

WEEKLY UPDATES ON COMPANY LAW, SEBI, RBI AND IBC

Edition No. 318 Week 09 – February 26, 2024, to March 03, 2024

1

Companies Act 2013 during the week

Notifications - 0; 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

Circulars-0; Report -0; Notification – 0; Regulation-0; Others -4

S. No	Date of Issue	Rules/Circulars/ Notification/ Order	Contents thereof	Gist thereof
1.	26.02.2024	Press Release	Advisory Against Fraudulent Trading Schemes claiming to be offered to Indian residents by FPIs	<p>The Securities and Exchange Board of India (SEBI) has been receiving a number of complaints regarding fraudulent trading which falsely claim or suggest affiliation with SEBI-registered Foreign Portfolio Investors (FPIs) and claiming to offer trading opportunities through FPI or Foreign Institutional Investor (FII) Sub-accounts or Institutional Accounts with special privileges.</p> <p>SEBI clarified that FPI investment route is unavailable to resident Indians, with limited exceptions as outlined in the SEBI (Foreign Portfolio Investors) Regulations, 2019. There is no provision for an “Institutional Account” in trading, and direct access to the equities market requires investors to have a trading and Demat account with a SEBI-registered broker/trading member and DP respectively. SEBI has not granted any relaxations to FPIs regarding securities market investments by Indian investors.</p>

2.	27.02.2024	Consultation Paper	<p>Consultation paper on proposals to improve ease of doing business with respect to the additional disclosure framework for FPIs</p>	<p>The objective of this consultation paper is to seek comments from the public on two proposals to amend the additional disclosure framework for FPIs specified under the August 24, 2023 circular. The first proposal is to exempt Category I University Funds and University related Endowments FPI that meet certain objective criteria from the requirement of enhanced disclosures. The second proposal is to exempt enhanced reporting requirements for some funds with concentrated holdings in entities with no identified promoter group, where there is no risk of breach of Minimum Public Shareholding (MPS).</p> <p>The comments should be submitted latest by March 08, 2024.</p>
3.	29.02.2024	Informal Guidance	<p>Informal Guidance request received from K.J Joseph and Thomas John in relation to the provisions of the Securities and Exchange Board of India (Substantial Acquisition of Shares and Takeovers) Regulations, 2011</p>	<p>Informal Guidance was sought from SEBI, whether:</p> <ol style="list-style-type: none"> 1. Family Trust with third party as trustee would be eligible for grant of specific exemption from the obligation to make an open offer for acquiring shares under Regulation 11(1) of Takeover regulations. 2. Family Trust, which does not include some members of promoter group & restricting Trust only to the spouse/lineal descendants of the Promoters be eligible for grant of specific exemption from the

				<p>obligation to make an open offer for acquiring shares under Regulation 11(1) of Takeover regulations.</p> <p>It was clarified by SEBI that pursuant to SEBI regulations & Master circular specifying the exemption from the obligation to make an open offer for acquiring shares, Trust shall not be eligible for grant of specific exemption from the obligation to make an open offer for acquiring shares under Regulation 11(1) of Takeover regulations.</p>
4.	01.03.2024	Gazette Notification	Notification under sub clause(D) of Clause(ac) of Section 2 of the Securities Contract (Regulations) Act, 1956 for the purposes of the said Act.	The Central Government declares that a contract for the purchase or sale of a right to buy or sell, or a right to buy and sell in future, such underlying goods, as notified under clause (bc) of section 2 of the Securities Contracts (Regulation) Act, 1956 (42 of 1956), as a derivative for the purposes of the said Act.

S.No	NEWS ON SEBI
	NIL

3

RBI during the week

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

S.No	Date of Issue	Rules/Circulars/ Notifications/ Order / Press release	Subject	Gist thereof
1.	29.02.2024	Press Release	Financial Action Task Force (FATF) High risk and other monitored jurisdictions – February 23, 2024	As per the February 23, 2024, FATF public statement, Kenya and Namibia have been added to the list of Jurisdictions under Increased Monitoring while Barbados, Gibraltar, Uganda and UAE have been removed from this list based on review by the FATF.

S.No	NEWS ON RBI
1.	<p>Union Finance Minister Sitharaman with start-up, fintech ecosystem stakeholders, recommends monthly meeting with RBI</p> <p>Union Finance Minister Nirmala Sitharaman chaired a meeting with start-up and fintech ecosystem entities on February 26, 2024. The interaction with the start-up and fintech ecosystem partners was organized to enable the free exchange of ideas to bolster and scale up operations to facilitate global competitiveness by enabling growth in the fintech sector. India has approximately 10,244 fintech entities, which is the third largest in the world.</p>

4

IBC during the week

Press Release – 0; Master Direction – 0; Notification – 0; Circulars – 0; Order -0; Others - 0

S. No	Date	Rules/Circulars/ Notifications/Order /Press Release	Contents thereof	Gist thereof
NIL				

S.No	NEWS ON IBC
	NIL

5

Others during the week
ICAI – 0; DGFT – 0; NCLT – 0; ICSI – 1; OTHERS -1;

S. No	Date	Rules/Circulars/ Notifications/Order /Press Release	Contents thereof	Gist thereof
1.	26.02.2024	Public Notice	Public Notice to all the IP Practitioners, Stakeholders and General Public from Trademarks Registry	It has been observed that the officers of the Trademarks Registry (TMR) are receiving documents/affidavits/evidences/written submissions, etc. from stakeholders on their personal office email IDs. Since its causing a lot of difficulties in the Trademarks proceedings it is brought to the attention of all IP Practitioners, stakeholders and general public that as per the Trademarks Rules, 2017, filing of documents by email to the Registrar is not a prescribed

				<p>mode of filing the documents and therefore all are advised to file such documents before the Registrar of Trademarks through the prescribed mode only, i.e. by filing on the counter of appropriate TMR Branch Office or by using comprehensive e-filing system so that the same reaches appropriately to the relevant records of TMR.</p> <p>Any correspondence made on an individual email ID is not considered as the prescribed mode of filing the documents. However, it was clarified that the TMR will continue to receive reply to Examination Report over the email ID as specified in the Examination Report.</p>
2.	28.02.2024	Notification	<p>Advisory for SDD Compliance by Fiduciaries under the SEBI (PIT) Regulations, 2015</p>	<p>ICSI has issued an advisory for SDD Compliance by Fiduciaries under the SEBI (PIT) Regulations, 2015. It has been clarified that the structured digital database should be maintained internally by fiduciary or intermediary, capturing information as provided hereunder, in accordance with the Regulations. Accordingly, the Company Secretaries in Practice dealing with UPSI of listed entities and unlisted entities whose securities are proposed to be listed, by virtue of their position as Fiduciaries under the Regulations are required to ensure compliance with the requirement of maintaining a separate SDD internally.</p>

S NO	GENERAL NEWS
	NIL

6

Update on Regulated Sector- 3

S.No	Sector	Update
1.	Reserve Bank of India	<p>RBI invites comments on the “Draft Disclosure framework on Climate related Financial Risks, 2024”</p> <p>In pursuance of the announcement made in the Statement on Developmental and Regulatory Policies released along with the Monetary Policy Statement on February 08, 2023, the Reserve Bank of India has today placed on its website the Draft guidelines on Disclosure framework on Climate-related Financial Risks, 2024. These guidelines shall be applicable to all Scheduled Commercial Banks (excluding Local Area Banks, Payments Banks and Regional Rural Banks), All Tier-IV Primary (Urban) Co-operative Banks, All All-India Financial Institutions (viz. EXIM Bank, NABARD, NaBFID, NHB and SIDBI) and All Top and Upper Layer Non-Banking Financial Companies (NBFCs). Comments / feedback, if any, may be sent by e-mail with the subject line “Comments on Disclosure framework on Climate-related Financial Risks, 2024”, by April 30, 2024.</p>

<p>2.</p>	<p>Implementation of e-Verification Scheme-2021</p>	<p>The Income Tax Department has identified certain mismatches between the information received from third parties on interest and dividend income, and the Income Tax Return (ITR) filed by taxpayers. At present, the information mismatches relating to Financial Years 2021-22 and 2022-23 have been displayed on the Compliance portal. The taxpayers are also being made aware of the mismatch through SMS and emails as per details available with the Department.</p>
<p>3.</p>	<p>Indian Startup Ecosystem aims for global dominance, gears up for the first ever Startup Mahakumbh</p>	<ol style="list-style-type: none"> 1. India is all set to witness its first-ever 'Startup Mahakumbh', the largest celebration of Indian startups from March 18-20, 2024, at the prestigious Bharat Mandapam, New Delhi. 2. The event will cement India's reputation as a melting pot of innovation and amplify the country's global startup footprint. 3. With the purpose of enabling handshakes and connecting startups with a spectrum of inventors such as VCs, angel investors, family offices, and HNIs- as well as potential corporate partners, the event is expected to host 1000+ startups, 10+ thematic tracks, 1000+ investors, 500+ incubators & accelerators, 5000+ conference delegates, 10+ country delegations, 5000+ future entrepreneurs and 40,000+ business visitors over the span of three days.



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