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Companies Act 2013 during the week

Rules -0; Circulars -0; Notifications-2; Orders-0; Important Notices -0

S. No	Date of Issue	Rules/Circular/ Notification/Order	Contents thereof	Gist thereof
1	09/06/2022	Notification	<p>The Companies (Removal of Names of Companies from the Register of Companies) Amendment Rules, 2022</p> <p>https://www.mca.gov.in/bin/dms/getdocument?mds=JkKchIdTtvq3RDH8WyFBuw%253D%253D&type=open</p>	<ul style="list-style-type: none"> MCA vide its notification dated June 09, 2022 has notified the Companies (Removal of Names of Companies from the Register of Companies) Amendment Rules, 2022, which came into force on the date of its publication in the Official Gazette. Timelines for re-submission of Form STK-2 as follows: <ol style="list-style-type: none"> On examining the application made in Form STK-2, the Registrar shall, if required, call for further information/document and inform the applicant to re-submit the complete Form within 15 days' of servicing such information to applicant.

				<p>ii) After re-submission of Form, if Registrar finds that the Form or document is again defective or incomplete in any respect, then further period of 15 days' time for removal of defects shall be given to the applicant.</p> <p>The format of Form No. STK-1, Form No. STK-5 and Form No. STK-5A are substituted.</p>
2	10/06/2022	Notification	<p>Companies (Appointment and Qualification of Directors) Second Amendment, Rules,2022</p> <p>https://www.mca.gov.in/bin/dms/getdocument?mds=wYSGjqnF6yGnx2KJbnw8aA%253D%253D&type=open</p>	<p>The following provisions are introduced with regard to restoration of names of Independent Director in data Bank subject to below mentioned conditions :</p> <ul style="list-style-type: none"> • After the payment of Rs.1000/- , restoration of name in the databank can be made for any individual whose name has been removed, after following the below conditions: <ul style="list-style-type: none"> i) His name will be shown in separate restoration category for 1 year after completion of self-assessment test and online proficiency test. ii) After passing the tests, the fees paid by him for initial registration will be valid for the period for which it was initially paid iii) If the person fails the test within 1 year from the date of restoration, his name will be removed and fresh application can be made for inclusion of his name. <p>This shall come in force after publication in official gazette</p>

S. No	NEWS ON MCA
1.	<p><u>MCA drafting necessary legislative changes to Companies Act</u> : The Corporate Affairs Ministry (MCA) has commenced work on drafting the legislative changes required in the Companies Act 2013 to usher in certain modern concepts, expedite corporate processes, improve compliance requirements and remove ambiguities from existing provisions as suggested by the Company Law Committee (CLC) in its third report submitted in March this year</p>

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SEBI during the week

Act -0; Report -0; Circulars–2; Press Release-1; Notification –0; Regulation- 0

S. No	Date of Issue	Act/rules/circulars	Subject & Link	Gist thereof
1	07/06/2022	Circular	Modification in Cyber Security and Cyber resilience framework for Stock Brokers / Depository Participants	Capital markets regulator, tweaked the cyber security and cyber resilience framework for stock brokers as well as depository participants and mandated them to conduct Vulnerability Assessment and Penetration Tests (VAPT) at least once in a financial year. Along with the above audit reports, stock brokers and depository participants have been asked to submit to stock exchanges and depositories, a declaration from the MD and CEO certifying compliance by them with all SEBI guidelines and advisories related to cyber security issued from time to time, according to a circular.
2			Circular on Modification in Cyber Security and Cyber Resilience Framework of Mutual Funds/ Asset Management Companies (AMCs) https://www.sebi.gov.in/legal/circulars/jun-2022/modification-in-cyber-security-and-cyber-resilience-framework-for-stock-brokers-depository-participants_59581.html	Under the modified framework, they should identify and classify critical assets based on their sensitivity and criticality for business operations, services and data management.

			https://www.sebi.gov.in/legal/circulars/jun-2022/circular-on-modification-in-cyber-security-and-cyber-resilience-framework-of-mutual-funds-asset-management-companies-amcs-59611.html	
3	10/06/2022	Press Releases	<p>Caution to Investors against dealing with unregulated platforms offering Algorithmic Trading</p> <p>https://www.sebi.gov.in/media/press-releases/jun-2022/caution-to-investors-against-dealing-with-unregulated-platforms-offering-algorithmic-trading-59672.html</p>	<ul style="list-style-type: none"> • SEBI has come to notice that, many unregulated platforms are offering investors Algorithmic Trading services/facilities to automate their trades. • Strategies are being marketed with “claims” of huge return on investment along with “ratings” assigned to the strategies and claims that similar returns would be earned in the future. • Investors are cautioned that these platforms are unregulated and thus there is no investor grievance redressal mechanism covering their activities. • Investors are therefore cautioned against dealing with such unregulated platforms and cautioned against sharing any sensitive personal details with such platforms.

S. No	NEWS ON SEBI
	NIL



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solutions

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RBI during the week

Notifications -5; Master Directions –0; Master Circulars –0; Press Release -0;

S. No	Date of Issue	Notifications/Master Directors/Master Circulars	Subject & Link	Gist thereof
1	06/06/2022	Notification	Provisioning for Standard assets by Non-Banking Financial Company – Upper Layer https://www.rbi.org.in/Scripts/NotificationUser.aspx?Id=12329&Mode=0	RBI has issued guidelines on differential provisioning to be held by NBFCs classified as NBFC-Upper Layer (NBFC-UL) towards different classes of standard assets NBFCs having net worth of Rs. 250 crore or above, shall continue to hold impairment allowances as required under Ind AS , subject to the prudential floor as prescribed under Paragraph 2 of the Annex to the circular DOR (NBFC).CC.PD.No.109/22.10.106/2019-20 dated March 13, 2020.
2	08/06/2022	Notification	Liquidity Adjustment Facility - Change in rates & Standing Liquidity Facility for Primary Dealers https://www.rbi.org.in/Scripts/NotificationUser.aspx?Id=12329&Mode=0	After announcement of Monetary Policy Statement, 2022-23 on June 08, 2022, it has been decided by the Monetary Policy Committee (MPC) to increase the policy Repo rate under the

			<p>https://www.rbi.org.in/Scripts/NotificationUser.aspx?Id=12331&Mode=0</p> <p>https://www.rbi.org.in/Scripts/NotificationUser.aspx?Id=12332&Mode=0</p>	<p>Liquidity Adjustment Facility (LAF) by 50 basis points from 4.40 per cent to 4.90 per cent with immediate effect.</p> <p>The Standing Deposit Facility (SDF) rate and Marginal Standing Facility (MSF) rate stand adjusted to 4.65 per cent and 5.15 per cent respectively, with immediate effect.</p> <p>The Standing Liquidity Facility provided to Primary Dealers (PDs) (collateralized liquidity support) from the Reserve Bank would be available at the revised repo rate of 4.90 per cent with effect from June 8, 2022.</p>
3	08/06/2022	Notification	<p>Section 23 of the Banking Regulation Act, 1949 – Doorstep Banking</p> <p>https://www.rbi.org.in/Scripts/NotificationUser.aspx?Id=12334&Mode=0</p>	<p>Primary (Urban) Co-operative Banks (UCBs) are required to seek prior approval of the Reserve Bank for opening any new place of business including offering services at the doorstep of the customer. It has been decided to allow financially sound and well managed (FSWM) UCBs to provide Doorstep Banking Services to their customers on a voluntary basis.</p>

				Non-FSWM UCBs would have to seek prior approval of concerned Regional Office of Department of Supervision of the Reserve Bank to provide Doorstep Banking Services.									
4.	08/06/2022	Notification	<p>Enhancement in Individual Housing Loan limits and credit to Commercial Real Estate - Residential Housing (CRE-RH) & Individual Housing loans – Enhancement in limits</p> <p>https://www.rbi.org.in/Scripts/NotificationUser.aspx?Id=12335&Mode=0</p> <p>https://www.rbi.org.in/Scripts/NotificationUser.aspx?Id=12336&Mode=0</p>	<p>As announced in the Statement on Developmental and Regulatory Policies, it has been decided to revise the limits on residential housing loans sanctioned by rural cooperative banks to an individual borrower and individual housing loans sanctioned by urban co-operative banks to an individual borrower.</p> <table border="1"> <thead> <tr> <th>Category of the bank</th> <th>Existing Limit (per individual borrower)</th> <th>Revised Limit (per individual borrower)</th> </tr> </thead> <tbody> <tr> <td>(a) StCBs/DCCBs having assessed net worth less than ₹100 crore</td> <td>₹20 lakh</td> <td>₹50 lakh</td> </tr> <tr> <td>(b) StCBs/DCCBs having assessed net worth equal to or more than ₹100 crore</td> <td>₹30 lakh</td> <td>₹75 lakh</td> </tr> </tbody> </table>	Category of the bank	Existing Limit (per individual borrower)	Revised Limit (per individual borrower)	(a) StCBs/DCCBs having assessed net worth less than ₹100 crore	₹20 lakh	₹50 lakh	(b) StCBs/DCCBs having assessed net worth equal to or more than ₹100 crore	₹30 lakh	₹75 lakh
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5	09/06/2022	Notification	<p>Discontinuation of Return under Foreign Exchange Management Act, 1999</p> <p>https://www.rbi.org.in/Scripts/NotificationUser.aspx?Id=12337&Mode=0</p>	<p>Attention of Authorized Persons is invited to A.P. (DIR series) circular No 26, dated February 18, 2022, wherein Authorised Persons were advised about proposed discontinuation of the return “Details of guarantee availed and invoked from nonresident entities”.</p> <p>It was also advised that the date of discontinuation would be notified in due course. It has now been decided to discontinue the ‘Statement for reporting of non-resident guarantees issued and invoked in respect of fund and non-fund based facilities between two persons resident in India’ with effect from the quarter ending June 2022.</p>
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S. No	NEWS ON RBI
1	<p>RBI to begin three-day monetary policy meet on June 06, 2022 to decide on key rates- The Reserve Bank's rate-setting panel will begin its three-day deliberations on June 06, 2022 to decide the next monetary policy in the backdrop of high inflationary concerns and evolving geo-political situation. Reserve Bank Governor Shaktikanta Das headed six member Monetary Policy Committee (MPC) is scheduled to announce the policy resolution on June 08, 2022.</p>

2 RBI allows RuPay credit card transactions on UPI

The Reserve Bank of India (RBI) on June 08, 2022 allowed linking of RuPay credit cards to the UPI network, a move that experts say has the potential to expand the market for credit by nearly five times. While the current estimate for those availing instant loans is around 50 million, allowing credit card transactions through UPI interface is set to provide almost all the 250 million users of UPI access to such credit.

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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	08/06/2022	Notification	<p>Insolvency Professionals to act as Interim Resolution Professionals, Liquidators, Resolution Professionals And Bankruptcy Trustees (Recommendation) Guidelines, 2022</p> <p>https://www.ibbi.gov.in/uploads/w/hatsnew/14f9dc60ce012e8bfa7f47421cc79a0b.pdf</p>	<p>The Insolvency and Bankruptcy Board of India (Board) vide its notification dated June 08, 2022 has notified “Insolvency Professionals to act as Interim Resolution Professionals, Liquidators, Resolution Professionals and Bankruptcy Trustees (Recommendation) Guidelines, 2022” in suppression of earlier guidelines “Insolvency Professionals to act as Interim Resolution Professionals, Liquidators, Resolution Professionals and Bankruptcy Trustee (Recommendation) (Second) Guidelines, 2021” which were issued on December 01, 2021.</p> <p>The new guidelines shall come into effect for appointments as (Interim Resolution Professionals) IRP, Liquidator, Resolution Professional (RP) and Bankruptcy Trustees (BT) from July 01, 2022.</p>

				<p>Every IP is equally qualified to be appointed as the IRP, Liquidator, RP or BT of any corporate or individual insolvency resolution, liquidation or bankruptcy process and in the interest of avoiding administrative delays, the Board considers necessary to have these guidelines to prepare a common Panel of IPs for the purpose of section 16(4), 34(6), 97(4), 98(3), 125(4), 146(3) and 147(3) for appointment of IPs as IRP, Liquidator, RP and BT and share the same with the Adjudicating Authority (Hon'ble NCLT and Hon'ble DRT) in accordance with these Guidelines.</p>
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S. No	NEWS ON IBC
1	<p>Monitoring Professional has authority to file application for initiation of CIRP: NCLT Delhi</p> <p>The Delhi Bench of National Company Law Tribunal, while hearing an application for initiation of Corporate Insolvency Resolution Process, held that the chairman of the monitoring committee has the locus standi to apply for initiation of CIRP under the Insolvency Bankruptcy Code, 2016 (IBC). (M/s Educomp Infrastructure & School Management Ltd. v M/s Millenium Education Foundation)</p>

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Others during the week

NSE-0; BSE-0; DIPP-0; Finance Ministry-0; Others -2;

S. No	Date of Issue	Rules/Circular/ Notification/Order	Contents thereof	Gist thereof
1	07/06/2022	Notification	<p>CBIC provide waiver of interest for specified electronic commerce operators for specified tax periods</p> <p>https://www.cbic.gov.in/resources/htdocs-cbec/gst/notfctn-08-central-tax-english-2022.pdf;jsessionid=4043CBA82A0F2589EC84EAAEDB1A36F0</p>	<p>CBIC has waived the interest rate on account of the non-filing of GSTR-8 by certain ecommerce operators under section 52 of the Central Goods and Services Tax Act, 2017(the Act).</p> <p>Electronic Commerce Operators having the prescribed Goods and Services Tax Identification Numbers who could not file the statement under sub-section (4) of section 52 of the said Act, for the month of December 2020, by the due date, due to technical glitch on the portal but had deposited the tax collected under sub-section (1) of section 52 for the said month in the electronic cash ledger, interest will not be charged from the date of depositing the tax collected under</p>

				subsection (1) of section 52 of the said Act in the electronic cash ledger till the date of filing of the statement under subsection (4) of section 52.
2	06/06/2022	Notification	<p>The Government Launched National CSR Exchange Portal to Enhance Efficiency in CSR Spending</p> <p>https://thecsrjournal.in/government-national-csr-exchange-portal/</p>	<p>With an aim to CSR spending more streamlined and formal, and to aid the implementing agencies in managing their CSR projects effectively, the government of India has launched the National CSR Exchange Portal (https://csrxchange.gov.in/) on June 07, 2022, as part of celebrating Azadi ka Amrit Mahotsav.</p>



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