

WEEKLY UPDATES ON COMPANY LAW, SEBI, RBI AND IBC

Week 21ST – May 17th 2021 to May 23rd 2021

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Companies Act 2013 during the week

Rules -0; Circulars - 1; Notifications-0; Orders-0; Important Notices -1

S. No	Date of Issue	Rules/Circular/ Notification/Order	Contents thereof	Gist thereof
1	20.05.2021	Circular	Clarification on offsetting the excess CSR spent for FY 2019-20 http://www.mca.gov.in/Ministry/pdf/Circular_20052021.pdf	Vide this circular MCA clarified that contribution to 'PM CARES Fund' on March 31, 2020 (pursuant to the appeal made), which is over and above the minimum amount under Companies Act, 2013 for FY 2019-20 and such excess amount or part thereof is offset against the requirement to spend for FY 2020- 21, then the same shall not be viewed as a violation subject to the conditions that: <ul style="list-style-type: none"> the amount offset as such shall have factored the unspent CSR amount for previous financial years, if any; CFO to certify that contribution was made in pursuance of the appeal and the same shall also

				<p>be so certified by the statutory auditor of the company; and</p> <ul style="list-style-type: none"> Separate Disclosure in CSR Report and Board's Report for FY 2020-21. 															
2	21.05.2021	Important Notice	<p>List of forms providing waiver of additional fee as per Circular no. 06/2021 and 07/2021</p> <p>http://www.mca.gov.in/Ministry/pdf/FeeWaiver_13052021.pdf</p>	<p>Last week MCA issued a list of forms for which relaxation for delayed filing without payment of any additional fees is applicable. Vide this circular MCA added the following list of forms</p> <table border="1"> <thead> <tr> <th>Sl.No</th> <th>Form ID</th> <th>Form Description</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Form AOC-4/AOC-4 NBFC / AOC-4 XBRL</td> <td>Form for filing financial statement and other documents with the Registrar</td> </tr> <tr> <td>2</td> <td>Form MGT-7</td> <td>Form for filing annual return by a company</td> </tr> <tr> <td>3</td> <td>LLP Form 3</td> <td>Information with regard to limited liability partnership agreement and changes, if any, made therein</td> </tr> <tr> <td>4</td> <td>LLP Form -</td> <td>Annual Return of Limited</td> </tr> </tbody> </table>	Sl.No	Form ID	Form Description	1	Form AOC-4/AOC-4 NBFC / AOC-4 XBRL	Form for filing financial statement and other documents with the Registrar	2	Form MGT-7	Form for filing annual return by a company	3	LLP Form 3	Information with regard to limited liability partnership agreement and changes, if any, made therein	4	LLP Form -	Annual Return of Limited
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					11	Liability Partnership (LLP)
				5	Form DIR-11	Notice of Resignation of a director to the Registrar
				6	Form MGT-14	Filing of Resolutions and agreements to the Registrar

S. No	NEWS ON MCA

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SEBI during the week

Act -0; Rules -0; Regulations-0; 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
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S. No	NEWS ON SEBI
1.	<p><u>SEBI proposes a framework for gold exchanges; suggests electronic receipts</u> Market regulator SEBI proposed an elaborate framework for setting up a gold exchange wherein the yellow metal will be traded in the form of electronic gold receipts and will help in having a transparent domestic spot price discovery mechanism. Also, the proposed denominations -- reflecting underlying physical gold -- of Electronic Gold Receipts (EGRs) are 1 kilogram, 100 grams, 50 grams, and subject to conditions, those can also be even for 5 and 10 grams.</p>
2.	<p><u>Crypto exchanges say SEBI or a new entity, not RBI, should regulate the sector: Report</u> Cryptocurrency exchanges have communicated to the government that market regulator Securities and Exchange Board of India (SEBI) is more suited to regulate the space than the Reserve Bank of India (RBI). Exchanges reasoned that cryptocurrency assets, such as Bitcoin and Ethereum, are closer to commodities than currencies, The Economic Times reported. The exchanges also proposed a new a entity to regulate cryptocurrencies.</p>

3.	SEBI released a consultation paper on the merger of the SEBI (Issue and Listing of Debt Securities) Regulations, 2008 (“ILDS Regulations”) and SEBI (Issue and Listing of Non-Convertible Redeemable Preference Shares) Regulations, 2013 (“NCRPS Regulations”) into a single regulation -SEBI (Issue and Listing of Non-Convertible Securities) Regulations, 2021 (“NCS Regulations”). The new NCS Regulations would ease compliance burden on listed entities, harmonize with the Companies Act, 2013 and maintain consistency with the SEBI (Listing Obligations and Disclosure Requirements) Regulations 2015 (hereinafter referred as “LODR Regulations”), SEBI (Debenture Trustees) Regulations, 1993 (hereinafter referred as “DT Regulations”) and circulars issued thereunder. Further NCS Regulations would also include certain provisions issued via circulars under ILDS Regulations and NCRPS Regulations
4	SEBI vide its earlier circulars permitted registered AIFs and VCFs to invest overseas, subject to an overall limit of USD 750 million. In consultation with the Reserve Bank of India, the said limit has now been enhanced to USD 1,500 million.

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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	<p><u>5 key takeaways from RBI bulletin: COVID resurgence has dented, not debilitated, economic activity</u></p> <p>The Reserve Bank of India recently released its monthly bulletin for May 2021 amidst challenging times. India is witnessing a deadly second wave of coronavirus which has paralysed the health infrastructure. The fatalities are recording new highs daily and practically the whole of India is under some sort of a lockdown. Rating agencies have started to cut India’s GDP growth forecast for financial year 2021-22 amidst growing concerns of the pandemic hitting economic activity in Q1.</p>

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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	Personal guarantors accountable in IBC:SC : Lenders can initiate insolvency proceedings against promoters, managing directors and chairpersons who have signed personal guarantees on corporate loans in case the borrowers default, the Supreme Court ruled. The apex court upheld the central government’s November 2019 notification issued under the Insolvency and Bankruptcy Code (IBC) as “legal and valid”. “It is held that the impugned notification was issued within the power granted by Parliament and in valid exercise of it. The exercise of power in issuing the impugned notification is, therefore, not ultra vires; the notification is valid,” said a bench of justices L. Nageswara Rao and S. Ravindra Bhat. The bench dismissed a clutch of 75 petitions challenging the 2019 notification.

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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



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