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Companies Act 2013 during the week
Rules -0; Circulars -1; Notifications-1; Orders-0; Important Notices -0

S. No	Date of Issue	Rules/Circular/ Notification/Order	Contents thereof	Gist thereof
1	31/5/2022	Circular	<p>Relaxation in paying additional fees in case of delay in filling all the event-based e-forms by LLPs which are due on and after 25th February, 2022 to 31st May, 2022 up to 30th June, 2022</p> <p>https://www.mca.gov.in/bin/dms/getdocument?mds=xVZAKAA2Ap%252B7ha8Y%252FML4fw%253D%253D&type=open</p>	<p>The MCA has extended timelines for filing Event based LLP e-Forms, whose due dates fall between 25th February 2022 and 31st May 2022, without paying additional fee up to 30th June 2022. This was done to promote ease in transition from LLP V2 to V3 and at the same time to ensure compliance on part of LLPs.</p>

2	03/06/2022	Notification	<p>Companies (Appointment and Qualification of Directors) Amendment Rules, 2022</p> <p>https://www.mca.gov.in/bin/dms/getdocument?m ds=1QP a%252Fckqk4ob6rHXFQrVew%253D%253D &type=open</p>	<p>MCA has brought the following amendments in governing the persons proposed to appointed in DIR 2 & DIR 3</p> <table border="1" data-bbox="1265 327 2045 1457"> <tr> <td data-bbox="1265 327 1433 651">DIR 2</td> <td data-bbox="1433 327 2045 651"> <p>Provided further that in case the person seeking appointment is a national of a country which shares land border with India, necessary security clearance from the Ministry of Home Affairs, Government of India shall also be attached along with the consent</p> </td> </tr> <tr> <td data-bbox="1265 651 1433 975">DIR 3</td> <td data-bbox="1433 651 2045 975"> <p>No application number shall be generated in case of the person applying for DIN is a national of a country which shares land border with India, unless necessary security clearance from the Ministry of Home Affairs, Government of India has been attached along with application for DIN</p> </td> </tr> <tr> <td data-bbox="1265 975 1433 1457">DIR 2</td> <td data-bbox="1433 975 2045 1457"> <p>Person proposed to be appointed shall declare as under –</p> <p>“I am not required to obtain the security clearance from the Ministry of Home Affairs, Government of India before seeking appointment as director; or</p> <p>“I am required to obtain the security clearance from the Ministry of Home Affairs, Government of India before seeking appointment as director</p> </td> </tr> </table>	DIR 2	<p>Provided further that in case the person seeking appointment is a national of a country which shares land border with India, necessary security clearance from the Ministry of Home Affairs, Government of India shall also be attached along with the consent</p>	DIR 3	<p>No application number shall be generated in case of the person applying for DIN is a national of a country which shares land border with India, unless necessary security clearance from the Ministry of Home Affairs, Government of India has been attached along with application for DIN</p>	DIR 2	<p>Person proposed to be appointed shall declare as under –</p> <p>“I am not required to obtain the security clearance from the Ministry of Home Affairs, Government of India before seeking appointment as director; or</p> <p>“I am required to obtain the security clearance from the Ministry of Home Affairs, Government of India before seeking appointment as director</p>
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				Form DIR 3	<p>Under heading “Verification”, the person obtaining DIN shall confirm the following</p> <p>“I am not required to obtain the security clearance from the Ministry of Home Affairs, Government of India under sub-rule (1) of rule 10 before applying for director identification number”;</p> <p style="text-align: center;">or</p> <p>“I am required to obtain the security clearance from the Ministry of Home Affairs, Government of India under sub-rule (1) of rule 10 before applying for director identification number and the same has been obtained and is attached”</p>

S. No	NEWS ON MCA
	NIL

2

SEBI during the week

Act -0; Report -0; Circulars-3; Press Release-0; Notification -0; Guidelines- 0

S. No	Date of Issue	Act/rules/circulars	Subject & Link	Gist thereof
1	30/05/2022	Circulars	<p>Processing of ASBA applications in Public Issue of Equity Shares and Convertibles</p> <p>https://www.sebi.gov.in/legal/circulars/may-2022/processing-of-asba-applications-in-public-issue-of-equity-shares-and-convertibles_59338.html</p>	<p>To streamline the bidding process and to ensure development of security markets, ASBA (Application supported by Blocked Amount) has been implemented according to the aforementioned circulars</p> <ol style="list-style-type: none"> All intermediaries / market infrastructure institutions are advised to make systemic and procedural arrangements to block application monies in the investor's bank account, within three months from the date of issuance of this circular. SEs shall accept the ASBA applications in their electronic book building platform only with a mandatory confirmation on the application monies blocked. The circular shall be applicable for all categories of investors This circular shall be applicable for public issues opening on or after September 01, 2022.

2	03/06/2022	Circular	<p>Extension of facility for conducting annual meeting and other meetings of unit holders of REITs and InvITs through Video Conferencing (VC) or through Other Audio-Visual means (OAVM)</p> <p>https://www.sebi.gov.in/legal/circulars/jun-2022/extension-of-facility-for-conducting-annual-meeting-and-other-meetings-of-unitholders-of-reits-and-invits-through-video-conferencing-vc-or-through-other-audio-visual-means-oavm-59534.html</p>	<p>SEBI has decided to extend the facility to conduct annual meetings of unit holders of REITs/InvIT in terms of Regulation 22(3) of SEBI (REIT) Regulations, 2014 and Regulation 22(3)(a) of SEBI (InvIT) Regulations, 2014 and meetings other than annual meeting, through VC or OAVM till December 31, 2022.</p>
3	30/05/2022	Circular	<p>Standard Operating Procedures (SOP) for dispute resolution under the Stock Exchange arbitration mechanism for disputes between a Listed Company and/or Registrars to an Issue and Share Transfer Agents (RTAs) and its Shareholder(s)/Investor(s)</p> <p>https://www.sebi.gov.in/legal/circulars/may-2022/standard-operating-procedures-sop-for-dispute-resolution-under-the-stock-exchange-arbitration-mechanism-for-disputes-between-a-listed-company-and-or-registrars-to-an-issue-and-share-transfer-agents-59345.html</p>	<p>Regulation 40 of SEBI (Listing Obligations and Disclosure Requirements) Regulations, 2015, and bye-laws, listing agreement & regulations of the stock exchanges provide for dispute resolution under the stock exchange arbitration mechanism for disputes between a listed company and its shareholder(s)/ investor(s).</p> <p>SEBI vide circular dated April 08, 2022 advised Exchanges to put in place a Standard Operating Procedure (SOP) for operationalizing the resolution of all disputes pertaining to or emanating from investor services such as transfer/transmission of shares, demat/remat, issue of duplicate shares, transposition of holders, etc. and investor entitlements like corporate benefits, dividend, bonus shares,</p>

				<p>rights entitlements, credit of securities in public issue, interest /coupon payments on securities, etc.</p> <p>This is a partial modification to the above circular</p> <ol style="list-style-type: none"> a. The provisions of SOP shall be applicable to Listed Companies/RTAs offering services on behalf of listed companies b. In case of claims or disputes arising between the shareholder(s)/ investor(s) of listed companies and the RTAs, the listed company shall necessarily be added as a party c. The Arbitration Mechanism shall be initiated post exhausting all actions for resolution of complaints including those received through SCORES Portal d. The Arbitration reference shall be filed with the Stock Exchange where the initial complaint has been addressed.
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S. No	NEWS ON SEBI
	NIL

3

RBI during the week

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

S. No	Date of Issue	Notifications/Master Directors/Master Circulars	Subject & Link	Gist thereof
			NIL	

S. No	NEWS ON RBI
1	NIL

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IBC during the week

Notifications -1; Master Directions –0; Master Circulars –0; Circular –0;

S. No	Date of Issue	Notifications/Master Directors/Master Circulars	Subject & Link	Gist thereof
1	01/06/2022	Notification	Insolvency and Bankruptcy Board of India (Engagement of Research Associates and Consultants) (Amendment) Regulations, 2022 https://www.ibbi.gov.in/uploads/legalframework/8767b1ec6da2b5431cbb6843ef1e44bd.pdf	These regulations may be called the Insolvency and Bankruptcy Board of India (Engagement of Research Associates and Consultants) (Amendment) Regulations, 2022. In regulation 5, after sub regulation (3), the following proviso shall be inserted, namely:- “Provided that the Chairperson may amend the consolidated remuneration given in Schedule II for reasons to be recorded in writing. In the principal regulations, in regulation 8, for sub-regulation (1), the following sub-regulation shall be

				<p>substituted, namely:-</p> <p>“(1) A selected candidate shall ordinarily be engaged as a Research Associate or Consultant, as the case may be, on contractual basis for a period not less than one year and up to three years: Provided that the Chairperson may extend the term of such engagement, one year at a time, up to a maximum of total five years.”</p> <p>Further a new Schedule-II has been substituted with the old one.</p>
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S. No	NEWS ON IBC
1	<p><u>NCLT/NCLAT Should Not Sit In Appeal Over Commercial Wisdom Of CoC To Allow Withdrawal Of CIRP :</u></p> <p>Supreme Court, held that when 90% or more of the creditors decide that it will be in the interest of all the stakeholders to permit Settlement Plan filed by promoter of the Corporate Debtor and withdraw Corporate Insolvency Resolution Process as per Section 12A of the Insolvency and Bankruptcy Code, 2016, the adjudicating authority (NCLT) or the appellate authority (NCLAT) cannot sit in appeal over such commercial wisdom of Committee of Creditors (CoC).</p>
2	<p><u>NCLAT directs new board of IL&FS to pay lenders on a pro-rata basis</u></p> <p>The National Company Law Appellate Tribunal (NCLAT) has directed the new board of Infrastructure Leasing & Financial Services (IL&FS) to pay lenders on a pro-rata basis first as opposed to the normal course of payment prescribed under Section 53 (distribution of assets) of the Insolvency and Bankruptcy Code (IBC). This will be done as part of the interim distribution.</p>

	<p>“We are of the view that IL&FS and its entities may take all steps to complete the resolution process as per the resolution framework and submit their application for approval before the NCLT by June 30, 2022,” the NCLAT said.</p>
3	<p><u>Recovery Certificate Holder Can Initiate CIRP As Financial Creditor Under IBC :</u></p> <p>The Supreme Court, on Monday, held that a liability in respect of a claim arising out of a Recovery Certificate under the Recovery of Debts and Bankruptcy Act, 1993 would be a "financial debt" within the meaning of Section 5(8) of Insolvency and Bankruptcy Code, 2016 (IBC) and a holder of such Recovery Certificate would be a "financial creditor" under Section 5(7) of the IBC. It further held that a person would be entitled to initiate Corporate Insolvency Resolution Process (CIRP) within a period of three years from the date on which such Recovery Certificate is issued.</p>

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Others during the week
NSE-0; BSE-0; DIPP-0; Finance Ministry-0; Others -0;

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

GENERAL NEWS	
1	<p><u>New MSME policy to be out by month-end</u> In a bid to facilitate the growth of the MSMEs which have been hit hard by the Covid pandemic, the state government is working on to set up inland container depot in Bikaner and a cargo complex in Udaipur, while a new MSME policy is also being framed which will be released in a month. The industries department is working on a new MSME policy which would be rolled out by the end of this month. The government has extended the period of three years for exemption of approval requirements under the MSME A ct. MSMEs can start their projects without any approvals for five years after which they are required to submit the approvals. This was done to remove approval barriers and speed up project implementation.</p>



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