

WEEKLY UPDATES ON COMPANY LAW, SEBI, RBI AND IBC

Edition No. 319 Week 10 – March 04, 2024, to March 10, 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
1.	<p>Finance Ministry Expected to Delay 45-Day Payment Rule for MSMEs to April 2025 amidst Industry Feedback</p> <p>Introduced in the Finance Act 2023, the rule mandated that all payments to micro, small, and medium enterprises (MSMEs) must be completed within 45 days. This regulation was designed to enhance the financial health of MSMEs by ensuring timely payments, thus improving their cash flow and operational efficiency. However, concerns were raised by various industry bodies about the rule's practical implications, fearing it could have uneven impacts across different sectors. The Ministry of Finance is expected to delay the introduction of an essential payment regulation targeting MSMEs, with the new enforcement date being pushed to April 2025. This move comes as a response to extensive industry feedback and the need for amendments to ensure smoother compliance across sectors.</p>

As this situation evolves, it will be crucial for all stakeholders to stay engaged in the dialogue to ensure that the final regulations are equitable and conducive to the growth of the MSME sector.

2

SEBI during the week
Circulars-0; Report -0; Notification – 0; Regulation-0; Others -2

S. No	Date of Issue	Rules/Circulars/ Notification/ Order	Contents thereof	Gist thereof
1.	07.03.2024	Settlement scheme	SEBI to introduce settlement scheme III on illiquid option cases	SEBI proposed to introduce a third settlement schemes in the matter of trading activities of certain entities in the illiquid stock options segment of Bombay Stock Exchange (BSE). The Scheme would provide a settlement opportunity to all the entities that have executed reversal trades in the stock options in the period between April 01, 2014 and September 30, 2015, against whom proceedings have been initiated and are pending before any authority, SEBI said. The Scheme would commence on March 11, 2024 and end on May 10, 2024. After the scheme period expires, actions as per Securities laws would be continued against the entities who didn't avail this opportunity for settlement.

2.	08.03.2024	Consultation paper	Extension of timeline for submission of public comments on the consultation Paper on Consultation Paper on Consultation Paper to Revise and Revamp Nomination in Securities Market	SEBI had placed a consultation paper on Revise and Revamp Nomination in Securities on its website on February 02, 2024 seeking comments by March 8, 2024. SEBI has extended the aforesaid timeline for submission of comments to March 28, 2024.
----	------------	--------------------	--	--

S.No	NEWS ON SEBI
NIL	

3

RBI during the week

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

S.No	Date of Issue	Rules/Circulars/ Notifications/	Subject	Gist thereof
------	---------------	------------------------------------	---------	--------------

		Order / Press release		
1.	04.03.2024	Press Release	RBI - Occasional Papers - Vol. 44, No.1, 2023	<p>The Reserve Bank of India releases Volume 44, No.1, 2023 of its Occasional Papers, a research journal containing contributions from its staff. This issue contains three articles and four book reviews. The articles are:</p> <ol style="list-style-type: none"> 1. Harnessing Artificial Neural Network to Gauge the Systemic Risk Exposure of Banks in India 2. Total Factor Productivity Growth in Indian Agriculture: Accounting for Land Quality 3. COVID-19 and Productivity Performance of MSMEs and Large Firms in India
2.	05.03.2024	Notification	Money Transfer Service Scheme - Submission of Statement on CIMS	<p>RBI vide its Circular No.70 dated May 19, 2016 had issued Directions that all Authorised Persons who are Indian Agents under the Money Transfer Service Scheme (MTSS) were required to submit a quarterly statement (within 15 days from the close of the quarter to which it relates) on the quantum of remittances received through MTSS using the eXtensible Business Reporting Language (XBRL) platform. This is applicable to all Authorised Persons, who are Indian Agents under Money Transfer Service Scheme.</p> <p>With the launch of the Reserve Bank's next generation data warehouse viz., the Centralised Information Management System (CIMS), it has been decided that the reporting of the aforesaid statement will be done on CIMS portal with effect from the quarter-ending March 2024. The statement has been assigned return code - 'R130'</p>

				<p>on CIMS. In case no remittance was received during a quarter, a 'NIL' report shall be submitted.</p> <p>The Master Direction on 'Reporting under Foreign Exchange Management Act, 1999' is being updated to reflect the changes.</p>
--	--	--	--	---

S.No	NEWS ON RBI
1.	<p>Reserve Bank of India and Bank Indonesia Sign Memorandum of Understanding (MoU) to Promote Use of Local Currencies for Bilateral Transactions</p> <p>The Reserve Bank of India (RBI) and the Bank Indonesia (BI) signed a Memorandum of Understanding (MoU) in Mumbai for establishing a framework to promote the use of local currencies viz., the Indian Rupee (INR) and the Indonesian Rupiah (IDR) for cross-border transactions. The MoU on establishing a framework for cooperation in the area of cross-border transactions in local currencies between India and Indonesia, aims to promote the use of INR and IDR bilaterally.</p>
2.	<p>Amendment to the Master Direction - Credit Card and Debit Card – Issuance and Conduct Directions, 2022</p> <p>The Reserve Bank of India being satisfied that it is necessary and expedient in the public interest to do so, has amends certain provisions of 'Credit Card and Debit Card – Issuance and Conduct Directions, 2022. Instructions relating to credit cards shall apply to all credit card issuing Banks and Non-Banking Financial Companies (NBFCs) and instructions relating to debit cards shall apply to every bank operating in India</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 – 0; OTHERS -1;

S. No	Date	Rules/Circulars/ Notifications/Order /Press Release	Contents thereof	Gist thereof
1.	05.03.2024	Press Release	Review of Foreign Direct Investment Policy on Space Sector	Under the amended FDI policy, 100% FDI is allowed in space sector. The liberalized entry routes under the amended policy are aimed to attract potential investors to invest in Indian companies in space.

S NO	GENERAL NEWS
	NIL

6

Update on Regulated Sector- 6

S.No	Sector	Update
1.	International Financial Services Centres Authority (IFSCA)	IFSCA has uploaded a consultation paper on its website seeking comments/views/suggestions from the public on the proposed amendments to the International Financial Services Authority (Payment Services) Regulations, 2024 It is proposed to amend the regulations by substituting the existing section 2(1) (l) of the regulations with “escrow service” means the service provided by a payment service provider, under an agreement, whereby money is held by such payment service provider in an escrow account with an IFSC Banking Unit (‘IBU’) or an IFSC Banking Company (‘IBC’) on behalf of one or more parties that are in the process of completing a transaction. The comments/suggestions may be sent through e-mail at supriyo.b@ifsc.gov.in and at vaibhav.sattavan@ifsc.gov.in on or before March 21, 2024 in the prescribed format.
2.	CCI issued the Competition Commission	The Competition Act, 2002 (Act) was amended on April 11, 2023, vide the Competition (Amendment) Act, 2023 (Amendment Act). Among other things, the Amendment Act introduced Section 48B and 48C in the Act to create a commitment

	of India (Commitment) Regulations, 2024	mechanism. Section 48B of the Act enables an enterprise against whom an inquiry under Section 26(1) of the Act is initiated for an alleged contravention of Section 3(4) or Section 4 of the Act, as the case may be, to offer commitments before the CCI. Whereas Section 48C provides for revocation of the commitment orders issued by the Commission and the consequences of the same.
3.	CCI issued the Competition Commission of India (Settlement) Regulations, 2024	1. The Competition Act, 2002 (Act) was amended on April 11, 2023, vide the Competition (Amendment) Act, 2023 (Amendment Act). Among other things, the Amendment Act introduced Section 48A and 48C in the Act to create a settlement mechanism. Section 48A of the Act enables an enterprise against whom an inquiry under Section 26(1) of the Act is initiated for an alleged contravention of Section 3(4) or Section 4 of the Act, as the case may be, to apply for settlement before the CCI. Whereas Section 48C provides for revocation of the settlement orders issued by the Commission and the consequences of the same.
4.	Central Consumer Protection Authority issues advisory on Prohibition of Advertising, Promotion, and Endorsement of Illegal Activities	In response to increasing instances of advertisements promoting illegal activities such as betting and gambling, the Central Consumer Protection Authority (CCPA) has issued a comprehensive advisory. The advisory, in accordance with the Consumer Protection Act, 2019, emphasizes the prohibition of advertising, promotion, and endorsement of unlawful activities prohibited under various laws. The advisory underscores the Ministry of Information and Broadcasting's efforts in issuing various advisories to media platforms, cautioning them against publicizing betting and gambling platforms. Online advertisement intermediaries have also been warned against targeting such advertisements toward the Indian audience. The advisory highlights that, the Guidelines for Prevention of Misleading Advertisements and Endorsements for Misleading Advertisements, 2022, categorically prohibit advertisements of products or services prohibited under any prevailing law.

<p>5.</p>	<p>CBDT allows certain trusts / institutions to furnish the audit report in the applicable Form No. 10B / 10BB on or before 31st March, 2024</p>	<p>The CBDT has allowed those trusts / institutions which have furnished audit report on or before 31st October, 2023 in Form No. 10B where Form No. 10BB was applicable and vice-versa, to furnish the audit report in the applicable Form No. 10B / 10BB for the A.Y. 2023-24, on or before 31st March, 2024.</p>
<p>6.</p>	<p>Competition Commission of India (Determination of Monetary Penalty) Guidelines, 2024</p>	<p>In exercise of the powers conferred by Section 64B (1) read with Section 64B (3) of the Competition Act, 2002, the Competition Commission of India issued the Competition Commission of India (Determination of Monetary Penalty) Guidelines, 2024 with respect to the determination of monetary penalty to be levied on the enterprise(s) and/or persons, for any contravention of the provisions of the Competition Act, 2002.</p> <p>The Competition Commission of India (Determination of Monetary Penalty) Guidelines, 2024 deals with Methodology for determination of penalty & Residuary powers of the commission.</p>



Flat No.7, Door No.10 Madhans,
South Canal Bank Road,
Mandavelipakkam, Chennai 600028.

bhuvana.r@akshayamcorporate.com | jayanth.v@akshayamcorporate.com

www.akshayamcorporate.com ;

Mobile: 9789982805 | 9962156708

The Information Contained herein is of general nature and is not intended to address the circumstances of any particular individual or entity. The views expressed here are solely those of the author in his private capacity. The News items are taken as is provided in various websites and newspapers and the author shall not be held responsible for any of it.