



# COMPLIANCE UPDATE

August 2022 | Part 2 of 2

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## Central Board of Direct Taxes (CBDT)

### ▪ Bullion Depository Receipt with underlying bullion as Securities

CBDT on August 03, 2022 notified Bullion Depository Receipt with underlying bullion as securities for the purposes of Sub-Clause (d) of Section 47(viiab) of the Income Tax Act, 1961. Section 47 deals with certain transactions which are not regarded as transfers for the purpose of capital gains. Section 47(viiab) exempts capital gains arising from any transfer of a capital asset.

(To view the Notification, please click [here](#))

### ▪ Income Tax (Twenty Third Amendment) Rules, 2022

CBDT on August 01, 2022 amended the Income Tax Rules, 1962 to insert definition of certain expressions:

- **Non-deliverable forward contract:** A contract for the difference between exchange rate agreed before and the actual spot rate at maturity, with the spot rate being taken as the domestic rate or a market determined rate and such contract being settled with a single payment in a foreign currency.
- **Offshore banking unit:** A banking branch unit located in an International Financial Services Centre.
- **Over-the-counter derivatives:** A derivative contract that is not traded on an exchange but instead is privately negotiated between a purchaser and a seller.

(To view the Notification, please click [here](#))

### ▪ Income Tax (Twenty Fourth Amendment) Rules, 2022

CBDT on August 10, 2022 added Rule 17AA in the Income Tax Rules, 1962. The newly added Rule 17AA directs every fund, institution, trust, any university, other educational institution, any hospital and other medical institution to maintain certain books and accounts in electronic or hardcopy formats.

(To view the Notification, please click [here](#))

## Central Board of Indirect Taxes and Customs (CBIC)

### ▪ [Passenger Name Record Information Regulations, 2022](#)

CBIC on August 8, 2022 notified the Passenger Name Record Information Regulations, 2022 under which airlines will have to share passenger information, including name, contact details and payment details, which will be used by the customs department for improved surveillance and risk assessment of passengers entering or leaving the country.

(To view the Notification, please click [here](#))

## Ministry of Corporate Affairs (MCA)

### ▪ [Companies \(Accounts\) Fourth Amendment Rules, 2022](#)

MCA on August 5, 2022 amended the manner in which books of accounts have to be kept in electronic mode. As per the amendment, the books of account and other relevant books and papers maintained in electronic mode should remain accessible in India 'at all times'.

(To view the Notification, please click [here](#))

## Ministry of Commerce and Industries (MCI)

### ▪ [Footwear Made from Leather and Other Materials \(Quality Control\) Amendment Order, 2022](#)

The Ministry of Commerce and Industry on August 11, 2022 amended the applicability Footwear Made from Leather and Other Materials (Quality Control) Order, 2022. As per the amendment, the quality control order will not be applicable to micro and small manufacturing units as defined in section 7 of the Micro, Small and Medium Enterprises Development Act, 2006

(To view the Notification, please click [here](#))

## Reserve Bank of India (RBI)

### ▪ [External Commercial Borrowings Policy – Liberalization Measures](#)

RBI on August 01, 2022 amended the External Commercial Borrowings (ECB) Policy by:

- Increasing the automatic route limit from USD 750 million or equivalent to USD 1.5 billion or equivalent.
- Increasing the all-in-cost ceiling for ECBs, by 100 bps.

(To view the Notification, please click [here](#))

## Securities and Exchange Board of India (SEBI)

### ▪ [Enhanced guidelines for debenture trustees and listed issuer companies on security creation and initial due diligence](#)

SEBI on August 04, 2022 issued enhanced guidelines for debenture trustees and listed issuer companies on security creation and initial due diligence.

(To view the Circular, please click [here](#))

### ▪ [Securities and Exchange Board of India \(Mutual Funds\) \(Second Amendment\) Regulations, 2022](#)

SEBI on August 03, 2022 amended the Securities and Exchange Board of India (Mutual Funds) Regulations, 1996. The amendment provides that sponsors which invest in various companies on behalf of the beneficiaries of insurance policies or such other schemes shall not qualify as associates of mutual funds.

(To view the Notification, please click [here](#))

## State-wise updates

### Dadra & Nagar Haveli and Daman & Diu

#### ▪ Right of Way Order, 2022

The Department of Information Technology, Dadra and Nagar Haveli and Daman and Diu on August 01, 2022 issued the Right of Way Order, 2022, which shall be applicable to entire Union Territory of Dadra & Nagar Haveli and Daman & Diu. The order has been constituted for:

- Establishment and maintenance of underground telegraph infrastructure
- Establishment of over ground telegraph infrastructure
- Regularization of existing towers or infrastructure
- Right of appropriate authority to seek removal of underground or overground telegraph infrastructure
- Defect liability, submission of reports and obligations of government utility agencies

(To view the Order, please click [here](#))

### Goa

#### ▪ Goa Provision of Water Supply (Draft Amendment) Act, 2022

The Government of Goa notified the Goa Provision of Water Supply (Draft Amendment) Act, 2022 to further amend the Goa Provision of Water Supply Act, 2003. As per the Draft Amendment, Section 6, which deals with offences and penalties, has been revised to provide that 'Whoever contravenes any provision of this Act or of any rules or orders made thereunder, shall, on conviction by a Judicial Magistrate, be sentenced to pay a fine of, rupees ten thousand, if the conviction is relating to the user of piped water for domestic purpose, and rupees fifty thousand, if the conviction is relating to the user of piped water for commercial or industrial purpose'.

(To view the Notification, please click [here](#))

#### ▪ Registration (Goa Draft Amendment) Act, 2022

The Government of Goa notified the Registration (Goa Draft Amendment) Act, 2022 which seeks to omit Section 19A from the Registration Act, 1908, since the registration of documents is now on digital format under National Generic Document Registration System (NGDRS). As per the Amendment, Section 32A, which deals with compulsory uploading of photograph, has been substituted to state that 'every person presenting any document at the proper registration office shall also upload digital photograph and digital finger prints of both the hands of each party to such document; provided that in case where any document is uploaded under online registration system such digital photograph and digital fingerprints shall be obtained by the registering officer before admission of such document for registration'.

(To view the Notification, please click [here](#))

#### ▪ Goa Legal Metrology (Amendment) Rules, 2022

The Government of Goa notified the Goa Legal Metrology (Amendment) Rules, 2022 dated August 02, 2022 whereby the existing Schedules II and III appended to the Goa Legal Metrology Rules, 2011, which specify licensing fee and renewal fee for manufacturer, repairer or dealer of weights and measures (Schedule II) and fee payable for verification and stamping of weights and measures, weighing and measuring instruments (Schedule III), have been substituted.

(To view the Notification, please click [here](#))

#### ▪ Direction to establishments within 200 metres from polling station to be closed

The District Magistrate (DM), North Goa District, on August 05, 2022 issued following Prohibitory orders valid from 06.00 AM to 06.00 PM on the day of polling (August 10, 2022) and 06.00 AM till end of counting of votes on August 12, 2022.

All restaurants, bars, tea shops, pan shops, eateries, and other food shops/joints (dhabas, gaddas) etc., situated in rural areas of village panchayat jurisdiction within 200 meters of the polling station and counting centers of respective Talukas in North Goa District shall remain closed at aforesaid date and time, and any gathering or crowd comprising of more than 5 persons shall be banned within 200 meters of any polling stations of respective Talukas in North Goa District.

(To view the Order, please click [here](#))

### NCT of Delhi

#### ▪ Exemption under the provisions of Delhi Shops and Establishment Act, 1954

The Government of Delhi vide Office Order dated August 05, 2022 launched online services to receive applications for exemption under provisions of Delhi Shops and Establishments Act, 1954:

- Section 14 (young persons and women to work during daytime)

- Section 15 (opening and closing hours of shops and commercial establishments)
- Section 16 (close day)

The services will be available with effect from August 08, 2022 through URL <https://dlabourwelfareboard.delhi.gov.in/shopexemption/>.

(To view the Office Order, please click [here](#))

## Himachal Pradesh

### ▪ **Ban on use of plastic and non-woven carry-bags**

The Government of Himachal Pradesh on July 30, 2022 issued a Notification regarding the imposition of ban on use of plastic carry-bags, non-woven plastic carry bags less than 60 Gram per Square Meter (**GSM**) and on certain plastic items having one-time use. The Notification directs that 'No person including shopkeepers, vendors, wholesalers, retailers, hawkers, rehariwala, etc. shall import, stock, distribute, sale and use the non-woven carry bags of any size including those more than 60 GSM made of non-biodegradable material as listed in the Schedule appended to the Himachal Pradesh Non-Biodegradable Garbage (Control) Act, 1995'.

(To view the Notification, please click [here](#))

### ▪ **Himachal Pradesh Electricity Regulatory Commission (Conduct of Business) (12<sup>th</sup> Amendment) Regulations, 2022**

The Himachal Pradesh Electricity Regulatory Commission (**HPERC**) has issued amendments to the Himachal Pradesh Electricity Regulatory Commission (Conduct of Business) Regulations, 2005 vide the Himachal Pradesh Electricity Regulatory Commission (Conduct of Business) (12<sup>th</sup> Amendment) Regulations, 2022 whereby the Schedule (Fee Structure) has been amended.

(To view the Notification, please click [here](#))

## Karnataka

### ▪ **Karnataka Excise (General Conditions of Licenses) (Amendment) Rules, 2022**

The Government of Karnataka on August 01, 2022 has issued the Amendment Rules, 2022 to further amend the Karnataka Excise (General Conditions of Licenses) Rules, 1967. As per the Amendment, in Rule 18, which specifies authorized person only to be in-charge, has been amended, such that for words 'once in six months', the words 'once in a year' shall be substituted.

(To view the Notification, please click [here](#))

### ▪ **Karnataka Goods and Services Tax (Third Amendment) Rules, 2022**

The Government of Karnataka on August 04, 2022 issued the Karnataka Goods and Services Tax (Third Amendment) Rules, 2022 to further amend the Karnataka Goods and Services Tax Act, 2017. The amendments pertain to the following:

- Rule 86 (deposits of the amount of erroneous refund sanctioned to a registered person)
- Rule 88B (manner of calculating interest on delayed payment of tax)
- Rule 96 (furnishing a valid return in FORM GSTR-3B)

(To view the Notification, please click [here](#))

### ▪ **Amendment to an older notification related to certain class of registered persons**

The Government of Karnataka on August 10, 2022 issued a Notification to further amend the government Notification No. 07/2020 dated March 27, 2022 on the recommendations of the Council with respect to certain class of registered persons. As per the Notification, in the first paragraph, for the words 'twenty crore rupees', the words 'ten crore rupees' have been substituted.

(To view the Notification, please click [here](#))

## Kerala

### ▪ **Online filing of complaints and payment of fee**

Kerala Real Estate Regulatory Authority (**KRERA**) on August 02, 2022 issued a Notification on filing of complaints and payment of fee through online which has been started in both Form M and N and payment of fee through the web portal of the Authority.

(To view the Notification, please click [here](#))

## Madhya Pradesh

### ▪ **Extension in the delayed filing of quarterly details for completion of project**

The Real Estate Regulatory Authority of Madhya Pradesh vide Notification dated August 03, 2022 has granted an extension till September 30, 2022 in the dates for filing the quarterly details of project completion.

(To view the Notification, please click [here](#))

- **Exemption on working hours for women under the Madhya Pradesh Shops and Establishment Act, 1958**

Government of Madhya Pradesh vide Notification dated August 01, 2022 circulated that working hour of 09:00 AM to 07:00 PM as given under Section 25 of Madhya Pradesh Shops and Establishment Act, 1958 shall not be applicable on women employees to prevent the commission of acts of sexual harassment.

(To view the Notification, please click [here](#))

## Maharashtra

- **Notification on revised minimum rates of wages for variable dearness allowance**

The Government of Maharashtra on August 01, 2022 released revised minimum rates of wages for variable dearness allowance effective from July 01, 2022, which will be valid till December 31, 2022, for the following industries:

- Motor repair workshop industry
- Bakery industry
- Scouring and pressing cotton industry
- Textile dyeing, printing industry
- Cashew processing industry
- Paper, grass box manufacturing industry
- Chemical fertilizers manufacturing industry
- Canteen and club industry
- Cement and cement-based industry

(To view the Notification, please click [here](#))

## Punjab

- **Draft PSERC (Terms and Conditions for determination of Generation, Transmission, Wheeling, and Retail Supply Tariff) Regulations, 2022**

The Punjab State Electricity Regulatory Commission (PSERC) has issued the Draft Punjab State Electricity Regulatory Commission (Terms and Conditions for determination of Generation, Transmission, Wheeling, and Retail Supply Tariff) Regulations, 2022. These Regulations shall come into force on April 1, 2023, and shall remain in force up to March 31, 2026, for the duration of the third Control Period unless otherwise directed by the Commission.

(To view the Draft Regulations, please click [here](#))

- **Punjab Custom Milling Policy for Kharif**

The Food, Civil Supplies and Consumer Affairs Department of Government of Punjab on August 02, 2022 issued the Punjab Custom Milling Policy for Kharif 2022-23. This has come into force on August 2, 2022. The department through this policy lays down guidelines to ensure complete transparency in registration and allocation of rice mills, a sound co-ordination amongst its procurement agencies and the rice millers and necessary checks on defaulting rice mills.

(To view the Policy, please click [here](#))

## Rajasthan

- **Clarification on Amnesty Scheme, 2022 and Amnesty Scheme for goods not subsumed in GST**

The Government of Rajasthan, Commercial Taxes Department on August 02, 2022 issued a Notification with respect to the cut-off date of January 31, 2022 pertaining to Clause 2 and Explanation (4) of Clause 4 of the said Amnesty Scheme-2022 and Amnesty Scheme for goods not subsumed in GST whereby it was clarified that 'the rider of the cut-off date i.e., January 31, 2022, mentioned in Clause 2 (which specifies the applicability of the scheme) of the said Notification does not apply to the order which was published for the demand of interest which is leviable but not levied pertaining to outstanding demand/ disputed amount which has already been deposited as mentioned in Explanation (4) of Clause 4 of the said notification'.

(To view the Notification, please click [here](#))

- **Replacement of Print Payment Advice (PPA) with Electronic Payment Advice (ePA) for Digital Signature Certificate (DSC) enabled banks in PFMS**

The Rajasthan Finance Department on August 8, 2022 released a Notification regarding the replacement of Print Payment Advice (PPA) with Electronic Payment Advice (ePA) for Digital Signature Certificate (DSC) enabled banks in PFMS. The new process of payment by PFMS to reduce the manual interface on the payment system was issued vide Electronic Payment Advice (ePA) OM.

The workflow of the new EPA system prepared on the basis of the above is also attached as an annexure to the Notification.

(To view the Notification, please click [here](#))

## Tamil Nadu

### ▪ [Scope of ESI Act extended to Ramanathapuram and Sivagangai districts in the State of Tamil Nadu](#)

The Ministry of Labour and Employment vide Notification dated 10 August 2022 has made certain provisions of Employees State Insurance Act, 1948 applicable to the Ramanathapuram and Sivagangai districts in the State of Tamil Nadu. The following provisions of Employees State Insurance Act, 1948 have come into force in all the areas of Ramanathapuram and Sivagangai districts:

- Sections 38, 39, 40, 41, 42, 43 and Sections 45A to 45H Chapter IV which deals with the contribution made to the employee
- Sections 46 to 73 of Chapter V which deals with Benefits provides to the employees covered under the Act
- Sections 46 to 73 of Chapter VI which deals with adjudication of disputes and claims

(To view the Notification, please click [here](#))

## Telangana

### ▪ [Extension of welfare scheme benefits to the building & other construction workers and their dependents registered with the Telangana BOCW Welfare Board](#)

The State Government of Telangana on August 02, 2022 issued a Notification for Aadhaar Authentication under Section 7 of Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016 for financial assistance under various Welfare Schemes of the Telangana Building & Other Construction Workers Welfare Board, Hyderabad to the building & other construction workers registered with the Board. The Government has notified 10 welfare schemes including Relief to the unregistered workers which shall be extended to the building & other construction workers and their dependents registered with the Welfare Board and these workers shall be required to furnish proof of possession of the Aadhaar number or undergo Aadhaar authentication.

(To view the Notification, please click [here](#))

## Uttarakhand

### ▪ [Directions to authorities for issuing or renewing Consent to Establish \(CET\) or Consent to Operate \(CTO\)](#)

Uttarakhand Pollution Control Board on August 06, 2022 directed the Regional Officers, Environment Engineers, Assistant Environment Engineers, and Assistant Environment Officers to ensure that while issuing or forwarding Consent to Establish (CET) or Consent to Operate (CTO) or renewing CET or CTO accorded to a plant, industry or process under the Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981, the details pertaining to Onsite Emergency Plan, Safety Reports and Safety Audit Reports as under The Manufacture, Storage and Import of Hazardous Chemical Rules, 1989 should be compulsorily sought from occupier, industry or installation engaged in the handling of hazardous chemicals in quantity equal to or more than the threshold quantity.

(To view the Notification, please click [here](#))

## Uttar Pradesh

### ▪ [Clarifications regarding applicable GST rates and exemptions on certain services](#)

The Office of Commissioner, State Tax, Uttar Pradesh, vide Notification dated August 08, 2022, has clarified the applicable rate of GST i.e., 18 % to be paid by ice-cream parlors and withdrawal of GST exemption on the service of storage or warehousing of cotton in baled or ginned form.

(To view the Notification, please click [here](#))

### ▪ [Amendment to the Uttar Pradesh Shops and Establishments Act, 1963](#)

The Government of Uttar Pradesh vide notification dated August 03, 2022 has amended the Uttar Pradesh Shops and Establishments Act, 1963, omitting Rule 2-A (7) which specifies 'Renewal of Registration Certificate'.

(To view the Notification, please click [here](#))

- **Clarifications regarding applicable GST rates on ticket cancellation and exemption on certain payments**

The Office of Commissioner, State Tax, Uttar Pradesh, vide notifications dated August 08, 2022, has clarified that No payment will be taxable if principal supply is exempted and cancellation charges for railway ticket will be 5% for first class or air-conditioned coach ticket and nil for second sleeper and other classes.

(To view the Notification, please click [here](#))

- **Order to expeditiously grant of GST registration and removal of unnecessary obstructions to businessmen**

The Office of Commissioner, State Tax, Uttar Pradesh on August 10, 2022, has ordered to inform all the shortages at once and remove all unnecessary obstructions to GST registrations, to minimize delays in GST registration.

(To view the Notification, please click [here](#))

- **Draft of Uttar Pradesh Solar Energy Policy - 2022**

The Government of Uttar Pradesh on August 07, 2022 has drafted Solar Energy Policy, 2022, with its main focus being on providing low cost and reliable power to the people of Uttar Pradesh, reducing the dependence on fossil fuels and achieving 'optimal energy mix' of conventional and renewable power, ensuring energy security in the State.

(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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