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Companies Act 2013 during the week

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

S. No	Date of Issue	Rules/Circular/ Notification/Order	Contents thereof	Gist thereof
1			NIL	

S. No	NEWS ON MCA
1	Statutory auditors may not get large companies' non-audit operations: The government is looking to ban statutory auditors from taking up non-audit work on "public interest" companies — which means those that are listed or are above a certain threshold — and their subsidiaries. Besides, it is exploring the possibility of joint audit for certain companies as part of the amendments to the Companies Act, for which a Bill is planned to be introduced during the Budget session of Parliament that reconvenes next month.
2	Now, all complaints against cos, LLPs on electronic registry : The corporate affairs ministry has directed Registrar of Companies (RoCs) and Regional Directors to enter all complaints received against companies and LLPs on the ministry's electronic registry. Once a complaint is entered in the registry, then a Service Request Number (SRN) will be generated and the same has to be mandatorily mentioned in all further communications related to the particular matter.

2

SEBI during the week

Act -0; Report -0; Circulars–5; Press Release-0; Regulations –2; Guidelines- 0

S. No	Date of Issue	Act/rules/circulars	Subject & Link	Gist thereof
1	23/02/2022 25/02/2022	Regulation	<p>Securities and Exchange Board of India (Stock Brokers) (Amendment) Regulations, 2022</p> <p>https://www.sebi.gov.in/legal/regulations/feb-2022/securities-and-exchange-board-of-india-stock-brokers-amendment-regulations-2022_56372.html</p> <p>Securities and Exchange Board of India (Stock Brokers) Regulations, 1992 [Last amended on February 23, 2022]</p> <p>https://www.sebi.gov.in/legal/regulations/feb-2022/securities-and-exchange-board-of-india-stock-brokers-regulations-1992-last-amended-on-</p>	<p>SEBI vide its notification has notified the SEBI (Stock Brokers) (Amendment) Regulations, 2022, which shall come into force on the date of their publication in the Official Gazette.</p> <p>Vide this amendment, a new clause “professional clearing member” has been inserted in regulation 2(1)(ca) which means a member having clearing and settlement rights in any recognized clearing corporation, but not having trading rights in any recognized stock exchange.</p> <p>Table for members Dealing in securities (table I) also amended to include the limit for Professional Clearing member.</p>

			february-23-2022- 56447.html	
2	23/02/2022 25/02/2022	Regulation	<p>SEBI (Depositories and Participations) (Amendment) Regulations, 2022</p> <p>https://www.sebi.gov.in/legal/regulations/february-23-2022-securities-and-exchange-board-of-india-depositories-and-participations-amendment-regulations-2022-56368.html</p> <p>Securities and Exchange Board of India (Depositories and Participants) Regulations, 2018 [Last amended on February 23, 2022]</p> <p>https://www.sebi.gov.in/sebiweb/home/HomeAction.do?doListingAll=yes#:~:text=Securities%20and%20Exchange%20Board%20of%20India%20(Depositories%20and%20Participants)%20Regulations%2C%202018%20%5BLast%20amended%20on%20February%2023%2C%202022%5D</p>	<p>SEBI vide its notification dated February 25, 2022, has notified the SEBI (Depositories and Participants) (Amendment) Regulations, 2022, which shall come into force on the date of their publication in the Official Gazette. In regulation 35(a) (viii) of the SEBI (Depositories and Participants) Regulations, 2018, related to consideration of application for grant of certificate of registration of depository participant, the first, second and third provisos have been substituted.</p> <p>It has been provided that the stock broker shall have a net worth of rupees three crores {within one year of the date of notification of the SEBI (Depositories and Participants) (Amendment) Regulations, 2022}, which shall be increased to rupees five crores {within two years of the date of notification of the SEBI (Depositories and Participants) (Amendment) Regulations, 2022. Provided further that a self-clearing member fulfilling the net worth requirements as provided under the SEBI (Stock Brokers) Regulations, 1992</p>

				shall also be eligible to register as a depository participant.
3	24/02/2022	Circular	<p>Nomination for Eligible Trading and a Accounts – Extension of timelines and relaxations for existing account holders</p> <p>https://www.sebi.gov.in/legal/circulars/feb-2022/nomination-for-eligible-trading-and-demat-accounts-extension-of-timelines-and-relaxations-for-existing-account-holders_56399.html</p>	<ul style="list-style-type: none"> • SEBI, vide its circular dated July 23, 2021 had mandated submission of nomination details/declaration for opting out of nomination for investors opening new trading and/or demat accounts failing which the trading accounts shall be frozen for trading and demat account shall be frozen for debits. • SEBI has extended the timeline till March 31, 2023 for freezing of accounts • Re-submission of nomination details shall be optional for the existing investors who have already provided the nomination details.
4	24/02/2022	Circular	<p>Segregation and Monitoring of Collateral at Client Level – Extension of timeline</p> <p>https://www.sebi.gov.in/legal/circulars/feb-2022/segregation-and-monitoring-of-collateral-at-client-level-extension-of-timeline_56393.html</p>	<p>SEBI extended the deadline for implementation of segregation and monitoring of collateral at client level to May 2, 2022.</p> <p>The previous timeline for the same was February 28, 2022.</p>

5	25/02/2022	Circular	<p>Approach to securities market data access and terms of usage of data provided by data sources in Indian securities market</p> <p>https://www.sebi.gov.in/sebiweb/home/HomeAction.do?doListingAll=yes#:~:text=Approach%20to%20securities%20market%20data%20access%20and%20terms%20of%20usage%20of%20data%20provided%20by%20data%20sources%20in%20Indian%20securities%20market</p>	<p>SEBI, through its Market Data Advisory Committee (MDAC), reviewed the extent of free access and usage of data being provided in the public domain or otherwise by the respective sources of data in Indian securities market.</p> <p>All market intermediaries including the other data sources in Indian securities markets are advised to make note of the following:</p> <ul style="list-style-type: none"> • As far as the data provided by various data sources in Indian securities markets pursuant to regulatory mandates for reporting and disclosure in public domain are concerned, such data should be made available to users, ‘free of charge’ both for ‘viewing’ the data as also for download in the format as specified by regulatory mandate for reporting, as well as their usage for the value addition purposes.”. • Apart from the data made available free of cost, data which is chargeable should be appropriately identified as such in public
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				<p>domain.</p> <ul style="list-style-type: none"> The provisions of this circular shall come into force with immediate effect.
6	25/02/2022	Circulars	<p>Swing pricing framework for mutual fund schemes – Extension of timeline</p> <p>https://www.sebi.gov.in/legal/circulars/feb-2022/swing-pricing-framework-for-mutual-fund-schemes-extension-of-timeline_56423.html</p>	<p>SEBI had stipulated swing pricing framework for mutual fund schemes.</p> <p>Based on the request received from AMFI, It has been decided to extend the implementation date of the provisions of the aforesaid circular to May 1, 2022.</p>
7	25/02/2022	Circulars	<p>Extension to SEBI Circular on “Relaxation in adherence to prescribed timelines issued by SEBI due to Covid 19” dated April 13, 2020</p> <p>https://www.sebi.gov.in/legal/circulars/feb-2022/extension-to-sebi-circular-on-relaxation-in-adherence-to-prescribed-timelines-issued-by-sebi-due-to-covid-19-dated-april-13-2020_56425.html</p>	<ul style="list-style-type: none"> SEBI had issued relaxation in prescribed timelines were extended in view of second wave of the Covid-19 pandemic and resultant lockdown. The circular listed 13 items that were eligible for relief in terms of timelines, out of which 7 items related to service requests are : <ol style="list-style-type: none"> 1) Processing of Demat Requests 2) Processing of Transmission Requests 3) Processing of request for Issue of Duplicate Share Certificates. 4) Processing of Requests for Name Deletion/ Name Change / Transposition

				<p>5) Processing of Requests for Consolidation / Split / Replacement of Share Certificates / Amalgamation of Folios</p> <p>6) Handling Investor Correspondence / Grievances / SCORES complaint</p> <p>7) Processing of the demat request</p> <ul style="list-style-type: none"> • Relaxation is given to intermediaries / market participants w.r.t. compliance with the prescribed timelines which has been extended to June 30, 2022 in view of the Covid-19 situation. • The relaxation shall be applicable for the above mentioned 7 items. • The intermediaries/market participants may take an additional 30 days over the prescribed timelines for completion of service requests.
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S. No	NEWS ON SEBI
1	<p>Informal Guidance by Genus Power Infrastructure Limited</p> <p>Gist:</p> <p>Two business Divisions of Genus Power Infrastructure – (1) Metering solution division (2) Engineering construction and Contracts division</p> <p>Since the Smart Meter National Programme (SMNP) has decided to replace 25 crore conventional meters with smart meters in India, The Government is enabling implementation of Smart meter through “Build, Own, Operate, Transfer (BOOT) model.</p> <p>To Implement the BOOT model, the Company is planning to float an Infrastructure Investment Trust(‘InvIT’)</p> <p>Q: Would the BOOT model for Smart Meters fall under the definitions of “Infrastructure” and “Infrastructure project” as stated in the InvIT Regulation and allowed activities for an InvIT?</p> <p>A: BOOT model for Smart Meters cannot be considered as “Infrastructure sub-sectors” as per notification from Ministry of Finance dated October 07, 2013</p> <p>Q: Subcontracting activities under the BOOT model for smart meters, including but not limited to manufacturing and designing Smart Meters, including but not limited to Manufacturing and designing Smart Meters, be covered under the definition of “Infrastructure”?</p> <p>A: As BOOT model does not fall under “Infrastructure”, this query does not arise.</p> <p>Q:Would BOOT Model for Smart Meters, be covered under the sector of “Social and commercial Infrastructure” as mentioned in the Infra Notification, given the same facilities the Government to ensure the lowest human intervention in electricity supply and is in public interest at large ?</p> <p>A: BOOT model does not come under “Social and commercial Infrastructure” as per Ministry of Finance(MOF) notification November 14, 2017.</p>

2	Government wants Sebi to review corp governance norms: The government wants capital markets regulator SEBI to review various corporate governance and investor protection norms meant for stock exchanges and plug any loophole to prevent a repeat of crises like the one at National Stock Exchange. The government's focus isn't just limited to penal action against the guilty. It wants swift remedial measures to ensure that investors' Confidence in the regulatory mechanism for bourses isn't shaken by the crisis.
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RBI during the week

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

S. No	Date of Issue	Notifications/Master Directors/Master Circulars	Subject & Link	Gist thereof
1	22/02/2022	Notification	<p>Inclusion in the Second Schedule to the Reserve Bank of India Act, 1934- Sikkim State Co-operative Bank Ltd</p> <p>https://www.rbi.org.in/Scripts/NotificationUser.aspx#:~:text=Inclusion%20in%20the%20Second%20Schedule%20to%20the%20Reserve%20Bank%20of%20India%20Act%2C%201934%2D%20Sikkim%20State%20Co%2Doperative%20Bank%20Ltd</p>	Sikkim State Co-operative Bank Ltd.' has been included in the Second Schedule to the Reserve Bank of India Act, 1934

2	23/02/2022	Notification	<p>Implementation of ‘Core Financial Services Solution’ by Non-Banking Financial Companies (NBFCs)</p> <p><u>https://www.rbi.org.in/Scripts/NotificationUser.aspx#:~:text=Implementation%20of%20%E2%80%98Core%20Financial%20Services%20Solution%E2%80%99%20by%20Non%20Banking%20Financial%20Companies%20(NBFCs)</u></p>	<p>NBFCs – Middle Layer and NBFCs - Upper Layer with 10 and more ‘Fixed point service delivery units’1 as on October 1, 2022 shall be mandatorily required to implement ‘Core Financial Services Solution (CFSS)’, akin to the Core Banking Solution (CBS) adopted by banks.</p> <p>A quarterly progress report on implementation of the Core Financial Services Solution, along with various milestones as approved by the Board / Committee of the Board, shall be furnished by the NBFC to the Senior Supervisory Manager (SSM) Office of Reserve Bank starting from quarter ending March 31, 2023.</p>
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S. No	NEWS ON RBI
1	NIL

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IBC during the week

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

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

S. No	NEWS ON IBC
1	90 Days Period Under Regulation 32A Of IBBI (Liquidation Process) Regulations Directory, Not Mandatory: The NCLT Hyderabad Bench dismissed the application filed by the Applicant, who was a Member of the Stakeholders Consultation Committee, filed u/s 60(5) of IBC r/w Rule 11, 13 & 32 of the NCLT Rules wherein he challenged the sale of the Corporate Debtor by the Liquidator on the ground that the same was done at a reduced reserve price and after the expiry of the 90 days period, as provided in Regulation 32A of the IBBI (Liquidation Process) Regulations, 2016, holding the 90 days period to be 'directory' and not 'mandatory'.
2	Corporate Affairs Ministry moves NCLT to recover ₹2,320 cr siphoned off by Amtek Auto promoters: The Ministry of Corporate Affairs has asked the Serious Fraud Investigation Office to investigate the books and dealings of Amtek Auto with its group companies. The decision by the MCA was conveyed to NCLT Chandigarh demanding that the former promoters of Amtek Auto return ₹2,320 crore siphoned off from the company.

3	IBC - Claim Which Is Not Part Of Resolution Plan Doesn't Survive: Supreme Court In the case where a claim by the Revenue authority was not lodged before Resolution Professional after issuance of Public notices under the Insolvency and Bankruptcy Code (IBC) before approval of the Resolution plan, the Supreme Court of India has held that the claim which is not part of the Resolution Plan , does not survive.
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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	GSTN enables facility for filing LUT for FY 2022-23 on GST Portal : The Goods and Services Tax Network (GSTN) has enabled the facility for filing Letter of Understanding (LUT) for Financial Year 2022-23 on the GST Portal. The LUT application is required to be completed before March 31, 2022, or before supply for Exports and SEZ.



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

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