



# COMPLIANCE UPDATE

February 2023 | Part 1 of 2

## Ministry of Corporate Affairs (MCA)

### ▪ Companies (Share Capital and Debentures) Amendment Rules, 2023

MCA on January 24, 2023 notified that there shall be a declaration with the return filed with the Registrar in Form No. SH.11, signed by two directors of the company including the managing director, to certify the buy-back of securities in compliance with the Companies Act, 2013.

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

### ▪ Companies (Registration Offices and Fees) Amendment Rules, 2023

MCA, by amending the Companies (Registration Offices and Fees) Amendment Rules, 2023, has notified that e-forms shall be signed by Insolvency Resolution Professional or Resolution Professional or Liquidator of companies under insolvency or liquidation and filed with the Registrar along with the fee as mentioned in rules.

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

### ▪ Companies (Incorporation) Amendment Rules, 2023

MCA on January 23, 2023 notified that the name of the nominee of the owner of a One Person Company (OPC) shall be mentioned in the memorandum of the OPC and such nomination details, along with the consent of such nominee, shall be filled in Form No. INC-32 (SPICe+) as a declaration. The said Form along with the fee as provided in the Companies (Registration Offices and Fee) Rules, 2014 shall be filed with the Registrar at the time of incorporation of the company along with its e-memorandum and e-articles.

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

### ▪ Companies (Prospectus and Allotment of Securities) Amendment Rules, 2023

MCA on January 20, 2023 notified, that in the case of the issue of bonus shares, a copy of the resolution passed in the general meeting authorizing the issue of such shares shall be attached to the Form PAS-3.

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

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### ▪ **Companies (Appointment and Remuneration of Managerial Personnel) Amendment Rules, 2023**

MCA issued the Companies (Appointment and Remuneration of Managerial Personnel) Amendment Rules, 2023, revising the following forms:

- **Form No. MR.1:** It is a return which is filed in case of appointment of managerial personnel.
- **Form No. MR. 2:** It is an application form for approval of appointment of managing director or whole-time director or manager written to the Central Government.

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

### ▪ **Companies (Appointment and Qualification of Directors) (Amendment) Rules, 2023**

MCA on January 20, 2023 issued the amendment notifying that whenever a company receives the information in Form DIR-8, the company shall, within thirty days of such receipt, file Form DIR-9 with the Registrar.

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

## Reserve Bank of India (RBI)

### ▪ **Guidelines on Acquisition and Holding of Shares or Voting Rights in Banking Companies**

RBI has issued Guidelines on Acquisition and Holding of Shares or Voting Rights in Banking Companies on January 16, 2023. Key aspects of the guidelines are:

- Application for prior approval for acquisition of shares or voting rights in a banking company along with the declaration must in Form A.
- Information to be provided by major shareholders obtaining the approval to have major shareholding or applicants for continuous monitoring, in addition to furnishing the information sought by the banking company.
- Where RBI permits a person to have a shareholding of 10% or more of the paid-up equity share capital of the banking company but less than 40 % of the paid-up equity share capital, the shares acquired shall remain under lock-in for first five years from the date of completion of acquisition.
- Ceiling on voting rights of 26% of total voting rights of all the shareholders of the banking company.

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

### ▪ **Extension for renewal of agreements for existing Safe Deposit Locker or Safe Custody Article Facility provided by Banks**

The Reserve Bank of India on January 23, 2023 has extended the deadline for banks to complete the process of renewal of agreements for the existing Safe Deposit Lockers in a phased manner by December 31, 2023.

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

## Securities and Exchange Board of India (SEBI)

### ▪ **Securities and Exchange Board of India (Listing Obligations and Disclosure Requirements) (Amendment) Regulations, 2023**

SEBI on January 17, 2023, by amending Regulation 15 of (Securities and Exchange Board of India (Listing Obligations and Disclosure Requirements) Regulations), 2015, clarified that all registered Infrastructure Investment Trusts (**InvITs**) shall abide by the provisions given under the Securities and Exchange Board of India (Infrastructure Investment Trusts) Regulations, 2014. Furthermore, all registered Real Estate Investment Trusts (**REITs**) shall abide by the provisions given under the Securities and Exchange Board of India (Infrastructure Investment Trusts) Regulations, 2014.

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

### ▪ **Securities and Exchange Board of India (Stock Brokers) (Amendment) Regulations, 2023**

SEBI on January 17, 2023 amended the Securities and Exchange Board of India (Stock Brokers) (Amendment) Regulations, 2023 and inserted Rule 18D describing the responsibilities & duties of qualified stock brokers.

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

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

### ▪ **Foreign exchange rate for imported and exported goods**

CBIC on January 19, 2023 determined the rate of exchange for conversion of each of the foreign currencies into Indian currency or vice versa. The notified rates of exchange of conversion of the foreign currencies relate to imported and exported goods.

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

## Industry-wise updates

### Food & beverages

- **[Legal Metrology \(Packaged Commodities\) Amendment \(Amendment\) Rules, 2023](#)**

The Ministry of Consumer Affairs, Food and Public Distribution (**MoCAFDP**) has extended the date of enforcement of the Legal Metrology (Packaged Commodities) (Amendment) Rules, 2022 from February 01, 2023 to April 01, 2023.

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

### Forest and environment

- **[E-Waste \(Management\) Amendment Rules, 2023](#)**

The Ministry of Environment, Forest and Climate Change (MoEFCC) on January 30, 2023 brought about an amendment providing that every producer shall provide the detailed information on the constituents of the equipment and their components or consumables or parts or spares along with a declaration of conformance to the reduction of hazardous substances provisions as and when required by the Central Pollution Control Board (CPCB). Prior to the present amendment, this detailed information had to be included in the product user documentation and now this requirement is dispensed with, and the producer will have to provide this information as and when the CPCB requests for it. It also exempts Cadmium and lead in solar panels/cells, solar photovoltaic panels/cells/modules and lead in medical devices (with the exception of all implanted and infected products).

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

### Utilities

- **[Electricity \(Promoting Renewable Energy Through Green Energy Open Access\) Amendment Rules, 2023](#)**

The Ministry of Power (**MoP**) on January 27, 2023 brought about the Electricity (Promoting Renewable Energy Through Green Energy Open Access) Amendment Rules, 2023 wherein any consumer may elect to purchase green energy either up to a certain percentage of the consumption or its entire consumption. For this purpose, they may place a requisition with their distribution licensee. The consumer shall have the flexibility to give separate requisition for solar and non-solar renewable energy.

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

## State-wise updates

### Andhra Pradesh

#### ▪ **Andhra Pradesh Goods and Services Tax (Fifth Amendment) Rules, 2022**

The Government of Andhra Pradesh on January 17, 2023 made amendments to the Andhra Pradesh 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 Andhra Pradesh Goods and Services Tax Act, 2017 is no longer required to declare his mobile number and email address.

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

#### ▪ **Toddy Policy Guidelines 2022-2027**

The Excise Department of the Government of Andhra Pradesh issued a notification to amend the Toddy Policy Guidelines 2022-2027 on January 19, 2023. Key aspects:

- The amount of compensation is enhanced to INR 10 lakh for the next of kin of a tapper who died in an accident while tapping and for the permanently crippled (who got permanently impaired while tapping) so that compensation is commensurate with the impairment caused by toddy tapping.
- Out of the INR 10 lakh compensation sum, the victim's family will receive INR 5 lakh from the Labour Department in accordance with G.O.Ms.No.7, Labour Factories Boilers and IMS (Lab-I) Dept. dated June 27, 2021, and the remaining INR 5 lakh would be paid as ex-gratia by the State government.

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

#### ▪ **Amendment in Andhra Pradesh Animal Feed (Regulation of Manufacture, Quality Control, Sale & Distribution) Rules, 2021**

The Department of Agriculture and Animal Husbandry, Government of Andhra Pradesh on January 19, 2023 issued a notification to further amend the Andhra Pradesh Animal Feed (Regulation of Manufacture, Quality Control, Sale & Distribution) Rules, 2021. The following are the key changes:

- In Annexure-I, which specifies 'Service Request Form for New License/Endorsement of current License' following Form 1A, Form-1/B has been added as Annexure-A and Form 1A has been renamed Annexure-A.
- Forms 30, 31, and 32 have been added as Annexures B, C, and D following Form -29, which states 'License to import animal feed defined under the Andhra Pradesh Animal Feed (Regulation of Manufacture, Quality Control, Sale & Distribution) Rules, 2021.'

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

#### ▪ **Exemption of provisions relating to application for registration under Andhra Pradesh Goods and Services Tax Act, 2017**

On January 17, 2023, the Government of Andhra Pradesh issued a notification on the exemption of requirements pertaining to the registration application under the Andhra Pradesh Goods and Services Tax Rules, 2017.

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

### Chandigarh

#### ▪ **Notification regarding tax on commercial, industrial, and institutional lands & buildings**

The Municipal Corporation of Chandigarh on January 19, 2023 issued a notification to revise the fine to INR 0.10 (10 paise) per day, which is imposed on account of failure to give notice of transfer of land and building.

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

### Goa

#### ▪ **Goa Marine Fishing Regulation (Seventh Amendment) Rules, 2023**

The Goa Marine Fishing Regulation (Seventh Amendment) Rules, 2023 were announced by the Goa government on January 27, 2023 to amend the Goa Marine Fishing Regulation Rules, 1982.

In accordance with the Amendment, sub-Rule (4) of Rule 3, which pertains to the application for Licensing of Fishing Vessels, has been revised to need a security deposit of INR 1,000 and INR 5,000 in lieu of INR 210 and INR 250.

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

## NCT of Delhi

### ▪ [Delhi Goods and Services Tax \(Second Amendment\) Rules, 2022](#)

On January 16, 2023, the Government of NCT of Delhi notified the Delhi Goods and Services Tax (Second Amendment) Rules, 2022. According to the Amendment Rules, failing to submit the GSTR-3B will result in the revocation of a taxpayer's GST registration.

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

## Himachal Pradesh

### ▪ [Medical benefits under Employees' State Insurance \(Medical Benefit\) Rules, 1977 to Chamba, Kullu, Hamirpur, Kinnaur and Lahaul & Spiti](#)

The Employees' State Insurance Corporation vide notification dated January 18, 2023 has extended the medical benefits under the Himachal Pradesh Employees' State Insurance (Medical Benefit) Rules, 1977 to the entire area of Chamba, Kullu, Hamirpur, Kinnaur and Lahaul & Spiti.

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

## Jammu & Kashmir

### ▪ [Revision in the rate of interest of the General Provident Fund \(GPF\)](#)

The Government of Jammu and Kashmir on January 17, 2023 issued the rate of interest of the General Provident Fund (GPF) as 7.1 % per annum during the period from January 01, 2023, to March 31, 2023.

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

## Karnataka

### ▪ [Extension of the date to remit contributions under Karnataka Labour Welfare Fund Act, 1965](#)

The Government of Karnataka on January 16, 2023 extended the date to remit contributions of INR 40 from employer & INR 20 from each employee (total amounting to INR 60), which has to be remitted through online payment as per the Karnataka Labour Welfare Fund, Act, 1965, from January 15, 2023 to January 31, 2023.

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

## Kerala

### ▪ [Circular for employers in Kollam District to not file contributions in respect of employees who are on ESI leave](#)

The Employees' State Insurance Corporation (ESIC) on January 24, 2023 issued a Circular requesting employers in Kollam district to be careful while filing contributions and ensure not to file contributions for those days during which period the employees are on ESI leave. In case such incident occurs, further action, as per provisions of the ESI Act, will be taken against the employer for wrong filing of contribution.

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

### ▪ [Consumer Price Index numbers for agricultural labourers and industrial workers for the month of November 2022](#)

The Government of Kerala on January 21, 2023 revised the Consumer Price Index (Cost of Living Index) numbers, updating the rate of variable dearness allowance for all the industries in the State of Kerala, with effect from November 01, 2022.

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

## Madhya Pradesh

### ▪ [Extension of Medical Benefits under Employees' State Insurance \(Medical Benefit\) Rules, 1954 to Sehore, Shajapur, and Guna](#)

The Employees' State Insurance Corporation (ESIC) on January 18, 2023 issued a notification to extend the medical benefit as laid down in the Regulation 95-A and the Madhya Pradesh Employees' State Insurance (Medical Benefit) Rules, 1954 in the areas of Sehore, Shajapur, and Guna (in addition to the already notified areas in the districts).

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

▪ **Enforcement of provisions of ESI Act in Chhindwara and Singrauli**

The Central government on January 24, 2023 notified Feb 01, 2023 as last day to implement the provisions (such as employee's insurance, maintaining registers & records, etc.) of the Employees' State Insurance Act, 1948 in all the areas of Chhindwara and Singrauli districts.

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

## Maharashtra

▪ **Enforcement of provisions of ESI Act in Sindhudurg, Ratnagiri, Bhandara, Washim, Gadchiroli and Beed districts**

The Central government on January 24, 2023 notified, Feb 01, 2023 as the last day to implement the provisions (such as employee's insurance, maintaining registers & records, etc.) of the Employees' State Insurance Act, 1948 in all the areas of Sindhudurg, Ratnagiri, Bhandara, Washim, Gadchiroli and Beed districts, in addition to the already notified areas of the said districts, and in all the areas of Latur, Osmanabad and Parbhani districts.

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

▪ **Revision in the fish culture policy to increase fish production**

The Department of Agriculture and Animal Husbandry, Government of Maharashtra, published a notice on the new fish culture strategy to improve fish production on January 18, 2023. As per the Notification, the Cage fish culture shall be allowed in 1% water area of the total reservoir of a depth of not less than 15 hectares. The duration of the contract for cage fish culture is 5 years.

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

▪ **Clarification regarding GST rates and the classification of certain goods based on the recommendations of the GST Council**

The Government of Maharashtra on January 19, 2023 issued a clarification regarding GST rates and classification of certain goods based on the recommendations of the GST Council in its 48th Meeting. Key aspects:

- Rab will attract GST rate of 18%.
- By-products of milling of dal and pulses such as chilka, khanda, and churi/chuni are exempted under GST.
- Carbonated beverages of fruit drink or carbonated beverages of fruit juice will fall under GST Rate of 28% and Compensation Cess at 12%.
- Applicability of GST of 18% on snack pellets manufactured through an extrusion process (such as 'fryums').
- Applicability of Compensation Cess on Sports Utility Vehicles (SUVs) at the rate of 22%.

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

## Mizoram

▪ **Enforcement of provisions of ESI Act in Aizawl district**

The Ministry of Labour & Employment has notified the implementation of ESI Act, 1948 in the entire area of partially notified district i.e., Aizawl, in the State of Mizoram from February, 01, 2023.

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

## Odisha

▪ **Enforcement of provisions of ESI Act in Kendrapara district**

The Central government on January 24, 2023 notified, Feb 01, 2023 as last day to implement the provisions (such as employee's insurance, maintaining registers & records, etc.) of the Employees' State Insurance Act, 1948 in all the areas of Kendrapara district.

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

## Punjab

▪ **Punjab Minor Mineral (Amendment) Rules, 2023**

The Department of Mines and Geology, Government of Punjab on January 24, 2023 published the Punjab Minor Mineral (Amendment) Rules, 2023 to further amend the Punjab Minor Mineral Rules, 2013 and provide the following are the Rates of Royalty for below mentioned substances:

- For Gravel (Bajri), INR 18.25 per tonne
- For ordinary sand used for non-industrial purposes, INR 18.25 per tonne

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

## Rajasthan

### ▪ Issuance of rate of interest of the General Provident Fund (GPF)

The Government of Rajasthan published a notice on January 16, 2023 regulating the interest rate of the General Provident Fund (GPF) and other similar funds such as Contributory Provident Fund (CPF). During the period from January 1, 2023 through March 31, 2023, the annual interest rate is set at 7.1%.

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

## Tamil Nadu

### ▪ Amendment in the rate of the Tamil Nadu Commercial Taxes under Tamil Nadu GST Act, 2017

The Government of Tamil Nadu on January 19, 2023 issued certain amendments to Commercial Taxes under Tamil Nadu GST Act 2017. The revised rates are as follows:

- Ethyl alcohol will be supplied to Oil Marketing Companies & petroleum refineries for blending with motor spirit (petrol) at SGST rate of 2.5%.
- Bran, sharps and other residues, whether or not in the form of pellets, derived from the sifting, milling or other working of cereals or of leguminous plants (other than aquatic feed including shrimp feed and prawn feed, poultry feed and cattle feed, including grass, hay and straw), supplement and additives, husk of pulses including chilka, concentrates including chuni or churi, khanda, wheat bran, de-oiled cake at SGST rate of 2.5%.
- Carbonated beverages of fruit drink or carbonated beverages with fruit juice will now attract SGST Rate of 6%.
- Only mathematical boxes, geometry boxes and color boxes will attract the SGST rate of 6% & not pencil sharpeners.
- Ethyl alcohol and other spirits, denatured, of any strength other than ethyl alcohol, will be supplied to Oil Marketing Companies & petroleum refineries for blending with motor spirit (petrol) at the SGST rate of 9%.

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

### ▪ Amendment with respect to essential oils under Tamil Nadu GST Act, 2017

On January 19, 2023, the Government of Tamil Nadu published a notification to add peppermint and other mints such as spearmint oil, water mint-oil, etc. in Table No. 3A.

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

### ▪ Exemption on intra-State supply of services under Tamil Nadu GST Act, 2017

The Government of Tamil Nadu on January 30, 2023 issued a notification to further amend earlier a notification dated June 29, 2017 regarding the exemption of the intra-State supply of services. For the purpose of exemption with respect to services by way of renting of a residential dwelling to a registered person, the following conditions are required to be met:

- The registered person is the proprietor of a proprietorship concern and rents the residential dwelling in his personal capacity for use as his own residence.
- Such renting is on his own account and not that of the proprietorship concern.

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

## Tripura

### ▪ Tripura Value Added Tax (Ninth Amendment) Rules, 2022

The Government of Tripura on January 16, 2023 issued the Tripura Value Added Tax (Ninth Amendment) Rules, 2022 to further amend the Tripura Value Added Tax Rules, 2005 (Principal Rules). As per the Amendment, in Rule 20 of the Principal Rules, tax shall be payable within 'twenty days' in place of 'thirty days' from the expiry of each quarter or month before furnishing returns.

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

## West Bengal

### ▪ Exemption from Earnest Money Deposit (EMD) in procurement through Government-e-Market Place (GeM)

The Government of West Bengal on January 30, 2023, issued a notification regarding the exemption from Earnest Money Deposit (EMD) in procurement through Government e-Market Place (GeM). As per the Notification, the following are the categories of sellers and service providers, in addition to the existing provisions, for exemption of EMD deposit in GeM:

- All registered Micro and Small Enterprises being manufacturers of the Primary Product Category or Service Providers of the Primary Service Category, whose credentials are validated online

through the Udyam/NSIC (National Small Industries Corporation) database/DIC (District Industries Corporation) database.

- Sellers of Primary Products/Primary Services having their credentials verified through the Vendor Assessment Process in GeM.
- Sellers/Service Providers having annual turnover of INR 500 crore or above.
- Sellers/Service Providers of Primary Product Categories having BIS (Bureau of Indian Standards) certification.

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

▪ **Revision in minimum rate of wages for Scheduled Employments**

The Government of West Bengal on January 16, 2023 issued the minimum rates of wages for the employees employed in certain Scheduled Employments. The following are the scheduled employments for which rates are changed:

- Automobile engineering repairing workshops & garages
- Beverage manufacturing & vending establishments
- Biscuit manufacturing
- Bottling and packaging industry
- Clinical establishments including pathological laboratories and diagnostic centers
- Confectionery and sweets manufacturing
- Consumer cooperative societies, primary agricultural co-operative societies / marketing societies
- Courier service
- Employment in engineering units employing less than 50 persons
- Establishments as defined under the Shops & Establishments Act, 1963

(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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