

WEEKLY UPDATES ON COMPANY LAW, SEBI, RBI AND IBC
Week 03- January 11 2021 to January 17 2021
1
Companies Act 2013 during the week
Rules -0; Circulars -3; Notifications-0; Orders-0; Important Notices -0

S. No	Date of Issue	Rules/Circular/ Notification/Order	Contents thereof	Gist thereof
1	13.01.2021	Circular	Clarification on spending of CSR funds for Awareness and public outreach on COVID-19 Vaccination programme	Earlier MCA clarified that spending of CSR funds for Covid 19 is an eligible CSR activity. Now MCA has further clarified that spending of CSR funds for carrying out awareness campaigns / programmes or public outreach campaigns on COVID-19 Vaccination programme is an eligible CSR activity.
2	13.01.2021	Circular	Clarification on holding of AGM through VC other OAVM	Vide this circular MCA has allowed Companies whose AGM were due to be held in the year 2020 or become due in the year 2021 to conduct their AGMs on or before 31.12.2021 in compliance with the norms for holding AGM through VC/OAVM issued earlier.
3	15.01.2021	Circular	Scheme for condonation of delay for	MCA has announced Condonation of Delay Scheme for Companies restored by NCLT between 01.12.2020 to

			<u>companies restored during December 2020 under Section 252 of the Companies Act, 2013</u>	<p>31.12.2020 for filing of overdue forms by such companies and waived the additional fees. This Scheme will be effective from 1 February, 2021 and last date for filing forms is 31 March, 2021.</p> <p>All e-forms other than SH-7 and Charge forms can be filed under the Scheme.</p>
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S. No	NEWS ON MCA
	NIL

2

SEBI during the week

Act -0; Rules -0; Regulations-1; General Orders – 0; Guidelines- 0

Master Circulars-0; Circulars –1; Press Release –0 Others -0;

S. No	Date of Issue	Act/rules/circulars	Subject & Link	Gist thereof
1	15.01.2021	Circular	Relaxation from compliance with certain provisions of the SEBI (Listing Obligations and Disclosure Requirements) Regulations, 2015 due to the CoVID -19 pandemic	SEBI has extended the relaxations provided in respect of sending physical copies of annual report to shareholders and requirement of proxy for general meetings held through electronic mode, till December 31, 2021.
2	13.01.2021	Regulations	Securities and Exchange Board of India (Investment Advisers) (Amendment) Regulations, 2021	Gist of Amendment is given below <ul style="list-style-type: none"> • Added one eligibility criteria – Applicant to be a Member of a body for regulating Investment Advisers • Reduced Application fees and registration fees and prescribed new renewal fee rate

S. No	NEWS ON SEBI
1	<p>Informal guidance</p> <p>Query : Can a Trading Member receive broking income from Advisory clients for execution services</p> <p>Guidance : A trading member or its group entity cannot receive any broking income from advisory clients while providing execution services whenever such execution is emanating from advice offered by the trading member as an Investment adviser.</p>
2	<p>SEBI bats for more ESG disclosures</p> <p>In a bid to push companies to act proactively on their sustainability initiatives, Sebi chairman Ajay Tyagi told business leaders that the regulator's proposal will bring greater transparency through disclosure of material ESG (environmental, social, governance) -related information. Under the proposed Business Responsibility and Sustainability Reporting (BRSR), the top 1,000 listed companies need to disclose their ESG initiatives.</p>

3

RBI during the week

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

Press Release – 0

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

S. No	NEWS ON RBI
1	Borrowing cost surges in bond market over RBI's measures to drain out cash Borrowing costs for companies in the Indian rupee bond market are surging after the nation's central bank unveiled measures to drain cash it had infused into the financial system to counter the impact of the pandemic.

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IBC during the week

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

Press Release –0; Others – 0

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

S. No	NEWS ON IBC
1	IBBI notified few changes to the Insolvency Professional Agencies Regulations, which includes introducing provisions for Self Evaluation of Governance Board, Designation of Compliance Officer etc.,
2	IBC and SARFAESI once again in conflict : The conflict between the Insolvency and Bankruptcy Code (IBC) and the SARFAESI Act has once again come to the fore as the RBI rejected a resolution plan submitted by UV Asset Reconstruction (UVARCL) to acquire Aircel's assets. The plan proposed by the Asset Reconstruction Company (ARC), although approved by the NCLT, was rejected by the RBI because it "did not conform to the guidelines under the Sarfaesi Act", hence contributing to the ambiguity surrounding the application of the two legislations.
3	Criminal cases deter insolvency resolution professionals: Tribunal - If every resolution professional (RP) is bombarded with criminal prosecution and police investigation, they won't be able to conduct the insolvency process without fear, observed the National Company Law Tribunal's division bench in Chennai. The tribunal's observation was in response to a petition moved by Subrata Monindranath Maity, a RP who stated that he was harassed for discharging his duties and thus was allowed police protection to be provided.

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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				

S. No	GENERAL NEWS
1	MahaRERA Asks Developer to Pay Rs60 Lakh as Penalty for Delay in Possession : In a recent order, the Maharashtra Real Estate Regulatory Authority (MahaRERA) has directed Conoor Builders to pay a home-buyer in its Gateway project at Andheri (West), interest at marginal cost lending rate (MCLR) of SBI plus 2% for a three-year delay in possession.
2	Same-Gender Sexual Harassment Complaints Maintainable Under POSH Act : Calcutta High Court : In a significant verdict, the Calcutta High Court has held that same-gender complaints are maintainable under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, commonly referred to as the POSH Act.
3	Supreme Court to consider review plea in EPF pension case on January 18 : After an interval of 21 months, the Supreme Court will be considering the review petition filed by the EPFO (Employees Provident Fund Organisation) against the apex court verdict on the pension and the appeal filed by the Ministry of Labour and Employment. The three-judge Bench headed by Justice U.U. Lalit will consider the petitions on January 18.



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