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COMPLIANCE UPDATE

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Ministry of Corporate Affairs (MCA)

Companies (Appointment and Qualification of Directors)
 Amendment Rules, 2021

MCA on August 19, 2021, notified the Companies (Appointment and Qualification of Directors) Amendment Rules, 2021. The amendment provides exemption to certain qualified individuals from the online proficiency self-assessment test required for independent director's databank.

(To view the Notification, please click <u>here</u>)

Reserve Bank of India (RBI)

 RBI (Financial Statements- Presentation and Disclosures) Directions, 2021

RBI on August 30, 2021, notified the RBI (Financial Statements-Presentation and Disclosures) Directions, 2021 incorporating, updating and where required, harmonizing across the banking sector the extant guidelines, instructions, directives to enable banks to have all current instructions on presentation and disclosure in financial statements at one place for reference.

(To view the Notification, please click $\underline{\text{here}}$)

RBI Master Directions on PPIs, 2021

RBI on August 27, 2021, notified Master Direction on Prepaid Payment Instruments (**PPIs**) to provide a framework for authorization, regulation and supervision of entities issuing and operating PPIs.

(To view the Notification, please click <u>here</u>)

RBI (Classification, Valuation and Operation of Investment Portfolio of Commercial Banks) Directions, 2021

RBI on August 25, 2021, notified the RBI (Classification, Valuation and Operation of Investment Portfolio of Commercial Banks) Directions, 2021 providing for prudential norms for classification, valuation and operation of investment portfolio by banks.

(To view the Notification, please click here)

Securities and Exchange Board of India (SEBI)

Circular on Modalities for implementation of the framework for accredited investors
 SEBI on August 26, 2021, provided modalities for implementation of the framework for accredited investors.

(To view the notification, please click here)

Extension of time for seeking membership of BSE Administration & Supervision Ltd

SEBI on August 31, 2021 has extended the time for seeking membership of BSE Administration & Supervision Ltd by existing Investment Advisors by a period of two months till October 31, 2021.

(To view the Notification, please click <u>here</u>)

Disclosure of risk-o-meter of scheme, benchmark, and portfolio details to the investors

SEBI on August 31, 2021, has mandated AMCs to disclose the following in all disclosures, including promotional material or that stipulated by SEBI:

- Risk-o-meter of the scheme and benchmark wherever the performance of the scheme vis-à-vis that of the benchmark is disclosed
- Risk-o-meter of the scheme and benchmark wherever the performance of the scheme vis-à-vis that of the benchmark is disclosed.

(To view the Notification, please click here)

Central Board of Direct Taxes (CBDT)

Income-tax (25th Amendment) Rules, 2021

CBDT on August 31, 2021, notified the Income-tax (25th Amendment) Rules, 2021 introducing the provision for calculation of taxable interest relating to contribution in a provident fund or recognized provided fund, exceeding 2.5 lakh.

(To view the Notification, please click here)

Central Board of Indirect Taxes & Customs (CBIT&C)

Central Goods and Services Tax (7th Amendment) Rules, 2021

CBIT&C on August 29, 2021, notified the Central Goods and Services Tax 7th Amendment) Rules, 2021. The amendment further extends the facility of filing GSTR-3B/GSTR-1 or using IFF by companies using EVC instead of Digital Signature Certificate has been extended till October 31, 2021.

(To view the Notification, please click here)

Extension of late fee amnesty scheme

The CBIT&C on August 29, 2021, extended the relief to the taxpayers by reducing/waiving late fee for non-furnishing FORM GSTR-3B for the tax periods from July 2017 to April, 2021, if the returns for these tax periods are furnished between June 01, 2021 to November 31,2021

(To view the Notification, please click here)

Ministry of Women & Child Development

Adoption (1st Amendment) Regulations, 2021

The Ministry of Women and Child Development vide Notification dated August 11, 2021, has issued the Adoption (1st Amendment) Regulations, 2021 to further amend the Adoption Regulations, 2017 whereby the following provision was inserted

'Where the adoptive parents move with the child to some other country within two years of adoption, the concerned Indian Diplomatic Missions in the country of departure and arrival, shall be intimated at least two weeks in advance through a written communication by the adoptive parents with their full contact details at the new place and thereafter, it shall be the responsibility of the Indian Mission of the country to which the child has moved, to perform all the assigned duties under the Adoption Regulations, 2017 in respect of the adopted child'.

(To view the Notification, please click <u>here</u>)

Industry-wise Update

Commerce (wholesale & retail)

Restriction of Covid-19 Rapid Antigen testing kits

DGFT on August 16, 2021, revised the Schedule–2 of ITC (HS) Export Policy in order to restrict the export of Covid-19 Rapid Antigen testing kits with immediate effect.

(To view the Notification, please click here)

Scheme Guidelines for Remission of Duties and Taxes on Exported Products (RoDTEP)

The Department of Commerce introduced the Scheme Guidelines for Remission of Duties and Taxes on Exported Products (RoDTEP). The scheme aims to refund, currently un-refunded:

- Duties/taxes/levies, at the Central, State and local level, borne on the exported product, including prior stage cumulative indirect taxes on goods and services used in the production of the exported product
- Such indirect Duties/ taxes/levies in respect of distribution of exported product

(To view the Notification, please click here)

Suspension of certain provisions of Tea Act, 1953

The Ministry of Commerce and Industry on August 23, 2021, suspended Section 12-16, Section 39 and 40 of the Tea Act, 1953 in public interest. The sections deal with:

- Section 12 to 16: Control over the extension of tea cultivation
- Section 39: Penalty for illicit cultivation
- Section 40: Removal of tea planted without permission

(To view the Notification, please click here)

Import of aircrafts by Aircraft Leasing Entities in IFSC, GIFT city, Gandhinagar, Gujrat

DGFT on August 31, 2021, relaxed the norms regarding import of aircrafts by Aircraft Leasing Entities in IFSC, GIFT city, Gandhinagar, Gujrat in line with the revised Air Transport Circular issued by DGCA. Now, aircrafts and helicopters (including used/second-hand aircraft and helicopters) may be imported by the afore-mentioned entities without the need to obtain an import license from the DGFT.

(To view the Notification, please click here)

Food & Drinks

Food Safety and Standards (Fortification of Foods) First Amendment Regulations, 2021

FSSAI on August 27, 2021, notified the Food Safety and Standards (Fortification of Foods) First Amendment Regulations, 2021. The FBOs are required to comply with the amendment w.e.f March 01, 2022.

(To view the Notification, please click here)

<u>Licensing of FBOs dealing in fresh fruits and vegetables including minimally processed</u> fruits & vegetables and surface treated fruits

FSSAI on August 16, 2021, clarified the licensing category for FBOs dealing in fresh fruits and vegetables including minimally processed fruits, vegetables and surface treated fruits. Such FBOs may obtain a license under the General Manufacturing kind of business on FoSCoS.

(To view the Order, please click <u>here</u>)

Transport

Drone Rules 2021

DGFT on July 27, 2021, introduced a new pro forma, namely ANF-2 O(d) and annexed to the Handbook of Procedures for Foreign Trade Policy [2015-20] for filing of applications for revalidation of Special Chemicals, Organisms, Materials, Equipment, and Technologies (**SCOMET**) Export Authorization.

(To view the Notification, please click here)

Introduction Bharat Series for registration of vehicles

MoRTH on August 26, 2021, introduced the Central Motor Vehicles (Twentieth Amendment) Rules, 2021. The amendment introduces the Bharat (BH) series as a new registration mark allowing ease of transfer of motor vehicles across states.

(To view the Notification, please click here)

State-wise restrictions due to resurgence of Covid-19

State/UT	Order/Directions	Competent Authority	Remarks
Andhra Pradesh	 Night curfew from 11 PM to 6 AM till September 4, 2021 Not more than 150 persons will be allowed at marriages, functions, and religious events 	Govt of Andhra Pradesh	(Click <u>here</u> for the Order)
Arunachal Pradesh	 Nigh curfew from 7 PM to 5 AM daily till further orders Private offices/Establishments will be allowed to function till 5 PM with full strength following Covid-19 appropriate behavior including wearing face mask and maintaining social distancing Shops and Commercial Establishments are allowed up to 6 PM Public gatherings or riverside picnics is strictly prohibited 	Govt of Arunachal Pradesh	(Click <u>here</u> for the Order)
Assam	 Directives for both rural and urban areas which will remain in force w.e.f. 5 AM of August 18, 2021, until further order Restriction time for all districts Curfew time is 7 PM to 5 AM Workplace, business/commercial establishments, shops, restaurants, dhabas, showrooms and sale counters can function up to 6 PM Shops dealing with groceries, fruits, vegetables, dairy, and milk can function up to 6 PM Hotel/Resorts can function up to 6 PM Marriage/religious functions are permitted with capacity of 25 people (fully vaccinated) Cinema/Theatres and Weekly bazaars/Haats are to remain closed 	Govt of Assam	(Click <u>here</u> for the Order)
Bihar	 Continuation of adherence to SOP on preventive measures to contain spread of Covid-19 in offices till September 25, 2021 All shops and establishments are permitted to function normally with strict adherence to Covid protocols All Educational Institutions can function for classes 1st to 12th Religious places are permitted to open Clubs, Gyms, and swimming pools are permitted to open with 50% capacity 	Govt of Bihar	(Click <u>here</u> for the Order)
Goa	 Extended restrictions imposed vide previous order till 7 AM of September 6, 2021 All casinos, educational institutions for students, Social or Political gatherings, swimming pools, religious places for public, entertainment parks and weekly markets are restricted till September 6, 2021 Marriage functions, social/political gathering and other congregations shall be allowed with 50% capacity Bars and Restaurants allowed to open with 50% seating capacity between 7 AM to 11 PM Medical shops and other food supply shops allowed to open without any restrictions All construction and related activities and all industries and factories are allowed All industries and factories are allowed to operate 	Office of District Magistrate, North Goa and Office of District Magistrate, South Goa	(Click <u>here</u> and <u>here</u> for the Orders)

Govt of NCT of Delhi	 Extended restriction measures w.e.f. August 24, 2021, till August 31, 2021, or until further orders, whichever is earlier Schools, colleges, and educational institutions will remain closed All gatherings remain prohibited Restaurants, bars, theatres/multiplexes/auditoriums permitted to function with 50% seating capacity All authorized weekly markets are allowed subject to strict compliance of SOPs Night Curfew extended till September 12, 2021, in 	Govt of NCT of Delhi, Disaster Management Authority	(Click <u>here</u> for the Order)
Gujarat	 Night Curfew extended till September 12, 2021, in Gandhinagar District of Gujarat 	Govt of Gujarat (Gandhinagar)	(Click <u>here</u> for the Order)
Haryana	 Extension of Mahamari Alert - Surakshit Haryana till September 06, 2021 (5 AM) w.e.f. August 23, 2021 All restaurants and bars (including in hotels and malls) to function with 50% capacity All gyms and spas to open with 50% capacity All club houses/ restaurants/ bars of the golf courses to open with 50% seating capacity Corporate offices allowed to open with full attendance All production units, establishments, industries permitted to function Anganwadis and creches to remain closed till September 30, 2021 	Govt of Haryana	(Click <u>here</u> and <u>here</u> for the Orders)
Himachal Pradesh	 All schools to remain closed except residential schools till September 4, 2021 Social, political, entertainment, cultural and academic gatherings permitted up to 50% capacity 	Govt of Himachal Pradesh	(Click <u>here</u> for the Order)
Jammu & Kashmir	 Restrictions to remain w.e.f. August 18, 2021, until further orders Maximum people permitted to attend outdoor/indoor gatherings is restricted to 25 No weekend curfew in any district Schools, educational institutions, and coaching centres to remain closed Night curfew continues to remain in all districts from 8 PM to 7 AM 	Govt of Jammu & Kashmir	(Click <u>here</u> and <u>here</u> for the Orders)
Karnataka	The Government of Karnataka, on August 30, 2021, has extended the guidelines for surveillance, containment, and caution till September 13, 2021. As per the extended guidelines, a partial weekend curfew will be enforced across the state of Karnataka	Govt of Karnataka	(To view the Order, please click <u>here</u>)
Meghalaya	 Containment Measures in East Khasi Hills District with effect from August 23, 2021, till further orders NIGHT CURFEW is imposed w.e.f. 7 PM sharp to 5 AM daily in East Khasi Hills District Political, public, and social gatherings are not permitted including conferences, meetings, and trainings Inter-District movement as well as movement to and from Shillong Urban Agglomeration is restricted Opening of essential and non-essential commercial establishments/shops/malls/other economic activities is permitted All shops are required to indicate vaccination status of their staff in the shop premises 	Govt of Meghalaya	(Click <u>here</u> and <u>here</u> for the Order and SOP)

	 Home delivery/Takeaway services, e-commerce activities and courier services are permitted Private offices are permitted to open at 50% strength Funeral gatherings should be restricted to 20 persons only Religious places/Places of Worship are permitted to re-open, subject to strict compliance with the SOP issued by the Home (Political) Department SOP has been issued for the opening of shops in Shillong Urban Agglomeration and rural areas of East Khasi Hills District 		
Mizoram	 Partial lockdown shall be imposed in AMC area from August 8, 2021, till midnight of September 4, 2021 Educational Institutions shall remain closed Funeral and wedding services are permitted up to 30 persons with the condition that no refreshments are prepared and served Public Park and picnic spots shall remain closed Gyms permitted to reopen with capacity of 33% Public gathering, Outdoor or leisure activities, picnics, outings, trekking, hiking, adventure sports are prohibited Shops have been classified into Group A, B & C and may open from 5 AM to 5 PM Group-A: Monday, Wednesday, and Friday Group-B: Tuesday, Thursday, and Saturday Group-C: Tuesday and Friday (Perishable commodities such as vegetables, fruits and meat/fish are allowed to be sold on the following day up to 9 AM 	Govt of Mizoram	(Click <u>here</u> for the Order)
Nagaland	 Relaxations in enforcement of Unlock Phase-V are hereby enforced up to September 2, 2021 Social, Political, Religious, Entertainment and Cultural Gatherings have been permitted with up to 50% maximum capacity Outdoor parks, Entertainment parks, Recreation areas and similar places have been permitted to open with up to 50% maximum capacity Swimming pools and Cinema halls shall remain closed SOPS have been released for the opening of sports complexes and sporting activities, Parks and Gyms 	Govt of Nagaland	(Click <u>here, here, here</u> <u>and here</u> for the Order and SOPs)
Odisha	 Partial lockdown shall be imposed in AMC area from August 8, 2021, till midnight of September 4, 2021 Graded unlocking w.e.f. 6 AM of September 1, 2021, till 6 AM of October 1, 2021 Night curfew shall remain operational across the state from 10 PM to 5 AM No weekend shutdown across the state All shops and malls may remain open from 5 AM to 10 PM All activities and establishments shall remain fully functional Religious, political, and cultural gatherings remain prohibited 	Govt of Mizoram	(Click <u>here</u> for the Order)
Tamil Nadu	 All shops and establishments shall ensure adherence to COVID protocols Only essential services will be allowed in the Containment Zones Schools and Colleges will be permitted to function 	Govt of Tamil Nadu	(Click <u>here</u> for the order)

Uttarakhand	 Partial lockdown shall be imposed in AMC area from August 8, 2021, till midnight of September 4, 2021 Extension of restriction measures w.e.f. 6 AM of August 31, 2021, till 6 AM of September 07, 2021 Coaching institutions catering to students above 18 years should operate with 50% capacity Large congregation should remain suspended till further orders Entertainment parks, zoos and other animal reserves should maintain covid protocols Maintenance of weekend curfew to control large crowd Shops and commercial establishments, Vegetable stores, milk depots, sweet shops to operate from 8 AM up to 9 PM Gym, shopping complex, cinema halls to operate with 50% capacity Stadiums to operate with 50% capacity only to train players above 18 years Restaurants, hotels, and eateries to operate with 50% capacity from 6 AM to 10 PM Inter-state or Intra-state movement of vehicles is allowed All kinds of agricultural activities are permitted 	Govt of Uttarakhand	(Click <u>here</u> for the order)
West Bengal	 Extended restriction measures till September 15, 2021 Opening of Theatres, Sadans, Manchans and Auditoriums are permitted to open with 50% seating capacity All shops and establishments are permitted to open to 10:30 PM Night curfew imposed from 11 PM to 5 AM Coaching centres permitted with function with 50% seating capacity 	Govt of West Bengal	(Click <u>here</u> for the Order)

State - wise Updates

Andhra Pradesh

Auto renewal of Registration under AP Shops and Establishment Act, 1988

The Government of Andhra Pradesh has introduced the auto renewal of registration under the Andhra Pradesh Shops and Establishments Act, 1988. Now, renewal of Registration Certificate may be done by submitting self-certification and receipt of the payment done online.

(To view the Notification, please click here)

Assam

Protocol for Enhanced Monitoring of Pesticides

The Assam Pollution Control Board vide Notification dated August 23, 2021, has issued a Protocol for Enhanced Monitoring of Pesticides based on the order passed by National Green Tribunal dated June 26, 2020.

(To view the Notification, please click here)

Chandigarh

Launch of new web portal for processing of Net/Gross Metering applications

The Department of Public Relations, Chandigarh Administration, vide notification dated August 23, 2021, has declared the launch of a new Unified Web Portal i.e., https://solar.chd.gov.in for processing of Solar Net/Gross Applications which will be purely Paperless Processing in a time bound manner and will bring transparency in the system and help in efficient monitoring and ease of doing business

(To view the Notification, please click here)

Chhattisgarh

Launch of new web portal for processing of Net/Gross metering applications

Chhattisgarh Real Estate Regulatory Authority vide Circular dated August 18, 2021, has extended the last date for online or physical submission of Annual Project Audit Report for FY 2020-21 due on September 30, 2021, till November 30, 2021, for the ease of real estate developers considering the surge of Covid-19 infection.

(To view the Circular, please click <u>here</u>)

Govt of NCT of Delhi

DERC (Business Plan) (First Amendment) Regulations, 2021

Delhi Electricity Regulatory Commission (**DERC**) vide Notification dated August 15, 2021, published DERC (Business Plan) (First Amendment) Regulations, 2021. The amendment has included Hydro Purchase Obligation (**HPO**) as one of the targets for computation of percentage of total sale of power, to retail consumers by distribution licensee, w.e.f. April 13, 2021.

(To view the Notification, please click here)

Draft Plastic Waste Management Byelaws, 2021

These byelaws shall be applicable within the territorial limits of south Delhi municipal corporation/east Delhi municipal corporation/north Delhi municipal corporation/new Delhi municipal council and Delhi Cantonment Board (DCB).

(To view the Order, please click here)

DERC (Renewable Purchase Obligation and Renewable Energy Certificate Framework Implementation) Regulations, 2021

DERC vide Notification dated August 15, 2021, published DERC (Renewable Purchase Obligation and Renewable Energy Certificate Framework Implementation) Regulations, 2021. The Regulation provides specifications for purchase of electricity from Renewable Energy Sources for fulfilment of a defined minimum percentage of the total consumption during the year and other compliances for the distribution licensee for dealing with electricity, w.e.f. April 13, 2021.

(To view the Notification, please click here)

Extension in filing of online return under Delhi Value Added Tax Rules

Department of Trade and Taxes, Government of National Capital Territory of Delhi vide Circular dated August 18, 2021, extended the last date of filing of online or hard copies of the first quarter return for the year 2021-22 in Form DVAT-16, Form DVAT-17 and Form DVAT-48 along with the required annexures till August 31, 2021.

(To view the Circular, please click here)

Medical Oxygen Production Promotion Policy of Delhi, 2021

Department of Industries vide Notification dated August 19, 2021, approved the Medical Oxygen Production Promotion Policy of Delhi, 2021 to make Delhi self-reliant in production of Medical Oxygen to meet with any such crisis or medical emergency in future.

The Policy aims at increasing production of oxygen in Delhi through setting up of either new manufacturing enterprises or expanding the production capacity of existing units for uninterrupted oxygen supply to hospitals or nursing homes during the health crisis caused by COVID-19 or otherwise and to facilitate storage and transportation of Medical Oxygen in Delhi.

(To view the Notification, please click here)

Haryana

Opening of ESI Dispensary at Jhajjar's Jharli district

The Directorate of Information, Public relations & Languages, Government of Haryana, vide press release dated August 26, 2021, has directed to open ESI dispensary at Jhajjar's Jharli to provide health benefits to the employees and to give the benefit of ex gratia to the Primary Agricultural Cooperative Societies (PACS) employees.

(To view the Press Release, please click here)

Maharashtra

Submission of Information on Accidents in Factories on Online System

Directorate of Industrial Safety and Health, Government of Maharashtra vide Circular dated August 26, 2021, has developed an online system to ensure timely receipt of information on accident in the factory. In case of fire, air leak, explosion, or any other accident in factories all manufacturers are advised to fill the details in Form No.24 or 24-A of the Accident Reporting System, which could be found on the Directorate's website i.e., www.mahadish.in and should be submitted with the signature of the Occupant/Manager of the Factory to the concerned office of the directorate within the prescribed time.

(To view the Circular, please click here)

Punjab

Permit to use paddy straw as fuel in boilers

Directorate of Information, Public relations & Languages, Government of Punjab, vide press release dated August 26, 2021, has decided to permit certain categories of industries to install paddy straw fired boilers to claim fiscal incentives. The industries who are permitted are:

- Sugar mills
- Pulp and paper mills
- Any industry having boiler installation with steam generating capacity more than 25 TPH

(To view the Press Release, please click here)

Rajasthan

Amendment in Social Security Investment Promotions Scheme (SSIPS), 2021

Department of Finance, Government of Rajasthan vide Order dated August 17, 2021, has amended the Social Security Investment Promotions Scheme (**SSIPS**), 2021. As per the amendment, detailed description of the work being done or to be done by the organization for the deprived section shall also be a part of the said scheme.

(To view the Order, please click here)

Office of Centre of Excellence for Revenue Research and Analysis (CoERRA)

Department of Finance, Government of Rajasthan vide Order dated August 18, 2021, has directed to set up a Centre of Excellence for Revenue Research and Analysis (**CoERRA**) as per the 2021 – 2021 Budget Announcement. The primary function of the centre will be to research and analyse revenue sources in Rajasthan.

(To view the Order, please click here)

Tamil Nadu

Revision of minimum rates of wages for the employment in leather goods manufactory

The Government of Tamil Nadu on August 16, 2021 has revised the minimum rates of wages for employment in leather goods manufactory.

(To view the notification, please click here)

Revision of minimum rates of wages for employment in any rice mill, flour mill or dhall mills

The Government of Tamil Nadu on August 16, 2021 has revised the minimum rates of wages for employment in any rice mill, flour mill or dhall mills.

(To view the Notification, please click here)

Uttar Pradesh

Extension in submission of Real Estate Annual Project Audit Report FY 2020-21

Uttar Pradesh Real Estate Regulatory Authority vide Office Order dated August 18, 2021, extended the last date for online or physical submission of Annual Project Audit Report for FY 2020-21 due on September 30, 2021, till December 31, 2021, for the ease of real estate developers considering the surge of Covid-19 infection.

(To view the Officer Order, please click here)

West Bengal

Amendment to West Bengal Urban Public Distribution System (Maintenance & Control) Order, 2013

The Department of Food and Supplies, West Bengal vide Notification dated on August 9, 2021, has issued amendments to Clause 16 of the West Bengal Urban Public Distribution System (Maintenance & Control) Order, 2013 which specifies the 'Submission of indents'.

(To view the Notification, please click here)

ABOUT US

UnComplycate is an end-to-end compliance and contract management solutions provider that integrates domain experience with IT-enabled implementation, monitoring and management protocols.

With more than thirty years' experience in helping clients discharge their compliance obligations, we have developed a repository of significant knowledge and practical experience in advising and assisting businesses on their regulatory compliance, litigation management, notice and contract management and other attendant requirements. We create bespoke products for clients that include, among other things, an audit of the functions of the company, offering technology-enabled platforms that provide solutions for effective control over the compliance and contract management functions. These services are not limited by geography and can be seamlessly extended to all operating sites of the client.



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