dues against any person under CGST Act are reduced as a result of any appeal, revision or other proceedings in respect of such government dues, then an intimation for such reduction of government dues has to be given by the Commissioner to such person and to the appropriate authority with whom the recovery proceedings are pending. Further, recovery proceedings can be continued in relation to such reduced amount of government dues.

For details:

<https://taxinformation.cbic.gov.in/view-pdf/1003139/ENG/Circulars>

- **Prescribing manner of filing an application for refund by unregistered persons (Circular No. 188/20/2022-GST dated December 27, 2022)**

The unregistered person, who wants to file an application for refund under sub-section (1) of section 54 of CGST Act, in cases where the contract/agreement for supply of services of construction of flat/ building has been cancelled or where long-term insurance policy has been terminated, shall obtain a temporary registration on the common portal using his Permanent Account Number (PAN). While doing so, the unregistered person shall select the same state/UT where his/her supplier, in respect of whose invoice refund is to be claimed, is registered. Thereafter, the unregistered person would be required to undergo Aadhaar authentication in terms of provisions of rule 10B of the CGST Rules. Further, the unregistered person would be required to enter his bank account details in which he seeks to obtain the refund of the amount claimed. The applicant shall provide the details of the bank account which is in his name and has been obtained on his PAN.

For details:

<https://taxinformation.cbic.gov.in/view-pdf/1003140/ENG/Circulars>

❖ **Banking and Insurance**

• **Banks need robust credit appraisal policies to limit risk: RBI (December 28, 2022)**

Indian banks need to ensure they have robust due diligence and credit appraisal mechanisms in place to limit credit risk, given that uncertainties in the current macroeconomic conditions could be challenging, a Reserve Bank of India report said. In FY22, the Consolidated Balance Sheet of Scheduled Commercial Banks registered double-digit growth after a gap of seven years.

For details:

<https://www.livemint.com/industry/banking/banks-need-robust-credit-appraisal-policies-to-limit-risk-rbi-11672163061872.html>

• **Realisation through IBC 201% of liquidation value as of Sept: RBI (December 28, 2022)**

In cases where Corporate Insolvency Resolution Processes (CIRPs) were initiated under the Insolvency and Bankruptcy Code by Financial Creditors (FCs), realisations until September 2022 were close to 201% of the liquidation value, according to data released in the Reserve Bank of India's (RBI's) Trend and Progress Report for 2021-22. The report also noted that SARFAESI (Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest) and Debt Recovery Tribunals have yielded recovery rates comparable to the IBC mechanism.

For details:

https://www.business-standard.com/article/companies/realisation-through-ibc-close-to-201-of-liquidation-value-as-of-sept-rbi-122122700833_1.html

• **RBI clears reappointment of Baskar Babu as Suryoday Small Finance Bank CEO (December 27, 2022)**

Suryoday Small Finance Bank on December 27, 2022 said Reserve Bank of India has approved the reappointment of Baskar Babu Ramachandran as the Managing Director & Chief Executive Officer of the lender for three years.

For details:

<https://economictimes.indiatimes.com/industry/banking/finance/banking/rbi-clears-reappointment-of-baskar-babu-as-suryoday-small-finance-bank-ceo/articleshow/96548629.cms>

Prepared by Directorate of Academics

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

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