

WEEKLY UPDATES ON COMPANY LAW, SEBI, RBI AND IBC

Edition No. 296 Week 40 – September 25, 2023, to October 01, 2023

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Companies Act 2013 during the week

Rules -0; Circulars - 1; Orders-0; Important Notices -0

S. No	Date of Issue	Rules/Circular/ Notification/Order	Contents thereof	Gist thereof
1.	25-09-2023	Circular	Clarification on the holding of Annual General Meeting (AGM) and EGM through Video Conference (VC) or Other Audio Audio-Visual means (OAVM) and passing of Ordinary and Special resolutions by the companies under the Companies Act, 2013	<p>In continuation with Ministry’s General Circular nos. 14/2020, 20/2020, 02/2022, 03/2022 and 11/2022 dated April 08th, 2020, May 05th, 2020, May 05th, 2022 and December 28th, 2022, Companies whose AGMs are due in the year 2023 and 2024 can conduct their AGMs, EGMs through VC or OAVM or transact items through postal ballot on or before 30th September 2024 in accordance with the requirements laid down in aforesaid circulars.</p> <p>It is clarified that the circular doesn’t confer any extension of statutory time for holding of AGMs by the companies under the Companies Act, 2013.</p>

			read with Rules made thereunder -Extension of timeline-reg.	
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S. No	NEWS ON MCA
	NIL

2

SEBI during the week

Master Circulars – 0; Circulars– 2; NSE Circular – 0; BSE Circular – 0; Press Release – 0; Notification - 1

S. No	Date of Issue	Rules/Circulars/ Notification/ Order	Contents thereof	Gist thereof
1	26-09-2023	Circular	Extension of timelines (i) for nomination in eligible demat accounts and (ii) for submission of PAN, Nomination and KYC details by physical security holders; and voluntary nomination for trading accounts	<p>Based on the representations received from the Exchanges, Depositories, Brokers Associations and various other stakeholders regarding mandatory submission of 'Choice of Nomination' for trading accounts and demat accounts the following has been decided:</p> <ul style="list-style-type: none"> • For trading accounts, submission of 'Choice of Nomination' has been made voluntary for ease of doing business. • For demat accounts, the date of submission of 'Choice of Nomination' has been extended to December 31, 2023. • For physical security holders, <ul style="list-style-type: none"> - The date of submission of PAN, Nomination, Contact details, Bank A/c details and Specimen signature has been extended to December 31, 2023.

				- The folios for which they haven't received the above-mentioned details by the extended due date shall be frozen.
2	27-09-2023	Circular	Nomination for Mutual Fund Unit Holders of Extension of timelines	<p>SEBI, vide multiple circulars dated June 15, 2022, July 29, 2022, and March 28, 2023, had prescribed the requirement for nomination/opting out of nomination for all the existing individual unit holder(s) holding mutual fund units either solely or jointly by September 30, 2023, failing which the folios shall be frozen for debits.</p> <p>However, based on the representations received from the market participants, the due date has been extended to January 01, 2024.</p> <p>AMCs and RTAs shall encourage the unit holder(s) to fulfil the above-mentioned requirements by sending a communication on a fortnightly basis with the guidance to fulfil the same.</p>
3	27-09-2023	Notification	Renewal of recognition of NSE Clearing Ltd. (NCL) and Indian Clearing Corporation Ltd. (ICCL)	SEBI has renewed the recognition of NSE Clearing Ltd. (NCL) and Indian Clearing Corporation Ltd. (ICCL) for three years commencing on the 3 rd day of October 2023 and ending on the 2 nd day of October 2026 being satisfied that it would be in the interest of the trade, in the interest of the securities market and also in the public interest so to do.

S.No	NEWS ON SEBI
1.	NIL

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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/Circulars/Notifi- cations/ Order / Press release	Subject	Gist thereof
1	25-09-2023	Notification	Display of information - Secured assets possessed under the SARFAESI Act, 2002	To ensure greater transparency, Regulated Entities of the RBI which are secured creditors as per the SARFAESI Act, 2002, shall display information in respect of the borrowers whose secured assets have been taken into possession by them. The information to be disclosed shall be in the prescribed format .

S.No	NEWS ON RBI
	NIL

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IBC during the week
Press Release – 0; Master Direction – 0; Notification – 0; Circulars – 1; Order -0; Others - 0

S.No	Date of Issue	Rules/Circular/ Notification / Order/Press release	Subject	Gist thereof
1	28-09-2023	Circular	Clarification w.r.t. Liquidators’ fee under clause (b) of sub-regulation (2) of Regulation 4 of IBBI (Liquidation Process) Regulations, 2016	<p>The IBBI has issued a clarification for the interpretation of the below-mentioned terms in Regulation 4 of the IBBI (Liquidation Process) Regulations, 2016 (Liquidation Regulations) which provides for Liquidator’s fees.</p> <ul style="list-style-type: none"> • "Amount realised" shall mean amount realised from assets other than liquid assets such as cash and bank balance including term deposit, mutual fund, quoted share available on start of the process after exploring compromise and arrangement, if any. • “Amount distributed to stakeholders" shall mean distributions made to the stakeholders, after deducting CIRP and liquidation cost

				<ul style="list-style-type: none"> • "Amount of Realisation/Distribution" shall mean cumulative value of amount realised distributed which is to be bifurcated in various slabs as per column 1 and thereafter the same is to be bifurcated into realisation/ distribution in various periods of time and then corresponding fee rate from the table is to be taken. • W.r.t. the period of calculation of fee, Exclusion for purpose of fee calculation is to be allowed only when the same has been explicitly provided by the Hon'ble NCLT NCLAT or any other court of law and will operate only for the asset which could not have been realised during the excluded period.
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S.No	NEWS ON IBC
	NIL

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Others during the week

ICAI – 0; DGFT – 0; NCLT – 0; OTHERS -0

S. No	Date	Rules/Circulars/ Notifications/Order /Press Release	Contents thereof	Gist thereof
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S NO	GENERAL NEWS
1	NIL

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Update on Regulated Sector

S.No	Sector	Update
NIL		



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