

**WEEKLY UPDATES ON COMPANY LAW, SEBI, RBI AND IBC**
**Week 34– 17<sup>th</sup> August to 23<sup>rd</sup> August 2020**
**1**
**Companies Act 2013 during the week**
**Rules -0; Circulars -1; Notifications-; Orders-0; Important Notices -0**

S. No	Date of Issue	Rules/Circular/ Notification/Order	Contents thereof	Gist thereof
1	17/08/2020	Circular	<b>Extension of Annual General Meeting</b>	<p>Companies need to hold AGM within six months from the end of Financial year. Considering the COVID situation, MCA has issued in the earlier circular regarding holding of AGM through video conferencing (VC) or other audiovisual means (OAVM).</p> <p>If Companies unable to hold the Annual General meeting through video conferencing or any other audio or video means for the financial year ended 31/03/2020 by 30th September 2020 are advised to apply for extension of AGM and the ROC is directed to consider the applications liberally.</p> <ul style="list-style-type: none"> <li>• Due Date: On or before 29/09/2020</li> <li>• E-Form : Form GNL-1 with ROC</li> <li>• Extension period : Upto three months (31/12/2020)</li> </ul>

S. No	NEWS ON MCA
1.	<b>Single E- compliance window:</b> The government is looking to develop a single compliance framework for India Inc to enable companies to comply with different regulatory requirements at one go

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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
NIL				

S. No	NEWS ON SEBI
1	<p>SEBI has released consultation paper for Listed Companies which undergo an insolvency resolution under the Insolvency and Bankruptcy Code (IBC) and granted a relaxation from SEBI norms of having minimum public shareholding (MPS) of atleast 25% and provided below three options for such companies post CIRP,</p> <ol style="list-style-type: none"> <li>1. Companies would need to have atleast 10% public float at the time of relisting of their shares</li> <li>2. If MPS &lt;10% - Then Company to bring the threshold upto 10% within 6 months against 18 months currently allowed and further to 25% within 3 years</li> <li>3. If MPS is 5% - Then Company need to increase public float to 10% in 12 months and 25% in the next 24 months and further one year lock-in period would be removed.</li> </ol>

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**RBI during the week**

**Notifications -0; Master Directions –0; Master Circulars –0; Circular -0 ;  
Press Release –2;**

S. No	Date of Issue	Notifications/Master Directors/Master Circulars/Press Release	Subject & Link	Gist thereof
1	18.08.2020	Press Release	<b>Framework for authorisation of pan-India Umbrella Entity for Retail Payments</b>	<p>RBI has placed on its website the framework for authorization of PAN-India Umbrella Entity for Retail Payments.</p> <p>Umbrella entity which among other things will be permitted to set up, manage and operate new payment systems in the retail space comprising ATMs, White Label PoS, Aadhaar-based payments and remittance services.</p> <p>As per the framework, the companies with a net worth of over Rs 500 crore will be eligible to set up an umbrella entity</p> <p>The Reserve Bank invites applications for the</p>

				umbrella entity which shall be submitted in the prescribed form (Form A) till the close of business on February 26, 2021
2	21.08.2020	Press Release	<b>New Definition of Micro, Small and Medium Enterprises – clarifications</b>	<p>RBI has released clarifications on new definition of Micro, Small and Medium Enterprises as stated below,</p> <ol style="list-style-type: none"> <li>1. All enterprises are required to register online and obtain 'Udyam Registration Certificate'.</li> <li>2. All lenders may obtain 'Udyam Registration Certificate' from the entrepreneurs.</li> <li>3. All the existing Entrepreneurs Memorandum (EM) Part II and Udyog Aadhaar Memorandum (UAMs) of the MSME obtained till 30.06.2020 shall be valid till 31.03.2021, however new registration to be done in Udyam Registration Portal before 31.03.2021.</li> <li>4. The value of Plant and Machinery or Equipment shall mean the Written Down Value (WDV).</li> </ol>
<b>S. No</b>	<b>NEWS ON RBI</b>			

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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 INSOLVENCY AND BANKRUPTCY CODE
1.	<p><b>Insolvency framework shouldn't only solve proceeding issues but also save MSMEs from being dragged to it:</b> India seems to have addressed the Insolvency concerns peculiar to MSMEs by introducing an entirely new insolvency framework for MSMEs for ease of doing business for the same irrespective of their unique attributes and inherent challenges.</p>
2.	<p><b>Limitation Act on IBC cases:</b> The Supreme Court has ruled that National Company Law Tribunal (NCLT) cannot admit applications for corporate insolvency resolution process (CIRP) initiations where more than three years (as prescribed by the Limitation Act) have passed since the date of debt default.</p>
3.	<p>The Calcutta High Court has struck down the NCLT order directing all financial creditors to mandatorily file default record from Information Utility along with a plea under Section 7 of Insolvency &amp; Bankruptcy Code. The three categories of evidence that can be provided as evidence of default by Financial Creditor are:</p> <ol style="list-style-type: none"> <li>1. Record of the default recorded with the information utility</li> <li>2. Such other record</li> <li>3. Evidence of default as may be specified</li> </ol>

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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
1	20.08.2020	Notification	Aadhaar authentication for new GST registration	For those opting for Aadhaar authentication, new GST registration will be issued within three working days and the need to wait for physical verification is done away with. However, those not opting for Aadhaar authentication for GST registration would be granted registration only after physical verification of the place of business or documentary verification which may take up to 21 working days or more if notice is issued.

S.No	General News
1.	The ICSI while understanding the need for a dedicated Compliance Software for the Practicing Company Secretaries to manage their practice operations and serve their clients efficiently with the help of Information Technology has entered into collaboration with Complinty for providing integrated Compliance Software.





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