

WEEKLY UPDATES ON COMPANY LAW, SEBI, RBI AND IBC
Week 19 – May 3, 2021 to May 9, 2021
1
Companies Act 2013 during the week
Rules -0; Circulars -4; Notifications-0; Orders-0; Important Notices -0

S. No	Date of Issue	Rules/Circular/ Notification/Order	Contents thereof	Gist thereof
1	03.05.2021	Circular	Relaxation of time for filing certain forms under the Companies Act, 2013. http://www.mca.gov.in/Ministry/pdf/GeneralCircularNo6_03052021.pdf	No additional fees will be levied up to 31 st July 2021 on filling of various forms (except for CHG-1/CHG-4/CHG-9), under the Companies Act 2013/LLP Act 2008 and Rules made thereunder, which are due for filing between 1 st April 2021 to 31 st May 2021
2	03.05.2021	Circular	Relaxation of time for filing forms related to creation or modification of charges under the Companies Act, 2013. http://www.mca.gov.in/Ministry/pdf/GeneralCircularNo7_03052021.pdf	Applicability: CHG-1 and CHG-9 form, where the date of creation/modification is, <ul style="list-style-type: none"> • Case I: Before 01.04.2021 but the due date for filling the form has not expired as on 01.04.2021 • Case II: Falling between 01.04.2021 and 31.05.2021(Both dates inclusive)

				<p>Relaxation of Fees:</p> <p>Case I: The period beginning from 1st April 2021 and ending on 31st May 2021 shall not be reckoned for the purpose of counting the number of days as per section 77 and 78 of Companies Act 2013. If form not filed within the time provided, then first day after 31.03.2021 shall be reckoned as 1st June 2021 for the purpose of calculating the days within which form has to be filed.</p> <p>Case II: The period beginning from date of creation/modification and ending on 31st May 2021 shall not be reckoned for the purpose of counting the number of days as per section 77 and 78 of Companies Act 2013. If form not filed within the time provided then first day after the date of creation/modification shall be reckoned as 1st June 2021 for the purpose of calculating the days within which form has to be filed.</p> <p>Applicable Fees:</p> <p>Case I: If form is filed before 31st May 2021 fees as on 31st March 2021 under Fees Rules shall be charged. If form is filed thereafter the applicable fees shall be charged under the Fees Rules after adding the number of days beginning from 1st June 2021 and ending on the date of filing plus the time period lapsed from the date of creation of charge till 31.03.2021</p> <p>Case II: If form is filed before 31st May 2021 normal fees</p>
--	--	--	--	--

				<p>shall be payable under Fees Rules. If form is filed thereafter the first day after creation/modification of charge shall be reckoned as 1st June 2021 and the number of days till the date of filing of the form shall be counted accordingly for the purpose of payment of fees under Fees Rules.</p> <p>Non Applicability:</p> <ul style="list-style-type: none"> • CHG-1/CHG-9 filed already before the date of this circular. • Timeline for filing the forms has already been expired prior to 1st April 2021. • Due date for filing expires on future date despite exclusion of time period provided under relaxation of time. • Filing of Form CHG-4.
3	03.05.2021	Circular	<p>Gap between two board meetings under section 173 of the Companies Act, 2013 (CA-13) – Clarification – reg. http://www.mca.gov.in/Ministry/pdf/GeneralCircularNo8_03052021.pdf</p>	<p>The requirement of holding Board meeting of the Companies within the intervals provided in section 173 of Companies Act 2013 i.e. 120 days, has been extended to 180 days for the first two quarters of FY 2021-2022. Therefore, companies can hold Board meetings with a gap not more than 180 days instead of 120 days.</p>
4	05.05.2021	Circular	<p>Clarification on spending of CSR funds for ‘creating health infrastructure for COVID care’, ‘establishment of medical oxygen</p>	<p>Previous Circular by MCA: Spending of CSR funds for COVID-19 was classified as an eligible CSR activity. Current Circular by MCA: MCA has further clarified</p>

			<p>generation and storage plants’ etc http://www.mca.gov.in/Ministry/pdf/GeneralCircularNo9_05052021.pdf</p>	<p>spending of CSR funds for below activities as eligible CSR activities</p> <ul style="list-style-type: none"> • Creating health infrastructure for COVID care. • Establishment of medical oxygen generation and storage plant • Manufacturing and supply of Oxygen concentrators, ventilators, cylinders and other medical equipment for countering COVID-19’ or similar such activities.
--	--	--	---	--

S. No	NEWS ON MCA
1.	<p>Around 6,500 entities, including insurers and banks, are under the purview of National Financial Reporting Authority (NFRA) which enforces audit quality standards. NFRA has come out with a provisional database of entities under its purview as of 31 March 2019. The ministry said NFRA is mandated to oversee compliance by ‘public interest entities’ which include all listed companies and large unlisted entities. The database of entities gives clarity to businesses as well as their auditors of their statutory obligations. The database comprises a list of firms that are verified from different sources such as the corporate affairs ministry and stock exchanges.</p>

2

SEBI during the week

Act -0; Rules -0; Regulations-4; General Orders – 0; Guidelines- 0

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

S. No	Date of Issue	Act/rules/circulars	Subject & Link	Gist thereof
1.	05.05.2021	Regulation	<p>Securities and Exchange Board of India (Issue of Capital and Disclosure Requirements) (Second Amendment) Regulations, 2021</p> <p>https://www.sebi.gov.in/web/?file=https://www.sebi.gov.in/sebi_data/attachdocs/may2021/1620375533789.pdf#page=1&zoo m=page-width,-16,792</p>	<p>SEBI vide this amendment notified the changes the framework for listing on the Innovators Growth Platform (IGP). Following are the gist of modifications made:</p> <ul style="list-style-type: none"> • Minimum Period of holding 25% shares by QIBs, HNI, FPIs etc reduced from 2 years to 1 year • Delisting requirements eased and guidelines for migrating to main board relaxed. • Discretionary allotment to eligible investor allowed • Term ‘Accredited Investor’ for the purpose of IGP is renamed as ‘Innovators Growth Platform Investors’.

2.	05.05.2021	Regulation	<p>Securities and Exchange Board of India (Substantial Acquisition of Shares and Takeovers) (Amendment) Regulations, 2021</p> <p>https://www.sebi.gov.in/web/?file=https://www.sebi.gov.in/sebi_data/attachdocs/may2021/1620375361125.pdf#page=1&zoo m=page-width,-16,792</p>	<p>Amendments have been made with respect the following regulations of SEBI(SAST) Regulations relating to Innovators Growth Platform.</p> <ul style="list-style-type: none"> • For IGP listed companies, Mandatory Open offer triggering limit has been increased to 49 % instead of 25% • Eligibility holding of making voluntary open offer for IGP listed entities increased to 49% from 25% • Disclosure to SEBI on acquisition of 10% IGP securities (5% incase of ordinary securities) • Disclosure to SEBI of acquisition of 5% or more IGP securities (2% incase of ordinary securities) <p>The Committee of Independent Directors which provides recommendation on the open offer, has to now disclose the voting pattern of the meeting in which the open offer proposal was discussed.</p>
3.	05.05.2021	Regulation	<p>Securities And Exchange Board Of India (Listing Obligations And Disclosure Requirements) (Second Amendment) Regulations, 2021</p> <p>https://egazette.nic.in/WriteReadData/2021/226859.pdf</p>	<p>Following amendments have been made in SEBI (LODR) Regulations,</p> <ul style="list-style-type: none"> • Compliance certificate signed by compliance officer and the RTA to SE to be submitted once a year within 30 days of end of FY (earlier Half year once)

				<ul style="list-style-type: none"> • Top 1000 listed entities to form a Risk management committee • Corporate Governance report to SE to be submitted within 21 days from quarter end instead of 15 days • BRR report is now applicable to top 1000 listed entities. Further from 2022-23 new format of BRR & sustainability report to submitted • Reg 40(9) Certificate to SE to be submitted once a year within 30 days of end of FY • Dividend Distribution Policy now applicable for top 1000 listed entities • Audio/ Video Recording of Analyst / Investor conference (From 1st April, 2022) to be provided to SE and to be uploaded on website • Transcripts to be provided to be provided to SE and to be uploaded on website • Additional Website disclosure - Secretarial Compliance Report, Policy on Materiality, List of KMP determining materiality, Statement of deviation, Dividend Policy, Annual Return • Publication of BM notice in newspaper removed.
4	05.05.2021	Regulation	Securities and Exchange Board of India	SEBI vide this amendment had brought in various changes to the AIF regulations, interalia the following

			<p align="center">(Alternative Investment Funds) (Second Amendment) Regulations, 2021</p> <p align="center">https://egazette.nic.in/WriteReadData/2021/226884.pdf</p>	<ul style="list-style-type: none"> • Limiting the investment by AIF in another AIF • Introduction of code of conduct for AIFs, Managers of AIFs ad KMPs of Manager & AIFs and members of investment committee, Directors of AIF.
--	--	--	--	--

S. No	NEWS ON SEBI
1.	SEBI eases timelines for compliance with regulatory requirements by debenture trustees : SEBI has relaxed rules for debenture trustees for complying with regulatory requirements pertaining to disclosure about monitoring of asset cover certificate amid ongoing coronavirus pandemic. The move comes after the Securities and Exchange Board of India (Sebi) received representations from debenture trustees (DTs) in this regard, the regulator said in a circular.
2.	SEBI notified Securities and Exchange Board of India (Payment of Fees and Mode of Payment) (Amendment) Regulations, 2021, providing amendments in the mode of payments relating to various payments to be made SEBI related persons for various purposes.
3.	SEBI, in order to enable the users to have an access to all the Informal Guidance sought/given relating to SEBI (Prohibition of Insider Trading) (PIT) Regulations, 2015 at one place, has prepared document (Compilation Of Informal Guidance Relating To Sebi (PIT) Regulations, 2015), which consolidates all the informal guidance issued relating to SEBI (PIT) Regulations, 2015 during the period October 14, 2015 to February 08, 2021 at a single place.
4	SEBI on 6 th May 2021 has made a press release seeking public comments on the Report Submitted by the Technical Group on Social Stock Exchange.

3

RBI during the week

Notifications -1; 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
1.	05.05.2021	Notification	<p>Periodic Updation of KYC – Restrictions on Account Operations for Non-compliance</p> <p>https://rbidocs.rbi.org.in/rdocs/notification/PDFs/KYCRAONCB4D781C6093B43CAAA2AC737DA9EF6A4.PDF</p>	RBI vide this notification advised Regulated Entities, which also include Non-Banking Finance Companies (NBFCs) that in respect of the customer accounts where periodic updation of KYC is due and pending as on date, no restrictions on operations of such account shall be imposed till December 31, 2021, for this reason alone(COVID), unless warranted under instructions of any regulator/ enforcement agency/court of law, etc

S. No	NEWS ON RBI
1.	<p>RBI allows fresh moratorium for some small borrowers amid Covid-19 crisis The Reserve Bank of India on Wednesday announced a targeted on-tap liquidity window of Rs 50,000 crore to set up Covid-related healthcare infrastructure to counter the devastating coronavirus surge gripping the country. "Under the scheme, banks can provide fresh lending support to a wide range of entities including vaccine manufactures; importers/suppliers of vaccines and priority medical devices; hospitals/dispensaries; pathology labs; manufactures and suppliers of oxygen and ventilators; importers of vaccines and Covid related drugs; logistics firms and also patients for treatment," RBI governor Shaktikanta Das said at a virtual briefing.</p>
2.	<p>RBI announces incentives to help MSMEs hit by 2nd Covid-19 wave. Reserve Bank Governor Shaktikanta Das announced a slew of measures to offset the economic impact of the second Covid-19 wave on MSMEs and small businesses. To incentivise credit flow to micro, small, and medium enterprise (MSME) borrowers, scheduled commercial banks in February 2021 were allowed to deduct credit disbursed to new MSME borrowers from their net demand and time liabilities (NDTL) for calculation of the cash reserve ratio (CRR).</p>

4

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.	The National Company Law Tribunal at Kochi has held that the promoter of an MSME can submit a Resolution Plan Application in his individual capacity, and that the Plan would be eligible to be considered along with those of other prospective Resolution applicants.

5

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
	NIL



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.