

WEEKLY UPDATES ON COMPANY LAW, SEBI, RBI AND IBC

Edition No. 293 Week 37– September 04 2023 to September 10 2023

1

Companies Act 2013 during the week

Rules -0; Circulars - 0; Orders-0; Important Notices -0

S. No	Date of Issue	Rules/Circular/ Notification/Order	Contents thereof	Gist thereof
Nil				

S. No	NEWS ON MCA
NIL	

2

SEBI during the week

Press Release – 1; Circulars– 0; NSE Circular – 1; BSE Circular – 0

S. No	Date of Issue	Rules/Circular/ Notification/ Order	Contents thereof	Gist thereof
1	04-09-2023	Circular	Mechanism for Sharing of Information by Credit Rating Agencies (CRAs) to Debenture Trustees (DTs)	<p>In order to ensure that DTs have timely access to accurate and up-to-date information about the creditworthiness of the issuers of the debentures that they are trustees for, a mechanism has been prescribed. The key points of the same are as follows:</p> <ul style="list-style-type: none"> • CRAs are required to share certain information with DTs daily, including Rating revisions, Credit outlooks, Surveillance actions and Any other information that may be relevant to the DTs' ability to discharge their duties. • CRAs must share this information in a structured format using a prescribed Excel template • CRAs must send the information to DTs on the same day as the day of rating revisions

				<ul style="list-style-type: none"> • CRAs must send the information to DTs either on the generic email ID being used for regulatory purposes or on email IDs/URLs as may be communicated for this purpose by DTs • This circular shall be applicable with effect from October 01, 2023.
2	04-09-2023	Circular	New format of Abridged Prospectus for public issues of Non-Convertible Debt Securities and/or Non-convertible Redeemable Preference Shares	With respect to the public issues of Non-Convertible Debt Securities and/or Non-convertible Redeemable Preference Shares – to further simplify, provide greater clarity and consistency in the disclosures across various documents and to provide additional but critical information in the abridged Prospectus, the format for disclosures in the abridged Prospectus has been revised. This circular shall be applicable for all public issues opening on or after October 1, 2023.
3	05-09-2023	NSE Circular	Change in mode of payment w.r.t. SEBI Investor Protection and Education Fund Bank A/c	<p>Pursuant to the SEBI circular on 04th August 2023 titled ‘Change in mode of payment w.r.t. SEBI Investor Protection and Education Fund Bank A/c’, National Stock of Exchange has published a copy of the SEBI circular is available on the NSE website. The key highlights of the circular are as follows:</p> <ol style="list-style-type: none"> 1. SEBI has opened a new bank account to facilitate market participants to make payment to the SEBI Investor Protection and Education Fund (SEBI IPEF).

				<p>a. Remittances to SEBI IPEF can now only be made through the link provided on the SEBI website in which the payments can be made using any of these - Net banking/ NEFT/RTGS/ Debit cards/ UPI</p> <p>SEBI has also issued a Press release in this regard.</p>
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S.No	NEWS ON SEBI
1	<p><u>Important update on SMART ODR Portal Registration:</u></p> <ul style="list-style-type: none"> • The SMART ODR Portal is a new platform that has been developed to help investors resolve their grievances against market intermediaries. • This portal will be used to register complaints against market intermediaries and to facilitate their resolution. The complaints can be resolved through online conciliation or arbitration. • The registration process for the SMART ODR Portal is being implemented in phases. • The first phase includes the registration of trading members and depository participants, which was due by August 15, 2023. The second phase includes the registration of all other market participants, which is due by September 15, 2023. • To register for the SMART ODR Portal, an account needs to be created. Further, contact information and the details of the organization are to be provided.

2 **SEBI fines Rs 7 lakh on Shapoorji Pallonji and Company for violating disclosure rules**

SEBI has imposed a penalty of Rs 7 lakh on Shapoorji Pallonji and Company for flouting disclosure norms. In its order, SEBI found that Shapoorji Pallonji and Company did not take prior approval from the stock exchange for converting non-convertible debentures (NCDs) into a term loan way back in March 2021. Also, the Company failed to submit auditor's certificate on utilization of funds, half yearly certificate on maintenance of asset cover and annual report to the debenture trustee. Due to such non-compliance, SEBI imposed a penalty of Rs. 7 Lakh on Shapoorji Pallonji and Company Private Limited.

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RBI during the week

Notifications - 1; Master Directions –0 ;Master Circulars –0;Press Release:0

S.No	Date of Issue	Rules/Circular/ Notification/ Order/Press release	Subject	Gist thereof
1	04-09-2023	Notification	Operation of Pre-Sanctioned Credit Lines at Banks through Unified Payments Interface (UPI)	RBI has allowed banks to enable payments through pre-sanctioned credit lines at banks through the UPI System. This means that customers will be able to use their pre-sanctioned credit lines, such as personal loans, overdraft accounts, and credit cards, to make UPI payments. The expansion of UPI to include pre-sanctioned credit lines is expected to benefit a wide range of users in India. It will make it easier for people to access credit, especially those who may not have access to traditional banking services. It will also make it more convenient for people to make online and offline payments, as they will be able to use their credit lines to do so without having to switch to a different payment method.

S.No	NEWS ON RBI
	NIL

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IBC during the week
Press Release – 0; Master Direction – 0; Circulars – 0; Order -0

S.No	Date of Issue	Rules/Circular/ Notification / Order/Press release	Subject	Gist thereof
NIL				

S.No	NEWS ON IBC
NIL	

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Others during the week

ICSI – 1; DGFT – 0; NCLT – 0

S. No	Date	Rules/Circular/ Notification/Order/ Press Release	Contents thereof	Gist thereof
1	06-09-2023	Circular	Advisory for ensuring compliance with various regulations/ Circulars issued by securities exchange board of India (SEBI) and the Stock exchanges	<p>SEBI and the Stock Exchanges have recognized Company Secretaries in Practice for issuance of Certificates, Reports and conduct audit under various Regulations and Circulars issued by SEBI from time to time.</p> <p>Some of them are as follows:</p> <ul style="list-style-type: none"> • SEBI (Depositories and Participants) Regulations, 2018, • SEBI (Listing Obligations and Disclosure Requirements) Regulations, 2015, • SEBI (Investment Advisers) Regulations, 2013, • SEBI (Delisting of Equity Shares) Regulations, 2021, • SEBI (Share Based Employee Benefits and Sweat Equity) Regulations, 2021, • SEBI (Issue of Capital and Disclosure Requirements) Regulations, 2018, • SEBI (Buy-Back of Securities) Regulations, 2018,

				<ul style="list-style-type: none"> • SEBI (Infrastructure Investment Trusts) Regulations, 2014, • SEBI (Real Estate Investment Trusts) Regulations, 2014, • BSE/NSE Circulars w.r.t. compliance with Structured Digital Database under SEBI (Prohibition of Insider Trading) Regulations, 2015 and many alike. <p>Further, Company Secretaries are expected to be inquisitive w.r.t. compliances and check the minutest regulatory compliance.</p> <p>Company Secretaries are further expected to report every noncompliance to reflect the true picture of the governance standards.</p>
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S NO	GENERAL NEWS
1	<p><u>Guidance Note on Tax Audit under Section 44AB of the Income Tax Act, 1961</u></p> <p>ICAI has released guidance Note on Tax Audit under Section 44AB of the Income Tax Act, 1961, which provides a comprehensive roadmap to overcome the complexities of tax audit in a strategic and informed manner. Further this guidance note also provides the intricacies of audit procedures.</p>

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Update on Regulated Sector

S.No	Sector	Update
NIL		



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