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COMPLIANCE UPDATE

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Securities and Exchange Board of India (SEBI)

 Performance benchmarking and reporting of performance by Portfolio Managers

SEBI on December 16, 2022 issued a Notification regarding performance benchmarking and reporting of performance by Portfolio Managers.

- Performance Benchmarking: The changes in strategy and/or benchmark shall be recorded with proper justification and shall be verified as part of the annual audit under the PM Regulations.
- Valuation of securities by Portfolio Managers:
 Portfolio Managers shall mandatorily use valuation services obtained only from one or more of empaneled valuation agencies for the purpose of valuation of debt and money market securities in portfolios managed by them.
- Reporting of performance: Portfolio Managers shall submit the monthly reports to APMI in addition to SEBI within 7 working days from the end of each month.

(To view the Notification, please click here)

Ministry of Corporate Affairs (MCA)

 Extension for conducting AGM & EGM through Video Conferencing (VC) or Other Audio-Visual Means (OAVM)

Ministry of Corporate Affairs (MCA) vide its Circular dated December 28, 2022 has granted an extension to its earlier Circular dated May 5, 2022 vide which Companies were allowed to conduct AGM through VC or OAVM mode till December 31, 2022. Companies registered under Companies Act, 1956 or Companies Act, 2013 are allowed to conduct their annual general meeting and extra ordinary general meeting through Video Conferencing (VC) or Other Audio-Visual Modes (OAVM) till September 30, 2023.

(To view the Circular, please click here)

Central Board of Indirect Taxes & Customs (CBIC)

Manner of filing an application for refund by unregistered persons

CBIC on December 27, 2022 issued a Notification prescribing the manner of filing an application for refund by unregistered persons. This Notification is intended to foster uniformity in the implementation of the provisions of the law across field formations.

(To view the Notification, please click here)

Concessional import duties on specified edible oils and lentils

CBIC on December 29, 2022 issued a Notification to amend Notification Nos. 48/2021 and 49/2021-Customs, dated October 13, 2021, to extend the existing concessional import duties on specified edible oils and lentils up to and inclusive of March 31, 2024.

(To view the Notification, please click here)

Clarification on entitlement of Input Tax Credit where the place of supply of services by way of transportation of goods is in India

CBIC on December 27, 2022 issued a clarification on the entitlement of input tax credit (ITC) where the place of supply of services by way of transportation of goods, including by mail or courier, and where location of the supplier as well as the recipient of services is in India.

(To view the Notification, please click here)

Exemption of provisions relating to application for registration

CBIC issued a Notification on December 26, 2022 regarding the exemption of provisions relating to the application of registration under the Central Goods and Services Tax Rules, 2017. In Rule 8 which relates 'application of registration' the sub-Rule 4A shall not apply in all the States and Union Territories except the State of Gujarat. This provision pertains to furnishing of bio-metric information.

(To view the Notification, please click here)

Central Goods and Services Tax (Fifth Amendment) Rules, 2022

CBIC has published the Central Goods and Services Tax (Fifth Amendment) Rules, 2022 on December 26, 2022 and have come into force with immediate effect. The Rules seek to further amend the Central Goods and Services Tax Rules, 2017. As per the Amendment, under Rule 8 'Application for Registration', an applicant seeking registration under Section 25 of the Central Goods and Services Tax Act, 2017 is no longer required to declare his mobile number and email address.

Industry-wise updates

Chemicals

Ethylene Glycol (Quality Control) Order, 2022

The Ministry of Chemicals and Fertilizers (**MoCF**) on December 28, 2022 issued the Ethylene Glycol (Quality Control) Order, 2022. The following are the key points of the Order:

- Applicable to ethylene glycol and shall not apply to such goods or articles meant for export
- Ethylene glycol should conform to the corresponding Indian standards and should compulsorily use the Standard Mark
- The Bureau of Indian Standards shall be the certifying and enforcing authority

(To view the Notification, please click here)

Food & beverages

Notification on instant modification of license in the existing license by manufacturers

The Food Safety and Standards Authority of India (FSSAI) on December 29, 2022 issued a Notification on instant modification of license. This modification must be the form of addition and deletion of non-high risk standardized food products. It is applicable only to existing licenses of manufacturers.

(To view the Notification, please click here)

The Legal Metrology (Packaged Commodities) Amendment Rules, 2022

The Ministry of Consumer Affairs, Food, and Public Distribution on December 29, 2022 extended the date of enforcement Legal Metrology (Packaged Commodities) (Amendment) Rules, 2022 from January 01, 2023 to February 01, 2023.

(To view the Notification, please click here)

Forests & environment

 Notification on directions for the provision of GST invoices of transactions related to plastic packaging by Producers/Importers/Brand owners (PIBOS) and Plastic Waste Processors (PWPs)

The Central Pollution Control Board (CPCB) on December 21, 2022, has directed all Producers/Importers/Brand owners (PIBOS) and Plastic Waste Processors (PWPs) to upload GST e-invoice details of all transactions relating to plastic packages and plastic waste on the centralized EPR portal. The directions are given to ensure that the transactions of plastic waste are in accordance with the EPR Guidelines issued by CPCB.

(To view the Notification, please click here)

 Hazardous and Other Wastes (Management and Transboundary Movement) Second Amendment Rules, 2022

The Ministry of Environment, Forest and Climate Change (MoEFCC) on December 23, 2022 added 'High End and High Value Used Medical Equipment' in the list of Hazardous Waste applicable for 'Import and Export not Requiring Prior Informed Consent'.

(To view the Notification, please click here)

Pharmaceuticals & healthcare

Narcotic Drugs and Psychotropic Substances (Seizure, Storage, Sampling and Disposal)
 Rules, 2022

The Ministry of Finance (MoF) on December 23, 2022 issued the Narcotic Drugs and Psychotropic Substances (Seizure, Storage, Sampling and Disposal) Rules, 2022. These rules define the process of seizure and storage of seized material, sampling and disposal of narcotic drugs and psychotropic substances.

(To view the Notification, please click here)

Telecommunications

Recommendations on Renewal of Multi-System Operators Registration

The Telecom Regulatory Authority of India (TRAI) on December 29, 2022 issued a Notification regarding the Recommendations on Renewal of Multi-System Operators (MSOs) Registration. The following are the key recommendations:

- The renewal of MSO registration should be done for a period of 10 years
- The Authority recommends that at the time of renewal, the processing fee should be kept as INR 1 lakh

(To view the Notifications, please click here and here)

Transportation (aviation, railways, roads, inland waterways)

Central Motor Vehicles (Twenty-Sixth Amendment) Rules, 2022

The Ministry of Road Transport and Highways (MoRTH) on December 28, 2022 directed all dealers to procure authorization certificate for verification of authenticity of dealers. Furthermore, the dealers are directed to intimate the delivery of vehicle to the Registering Authority. The Amendment also provides certain powers to the dealers in possession of registered dealers.

(To view the Notification, please click here)

Covid-19 Guidelines for international flight operations

The Ministry of Civil Aviation has issued a Notification on December 30, 2022 regarding 2% random RTPCR testing at the airports with respect to international arrival of passengers, to keep a check on Covid-19 cases, especially passengers coming from Japan, China, Singapore, Hong Kong and Thailand.

(To view the Notification, please click here)

Utilities (water, gas, electricity)

Energy Conservation (Amendment) Act, 2022

The Ministry of Power (MoP) on December 26, 2022 notified January 1, 2023 as the date of incorporation of the Energy Conservation (Amendment) Act, 2022. The amended provisions authorize the Central Government to issue carbon credit certificate to the competent registered entities and empower State Governments to constitute Energy Conservation Funds for promotion of efficient use of energy and its conservation within the respective State.

(To view the Notification, please click here)

Energy Conservation (Manner of Holding Inquiry) (Amendment) Rules, 2022

The Bureau of Energy Efficiency (BEE) on December 23, 2022 issued the Bureau of Energy Efficiency (Manner and Intervals for Conduct of Energy Audit in Electricity Distribution Companies) (Amendment) Regulations, 2022 to further amend the Bureau of Energy Efficiency (Manner and Intervals for Conduct of Energy Audit in Electricity Distribution Companies) Regulations, 2021.

State-wise updates

Assam

 Revision of minimum Consent to Establish/Consent to Operate fee for the Low Ash Metallurgical Coke (LAMC) manufacturing units, crushers and stone crushers

The Pollution Control Board, Assam (PCBA) on December 17, 2022 issued an order regarding fixing a minimum Consent to Establish (CTE)/Consent to Operate (CTO) fee for the Low Ash Metallurgical Coke (LAMC) manufacturing units (Bee Hive Coke Oven), LAMC crushers and stone crushers. CTO shall be granted for a period of only one year.

(To view the Order, please click here)

Chandigarh

Notification on Scheduled Gazette Holidays for the year 2023

The Government of Chandigarh on December 16, 2022 issued a Notification regarding Scheduled Gazetted Holidays for the year 2023.

(To view the Notification, please click here)

Dadra & Nagar Haveli and Daman & Diu

Extension of the last date for licensing of Diu aerodromes

The Ministry of Civil Aviation, on December 27, 2022 issued a Notification regarding the extension of the last date for licensing of Diu aerodromes. The last date of licensing of Diu aerodromes is December 31, 2023. The Notification directs that no person shall operate scheduled air transport services to/from Diu aerodrome after December 31, 2023, unless it has been licensed by the Director General of Civil Aviation as required by sub-Rule (1) of Rule 78 of the Aircraft Rules, 1937.

(To view the Notification, please click here)

List of holidays for the year 2023

The Administrator of Union Territory of Dadra & Nagar Haveli and Daman & Diu on December 20, 2022 issued a Notification regarding the list of holidays for the year 2023.

(To view the Notification, please click here)

 Extension in the time limit to implement the Guidelines regarding the use of pet coke and furnace oil as fuel

The UT Administration of Dadra & Nagar Haveli and Daman & Diu Pollution Control Committee on December 17, 2022, issued an order to extend the time limit to implement the Guidelines regarding the use of pet coke and furnace oil as fuel due to requests from the industry. The time limit for the use of pet coke and furnace oil as a fuel by the existing industry, operation, or processes is extended further for a period of 1 year i.e., up to December 08, 2023.

(To view the Notification, please click here)

Goa

One Time Settlement Scheme 2022 under Electricity Department

The Government of Goa on December 28, 2022 issued a Notification for One Time Settlement Scheme 2022 under Electricity Department. As per the Notification, the scheme is applicable to all categories of consumers whose installations are active, temporarily disconnected, permanently disconnected and revenue recovery cases and the validity for applying for the scheme is two months from December 28, 2022. As per the scheme, two options for repayment are available:

- The consumer will be required to pay the outstanding principal amount in one instalment only, for which no Delayed Payment Charges (DPC) shall be charged
- The consumers can pay the outstanding amount in instalments wherein the existing balance amount (principal amount + DPC) will be frozen as of the date of the application and the consumer will have to pay this amount in instalments; however, there will be no waiving off the DPC in this option

(To view the Notification, please click here)

Goa Model Panchayat Solid Waste (Management and Handling) Bye-laws, 2022

The Directorate of Panchayat, Government of Goa on December 22, 2022, published the Goa Model Panchayat Solid Waste (Management and Handling) Bye-laws, 2022. This shall come into force on January 21, 2023 and provide the following:

- Schedule I provides the illustrative list of biodegradable and recyclable waste

 Schedule II provides the list of domestic hazardous waste that can be returned back the manufacturer through local authorized suppliers through extended producer responsibility

(To view the Notification, please click here)

Goa Excise Duty (Amendment) Rules, 2020

The Government of Goa on December 15, 2022 issued the Goa Excise Duty (Amendment) Rules, 2020 to further amend the Goa, Daman, and Diu Excise Duty Rules, 1964. As per the amendment, Rule 18A which states 'Import, Export and Transport of Molasses', item (7) in the table has been substituted to state that 'For export of molasses outside the State of Goa, including outside the Country INR 20 per M.T.'

(To view the Notification, please click here)

Guidelines for international arrivals

The Ministry of Health & Family Welfare issued Guidelines for international arrivals on December 22, 2022. The present Guidelines are being revised in light of increasing trajectory of COVID-19 cases being noted in some countries across the world. Protocols given under this Order are to be complied by international travelers as well as points of entry (airports, seaports and land border) and shall be valid w.e.f. 10:00 AM on December 24, 2022 till further orders.

(To view the Notification, please click here)

NCT of Delhi

Implementation of Action under Stage III (Severe Air Quality) of revised Graded Response Action Plan (GRAP)

In view of a spike in air pollution, the Centre's air quality panel on December 30, 2022 issued an Order directing implementation of curbs under Stage III of the Graded Response Action Plan (**GRAP**) in Delhi-NCR, including a ban on non-essential construction and demolition work.

(To view the Notification, please click here)

Extension of due-date in respect of FORM GSTR-4

The Finance Department, Delhi on December 17, 2022 issued an amendment to Notification No. 73/2017-State Tax dated January 31, 2018, which waives the amount of late fee payable by any registered person for failure to furnish the return in FORM GSTR-4 by the due date. In the said Notification, in the sixth proviso, for the figures, letters, and words '30th day of June 2022', the figures, letters, and words '28th day of July 2022' shall be substituted.

(To view the Notification, please click here)

Draft Solar Policy 2022

The New Delhi Municipal Corporation (NMDC) on December 22, 2022, issued a Notification regarding inviting invited public comments/suggestions on Draft Solar Policy 2022. Suggestions or comments if any may be sent by email at address eesolar.comm@ndmc.gov.in up to January 07, 2023.

(To view the Notification, please click here)

Himachal Pradesh

Himachal Pradesh Goods and Services Tax (Third Amendment) Rules, 2022

The Himachal Pradesh Excise and Taxation Department on December 20, 2022 published the Himachal Pradesh Goods and Services Tax (Third Amendment) Rules, 2022 to further amend the Himachal Pradesh Goods and Services Tax Rules, 2017. As per the amendment, in FORM GSTR-9, which states 'annual returns to be filed by taxpayers registered under GST' under the heading Instructions, in paragraph 7, for the figures, letters, and words 'between April 2022 to September 2022', the figures, letters, and words 'of April 2022 to October 2022 filed up to 30th November 2022' have been substituted.

(To view the Notification, please click here)

Himachal Pradesh Goods and Services Tax (Fourth Amendment) Rules, 2022

The Himachal Pradesh Taxes and Excise Department, Himachal Pradesh on December 20, 2022, issued the Himachal Pradesh Goods and Services Tax (Fourth Amendment) Rules, 2022 to further amend the Himachal Pradesh Goods and Services Tax Rules, 2017. As per the Notification, Rules 122, 124, 125, 134, and 137 under the chapter 'Anti-Profiteering' have been amended.

(To view the Notification, please click here)

Exemption of all shops and commercial establishments during the celebration of the New Year from provisions relating to intervals and shop hours

The Department of Labour & Employment, Himachal Pradesh on December 28, 2022 issued a Notification to exempt all shops and commercial establishments, during the celebration of the New

Year and due to the heavy rush of tourists with effect from December 28, 2022 to January 02, 2022, till 12.00 AM from the Sections 8, 9 and 10 of the Himachal Pradesh Shops & Commercial Establishment Act, 1969 which states Intervals for rest or meals, opening and closing hours, and close-day respectively.

(To view the Notification, please click here)

Jharkhand

Extension of the effective date of Jharkhand Textile, Apparel & Footwear Policy, 2016

The Government of Jharkhand on December 21, 2022 issued a Notification regarding the extension of the effective date of Jharkhand Textile, Apparel & Footwear Policy, 2016 wherein the date has been extended from September 19, 2022 till the notified date of the new Textile Apparel Policy or September 18, 2023, whichever is earlier.

(To view the Notification, please click here)

UT of Ladakh

Ladakh Minimum Wages Notification (October 2022)

The Administration of Union Territory of Ladakh, vide Notification revised the minimum rates of wages for scheduled employments, effective from November 02, 2022.

(To view the Notification, please click here)

Karnataka

Notification regarding the last date of payment by establishments to remit contributions as per the Karnataka Labour Welfare Fund Act, 1965

The Government of Karnataka on December 16, 2022 issued a Notification regarding the last date of payment by establishments to remit contributions, which, as per the Karnataka Labour Welfare Fund, Act, 1965, is January 15, 2023. Factories, plantations, workshops, motor/omnibus services, ITBT firms, charitable trusts, societies registered under Karnataka Societies Registration Act, 1960, etc., and Karnataka shops and commercial establishments employing 50 and above workers will have to pay the contribution of for INR 20 from each employee and INR 40 from the employer for each employee i.e., total of INR 60, to be remitted through online payment only, at the link www.klwb.karnataka.gov.in. Delay in payment of contributions will attract penal interest at the rate of 12% for the first 3 months and after 3 months 18% on the amount due, and inspections by the Welfare Commissioner and Labour Department Officers to initiate legal proceedings.

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

Covid-19 Guidelines on international arrivals and New Year celebrations

Commissionerate of Health and Family Welfare Services has issued 'Guidelines on International Arrivals and New Year Celebrations' on December 26, 2022, in view of current scenario of emergence of Covid-19 cases in Bengaluru City.

(To view the Notification, please click here)

Kerala

Consumer Price Index numbers for agricultural labors and industrial workers for the month of October 2022

Department of Economics & Statistics, Kerala on December 22, 2022 released the Consumer Price Index (Cost of Living Index) Numbers applicable to employees in employment under the Minimum Wages Act (Central Act XI of 1948) for the month of October 2022 as ascertained under Clause (C) of Section 2 of the Act.

(To view the Notification, please click here)

Ladakh

Notification regarding waste management policies

Administration of Union Territory of Ladakh has issued a Notification dated December 20, 2022 regarding waste management policies. The policies shall be read in conjunction with the Solid Waste Management Rules, 2016; Plastic Waste Management Rules, 2016; and Construction and Demolition Waste Management Rules, 2016.

Lakshadweep

Lakshadweep Open Places (Prevention of Defacement) Regulation, 2022

The Ministry of Law and Justice, on December 20, 2022 published the Lakshadweep Open Places (Prevention of Defacement) Regulation, 2022. This shall come into force on December 20, 2022. This regulation aims to prevent defacement by objectionable or unauthorized advertisements in places open to public view in the Union Territory of Lakshadweep.

(To view the Notification, please click here)

Madhya Pradesh

List of general holidays for the year 2023

The Government of Madhya Pradesh on December 19, 2022, issued the list of general holidays for the year 2023.

(To view the Notification, please click here)

Amendment under Madhya Pradesh Motor Vehicles Rules, 1994

The Government of Madhya Pradesh on December 27, 2022 issued a Notification to amend Madhya Pradesh Motor Vehicles Rules, 1994 wherein in Rule 77, for sub-Rule (1b), the following Sub-Rule shall be substituted: '(1b) the restriction imposed by Clause(iv) of sub-Rule(1a), in so far as they relate to the stage carriage registered before coming into force of the said Rules shall not apply.' (To view the Notification, please click here)

Madhya Pradesh Labour Laws (Amendment) Act, 2022

The Government of Madhya Pradesh issued a Notification on December 20, 2022 to bring about Madhya Pradesh Labour Laws (Amendment) Act, 2022 whereby Section 31 of the Madhya Pradesh Labour Welfare Fund, 1982 has been amended to provide punishment for offender under this Act. (To view the Notification, please click here)

Maharashtra

Maharashtra Private Security Agencies (Regulations) Rules, 2022

The Government of Maharashtra on December 20, 2022 issued a Notification to bring about Maharashtra Private Security Agencies (Regulations) Rules, 2022 in supersession of the Maharashtra Private Security Agencies (Regulation) Rules, 2007.

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

Standardization of Membership Certificate issued by Bio-Medical Common Waste Treatment facilities

The Maharashtra Pollution Control Board issued a Circular on December 16, 2022, regarding a uniform format for Membership Certificate that will now be utilized by Bio-Medical Common Waste Treatment Facilities (**BMWCTF**). The facility will grant these certificates to their registered Health Care Establishments (**HCE**) in the format notified in the present Circular.

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

Puducherry

Puducherry Goods and Services Tax (Third Amendment) Rules, 2022

The Department of Commercial Taxes, Government of Puducherry on December 19, 2022 published Puducherry Goods and Services Tax (Third Amendment) Rules, 2022 to further amend the Puducherry Goods and Services Tax Rules, 2017. These shall come into force on December 15, 2022. As per the Amendment Rules, in FORM GSTR-9 which states 'annual returns to be filed by taxpayers registered under GST' under the heading Instructions, in paragraph 7, for the figures, letters, and words 'between April 2022 to September 2022', the figures, letters, and words 'of April 2022 to October 2022 filed up to 30th November 2022' have been substituted.

(To view the Notification, please click here)

Punjab

Punjab State Electricity Regulatory Commission (Renewable Purchase Obligation and its compliance) Regulations, 2022

The Punjab State Electricity Regulatory Commission (PSERC) on December 23, 2022 notified the Punjab State Electricity Regulatory Commission (Renewable Purchase Obligation and its compliance) Regulations, 2022. These shall come into force from April 01, 2023.

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

Rajasthan

Notification regarding verification of deposit of tax for Input Tax Credit under Rajasthan Goods and Services Act, 2017

The Government of Rajasthan on December 23, 2022 issued a Notification to amend the Department's Notification No. F.16 (100) Tax/CCT/14-15 / 1423 dated March 23, 2022, related to the manner for the verification of deposit of tax for the purpose of allowing the Input Tax Credit (ITC) for pending demands pertaining to assessment years up to 2017-18, where the demands have been created for want of verification of ITC claimed by a dealer. As per the Notification, for the existing expression 'December 31, 2022', the expression 'March 31, 2023' has been substituted.

(To view the Notification, please click here)

Tamil Nadu

Amendment under Tamil Nadu Factories Rules, 1950

The Government of Tamil Nadu has issued a Notification on December 28, 2022 to amend Rule 63-B and Rule 95 under Tamil Nadu Factories Rules, 1950:

- In Rule 63-B, after the expression 'Saint John's Ambulance Association', the expression 'or Tamil
 Nadu Apex Skill Development Centre for Health Care' shall be inserted
- In Rule 95, in Schedule XVII, in paragraph 4, after the expression 'St. John's Ambulance
 Association', the expression 'or Tamil Nadu Apex Skill Development Centre for Health Care' shall
 be inserted

(To view the Notification, please click here)

Notification regarding contributions under the Employees' State Insurance Act, 1948 in Thiruvallur District

The Ministry of Labour and Employment (**MoLE**) on December 24, 2022 issued a Notification regarding the date on which provisions related to 'contributions' under the Employees' State Insurance Act, 1948 shall come into force on January 01, 2023, in all the areas of Thiruvallur District, in addition to the already notified areas of the said District, in the State of Tamil Nadu.

(To view the Notification, please click here)

Uttarakhand

Notification regarding Scheduled Gazetted Holidays for the year 2023

The Government of Uttarakhand on December 26, 2022 issued a Notification regarding Scheduled Gazetted Holidays for the year 2023.

(To view the Notification, please click here)

West Bengal

Online portal for services under Fire & Emergency Services Department

The Labour Department, Government of West Bengal on December 27, 2022 issued a Notification regarding 6 services under Fire & Emergency Services Department that have been integrated end to end with the State Single Window Portal. Requests for Fire Safety Certificate, Fire License, etc. will have to be made through the online portal Silpasathi in West Bengal, effective from January 01, 2023.

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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