

HS & Associates LLP Chartered Accountants

KNOWLEDGE ALERTS INSIGHTS TO UPDATE YOU ON MAJOR REGULATORY AMENDMENTS

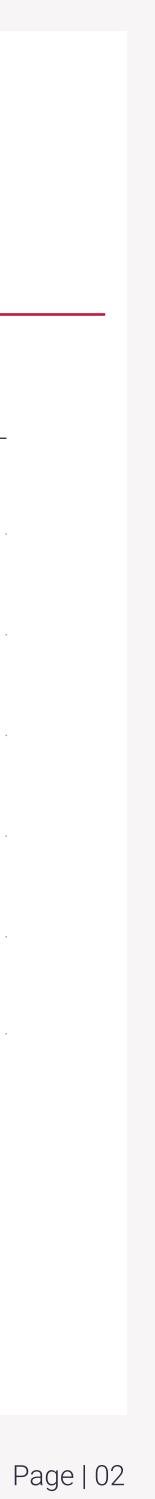
04TH DECEMBER, 2021 TO 10TH DECEMBER, 2021



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01 CENTRAL BOARD OF INDIRECT TAXES

CBIC issued Notification No – 68/2021-Customs (ADD) dated 06.12.2021

Seeks to impose Anti-Dumping Duty on 'Certain Flat Rolled Products of Aluminium falling under chapter heading 7606 or 7607 of the First Schedule to the Customs Tariff Act, 1975 (51 of 1975), originating in, or exported from People's Republic of China, and imported into India in order to remove injury to the domestic industry for a period of 5 years and shall be payable in Indian currency.

For more: https://www.cbic.gov.in/resources//htdocs-cbec/customs/cs-act/notifications/notfns-2021/cs-add2021/csadd68-2021.pdf

CBIC issued Instruction No - 28/2021-Customs dated 09.12.2021

Provides instructions issued by Food Safety and Standards Authority of India, New Delhi to ensure that all imported consignments of cinnamon get tested for coumarin content (on dry basis), which should not be more than 0.3 percent by weight.

For more:

https://www.cbic.gov.in/resources//htdocs-cbec/customs/cs-instructions/cs-instructions-2021/cs-ins-28-2021.pdf

DGFT Issued Public Notice No - 41/2015-2020 dated 06.12.2021

Notifies procedures for import of Water Melon Seeds - Other under ITC (HS) 12077090 of Chapter-12 of ITC (HS), 2017, Schedule-I (Import Policy) for the period of 01.01.2022 to 31.03.2022 by the Director General of Foreign Trade. The last date for submission of online applications is 13.12.2021.

For more: https://content.dgft.gov.in/Website/dgftprod/ce8b816f-3c5e-46c9-b084-920cae136a0a/PN%2041%20Eng.pdf

DGFT Issued Pubic Notice No - 42/2015-20 dated 08.12.2021

Notifies enlistment of 2 new agencies- Powerloom Development & Export Promotion Council and Vadodara Chamber of Commerce & Industry under Appendix 2E of Foreign Trade Policy 2015-20 who areshall be authorized to issue Certificate of Origin (Non-Preferential).

For more: https://content.dgft.gov.in/Website/dgftprod/aa5f5f13-f8d6-4049-994b-d6127807230c/PN%2042%20dated%2008-12-2021%20Eng.pdf



A young computer engineering graduate of 23 years Sh. Viraj R. Raval of Ahmedabad has won a cash prize of Rs. One lakh as the first prize for his video "Benefits of Registering the Business under GST" in the GST-n-You.

O2 CENTRAL BOARD OF DIRECT TAXES

Notification No. 134/2021 [F. No. 178/4/2021-ITA-I] / SO 5056(E)

The Income Tax Department notified that, in exercise of the powers conferred by clause (xii) of Section 80C of the Income-tax Act, 1961, the Central Government hereby specifies Jeevan Akshay -VII Plan of the Life Insurance Corporation of India, as filed by that Corporation with the Insurance Regulatory and Development Authority, as the annuity plan of the Life Insurance Corporation of India for the purposes of the said clause for the assessment year 2021-22 and subsequent years.

Read more at: https://incometaxindia.gov.in/communications/notification/notification-no-134-2021.pdf

Notification No. 135/2021 [F. No. 503/07/95-FTD-II] / SO 5094(E)

The Central Board of Direct Tax notifies Protocol amending the Agreement between the Government of the Republic of India and the Government of the Kyrgyz Republic for the Avoidance of Double Taxation and for the Prevention of Fiscal Evasion with respect to taxes on income signed at New Delhi on 13th April, 1999.

Read more at: https://incometaxindia.gov.in/communications/notification/notification-135-2021.pdf

Press release: Income Tax Department conducts search operations in Delhi

The Income Tax Department initiated search action on 24.11.2021 on a taxpayer in Delhi who had created a beneficiary trust and an underlying company in low tax overseas jurisdiction. The residence and business premises of the assesses were covered in the search action, which revealed undisclosed entities in low tax overseas jurisdictions holding assets worth Rs. 40 crores in the form of immovable and movable assets. The taxpayer was availing handling services of a foreign Bank having branches in India that offered wealth management, financial planning, asset allocation, equity research, fixed income, investment strategies and fiduciary services.

Read more at: https://incometaxindia.gov.in/Lists/PressReleases/Attachments/1027/PressRelease-ITD-conducts-search-operations-in-Delhi-6-11-21.pdf

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Press release: Income Tax Department conducts search operations in West Benga

The Income Tax Department initiated a search and seizure operation on a prominent Kolkata-based Group, engaged in manufacturing of TMT Bars and structural construction materials on 01.12.2021. The search action covered more than 20 premises spread over West Bengal and Odisha. The search action found a large number of incriminating evidences in the form of documents and digital data demonstrating high value unaccounted cash payments, unaccounted cash purchase and sales, suppression of production, etc.

Read more at: https://incometaxindia.gov.in/Lists/PressReleases/Attachments/1028/PressRelease-ITD-conducts-search-operations-ingal-6-121.pdf

Press release: Income Tax Department conducts search operations in Gujarat

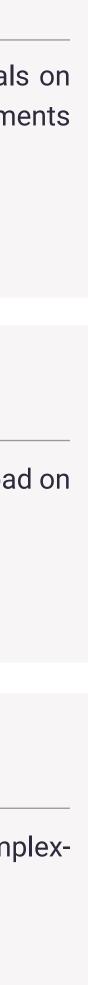
The Income Tax Department initiated search and seizure operations on a prominent business group, engaged primarily in the manufacturing of stainless steel and metal pipes, in Ahmedabad on 23.11. 2021. The search operation covered more than 30 premises in Ahmedabad and Mumbai.

Read more at: https://incometaxindia.gov.in/Lists/Press%20Releases/Attachments/1029/PressRelease-ITD-conducts-search-operations-in-Gujarat-7-12-21.pdf

Press release: Income Tax Department conducts search operations in Gujarat

The Income Tax Department initiated search and seizure operation on 03.12.2021 on a prominent group of Surat, engaged in the business of construction of residential and commercial complexes, land transactions as well as real estate financing. The search action covered more than 40 premises spread over Surat and Mumbai.

Read more at: https://incometaxindia.gov.in/Lists/PressReleases/Attachments/1031/PressRelease-ITD-conducts-search-operations-in-Gujarat-10-12-21.pdf



Press release: Income Tax Department conducts search operations in Tamil Nadu

The Income Tax Department carried out search and seizure operations on 01.12.2021 in respect of 2 groups engaged in the Retail Sales of Jewellery, Textiles and Home Appliances through their popular chain of Stores in Chennai, Coimbatore, Madurai and Tirunelveli. A total of 37 premises were covered in this action. While search operation, revealed that the assessee had been actively involved in systematically suppressing sales by manipulating their books of accounts and one of them have obtained bogus bills from a set of parties.

Read more at https://incometaxindia.gov.in/Lists/PressReleases/Attachments/1030/PressRelease-ITD-conducts-search-operations-in-Tamil-Nadu-7-12-21.pdf

Press release: Income Tax Department conducts search operations in West Bengal

The Income Tax Department initiated search operation in the case of two major manufacturers and suppliers of refined lead, lead alloys and lead oxides on 07.12.2021. The search operation covered 24 premises spread over in the states of West Bengal and Uttar Pradesh. During the search and seizure action, it has been noticed that these groups are involved in the suppression of taxable income by resorting to bogus purchases and inflation of purchases.

Read more at: https://incometaxindia.gov.in/Lists/PressReleases/Attachments/1032/PressRelease-ITD-conducts-search-operations-in-WestBengal-10-12-21.pdf

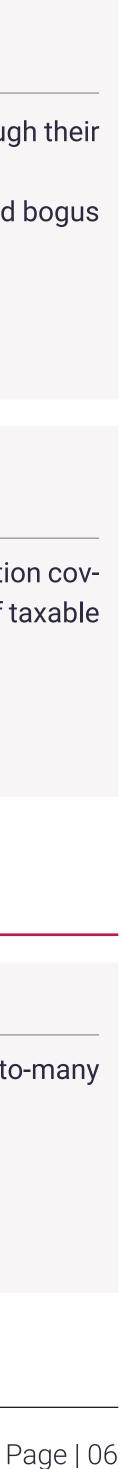
03 SECURITIES AND EXCHANGE BOARD OF INDIA

Transaction in Corporate Bonds through Request for Quote platform by Portfolio Management Services (PMS)

On a monthly basis, PMS shall undertake at least 10% of their total secondary market trades by value in CBs in that month by placing/seeking quotes through one to-one (OTO) or one-to-many (OTM) mode on the Request for Quote platform of stock exchanges (RFQ). The above shall come into force with effect from April 1, 2022.

Read More

https://www.sebi.gov.in/legal/circulars/dec-2021/transaction-in-corporate-bonds-through-request-for-quote-platform-by-portfolio-management-services-pms-_54523.html



Consultation paper on Algorithmic Trading by Retail Investors

SEBI has published a paper on "Algorithmic Trading by Retail Investors" to seek comments/views from various stakeholders including market intermediaries and the public on algorithmic trading being done by retail investors including use of API access and automation of trades using the same.

Read More

https://www.sebi.gov.in/reports-and-statistics/reports/dec-2021/consultation-paper-on-algorithmic-trading-by-retail-investors_54515.html

Securities and Exchange Board of India (Substantial Acquisition of Shares and Takeovers) (Third Amendment) Regulations, 2021

SEBI has made various amendments in SEBI (Substantial Acquisition of Shares and Takeovers) Regulations, 2021 to incorporate effects of "Delisting Regulations" mentioned in Securities and Exchange Board of India (Delisting of Equity Shares) Regulations, 2021.

Read More:

https://www.sebi.gov.in/legal/regulations/dec-2021/securities-and-exchange-board-of-india-substantial-acquisition-of-shares-and-takeovers-third-amendment-regulations-2021_54464.html

04 RESERVE BANK OF INDIA

External Commercial Borrowings (ECB) and Trade Credits (TC) Policy – Changes due to LIBOR transition

In view of the imminent discontinuance of LIBOR as a benchmark rate, it has been decided, in consultation with stakeholders, to make the following changes to the all-in-cost benchmark and ceiling for FCY ECBs/ TCs:

- 1) Redefining Benchmark Rate for FCY ECBs and TCs:
- 2) Change in all-in-cost ceiling for new ECBs/ TCs:
- 3) One Time Adjustment in all-in-cost ceiling for existing ECBs/ TCs:

Read More:

https://www.rbi.org.in/Scripts/NotificationUser.aspx?Id=12204&Mode=0



General permission for infusion of capital in overseas branches and subsidiaries and retention/ repatriation/ transfer of profits in this centre by banks incorporated in India

- 1. As per extant practice, banks incorporated in India seek prior RBI approval for
 - a. linfusion of capital in their overseas branches and subsidiaries.
 - b. Rretention of profits in, and transfer or repatriation of profits from this overseas center.

2. In order to provide greater operational flexibility, it has been decided that prior RBI approval for above capital infusion/ transfers (including retention/ repatriation of profits), shall not be required by banks which meet the regulatory capital requirements (including capital buffers1). Instead, the banks shall seek approval of their boards for the same.

Read More:

https://www.rbi.org.in/Scripts/NotificationUser.aspx?Id=12205&Mode=0

Introduction of Legal Entity Identifier for Cross-border Transactions

The Legal Entity Identifier (LEI) is a 20-digit number used to uniquely identify parties to financial transactions worldwide to improve the quality and accuracy of financial data systems. LEI has been introduced by the Reserve Bank in a phased manner for participants in the over the counter (OTC) derivative, non-derivative markets, large corporate borrowers and large value transactions in centralized payment systems.

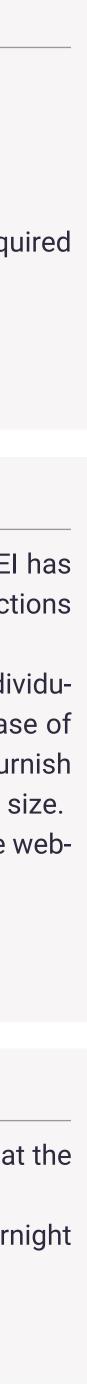
2. In order to further harness the benefits of LEI, it has been decided that AD Category I banks, with effect from October 1, 2022, shall obtain the LEI number from the resident entities (non-individuals) undertaking capital or current account transactions of ₹50 crorecrores and above (per transaction) under FEMA, 1999. As regards non-resident counterparts/ overseas entities, in case of non-availability of LEI information, AD Category I banks may process the transactions to avoid disruptions. Further, AD Category I banks may encourage concerned entities to voluntarily furnish LEI while undertaking transactions even before October 1, 2022. Once an entity has obtained an LEI number, it must be reported in all transactions of that entity, irrespective of transaction size. 3. AD Category-I banks shall have the required systems in place to capture the LEI information and ensure that any LEI captured is validated against the global LEI database available on the website of the Global Legal Entity Identifier Foundation (GLEIF).

Read more: https://www.rbi.org.in/Scripts/NotificationUser.aspx?Id=12206&Mode=0

Section 24 of the Banking Regulation Act, 1949 – Maintenance of Statutory Liquidity Ratio (SLR) – Marginal Standing Facility (MSF) - return to the normal dispensation

The banks were allowed to avail of funds under the MSF by dipping into the Statutory Liquidity Ratio (SLR) up to three per cent of their net demand and time liabilities (NDTL) outstanding at the end of the second preceding fortnight. This facility, which was initially available up to June 30, 2020, was later extended up to December 31, 2021 It is proposed to return to the normal dispensation. Accordingly, banks will be able to dip into the Statutory Liquidity Ratio (SLR) up to two percent of NDTL instead of three percent for overnight borrowing under the MSF with effect from January 1, 2022. Read More:

https://www.rbi.org.in/Scripts/NotificationUser.aspx?Id=12207&Mode=0



Directions under Section 35 A read with section 56 of the Banking Regulation Act (As Applicable to Co-operative Societies), 1949 – Nagar Urban Co-operative Bank Ltd., Ahmednagar, Maharashtra

RBI has issued certain Directions to Nagar Urban Co-operative Bank Ltd., Ahmednagar, whereby, as from the close of business on December 06, 2021, the bank shall not, without prior approval of RBI in writing grant or renew any loans and advances, make any investment, incur any liability including borrowal of funds and acceptance of fresh deposits, disburse or agree to disburse any payment whether in discharge of its liabilities and obligations or otherwise, enter into any compromise or arrangement and sell, transfer or otherwise dispose of any of its properties or assets except as notified in the RBI Direction dated December 06, 2021, a copy of which is displayed on the bank's premises for perusal by interested members of the public. In particular, a sum not exceeding ₹10,000 (Rupees Ten Thousand only) of the total balance across all savings bank or current accounts or any other account of a depositor, may be allowed to be withdrawn subject to the conditions stated in the above RBI Directions.

Read more:

https://www.rbi.org.in/Scripts/BS_PressReleaseDisplay.aspx?prid=52679

RBI imposes monetary penalty on Pune People's Co-operative Bank Limited, Pune

The Reserve Bank of India (RBI) has imposed, a monetary penalty of ₹2 lakh (Rupees Two lakh only) on Pune People's Co-operative Bank Limited, Pune (the bank) for contravention of/non-compliance with directions issued by RBI on KYC.

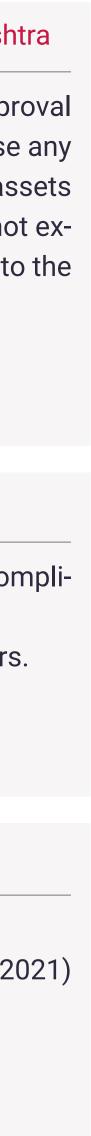
This action is based on deficiencies in regulatory compliance and is not intended to pronounce upon the validity of any transaction or agreement entered into by the bank with its customers.

Read More: https://www.rbi.org.in/Scripts/BS_PressReleaseDisplay.aspx?prid=52677

RBI announces rate of interest on Government of India Floating Rate Bond, 2031

The rate of interest on Government of India Floating Rate Bond, 2031 (FRB 2031) applicable for the half year December 7, 2021 to June 6, 2022 shall be 4.81 percent per annum. It may be recalled that FRB, 2031 will carry a coupon, which will have a base rate equivalent to the Weighted Average Yield (WAY) of last 3 auctions (from the rate fixing day i.e., December 7, 2021) of 182 Day T-Bills, plus a fixed spread (1%). The Weighted average yields will be computed by reckoning 365 days in a year.

Read More: https://www.rbi.org.in/Scripts/BS_PressReleaseDisplay.aspx?prid=52676





Reserve Bank of India retains the Advisory Committee of Reliance Capital Ltd

The RBI had constituted a three-member Advisory Committee to assist Shri Nageswara Rao Y, Administrator of Reliance Capital Ltd (RCL) in discharge of his duties. The members of the Committee are:

- a. Shri Sanjeev Nautiyal, ex-DMD, State Bank of India
- b. Shri Srinivasan Varadarajan, ex-DMD, Axis Bank
- c. Shri Praveen P Kadle, ex-MD & CEO, Tata Capital Limited

Upon admission of the petition for insolvency resolution process by the Mumbai Bench of the Hon'ble National Company Law Tribunal in respect of RCL vide order dated December 06, 2021, the Reserve Bank has decided that the above mentioned three-member Committee shall continue as the Advisory Committee under Rule 5 (c) of the Insolvency and Bankruptcy (Insolvency and Liquidation Proceedings of Financial Service Providers and Application to Adjudicating Authority) Rules, 2019. The Advisory Committee shall advise the Administrator in the operations of RCL during the Corporate Insolvency Resolution Process.

Read More:

https://www.rbi.org.in/Scripts/BS_PressReleaseDisplay.aspx?prid=52684

Monetary Policy Statement, 2021-22 Resolution of the Monetary Policy Committee (MPC) December 6-8, 2021

On the basis of an assessment of the current and evolving macroeconomic situation, the Monetary Policy Committee (MPC) at its meeting today (December 8, 2021) decided to:

• Keep the policy reportate under the liquidity adjustment facility (LAF) unchanged at 4.0 per cent. The reverse repo rate under the LAF remains unchanged at 3.35 per cent and the marginal standing facility (MSF) rate and the Bank Rate at 4.25 per cent.

on the economy, while ensuring that inflation remains within the target going forward.

Read More:

growth.

https://www.rbi.org.in/Scripts/BS_PressReleaseDisplay.aspx?prid=52687

RBI imposes monetary penalty on the Urban Co-operative Bank Ltd., Anantnag

The RBI has imposed a monetary penalty of ₹1.00 lakh (Rupees One Lakh only) on the Urban Co-Operative Bank Limited, Anantnag (the bank) taking into account the failure of the bank to adhere to the aforesaid provisions of the Act and directions issued thereunder by RBI.

Read More: https://www.rbi.org.in/Scripts/BS_PressReleaseDisplay.aspx?prid=52691

• The MPC also decided to continue with the accommodative stance as long as necessary to revive and sustain growth on a durable basis and continue to mitigate the impact of COVID-19

These decisions are in consonance with the objective of achieving the medium-term target for consumer price index (CPI) inflation of 4 per cent within a band of +/- 2 per cent, while supporting



Directions under Section 35 A read with Section 56 of the Banking Regulation Act, 1949 (AACS) - The Adoor Co-operative Urban Bank Ltd, Adoor, Kerala - Extension of period

The RBI has issued directions to The Adoor Co-operative Urban Bank Ltd, Adoor, Kerala dated November 02, 2018, from close of business on November 09, 2018 for a period of six months, which were extended from time to time, last being up to December 09, 2021

The RBI is satisfied that in the public interest, it is necessary to extend the period of operation of the aforesaid directions. Accordingly, the Reserve Bank of India hereby directs Adoor Co-operative Urban Bank Limited, Adoor, Kerala, the validity of which was last extended up to December 09, 2021 shall continue to apply to the bank for a further period of three months, from December 10, 2021 to March 09, 2022, subject to review

Read More:

https://www.rbi.org.in/Scripts/BS_PressReleaseDisplay.aspx?prid=52698

Sikar Urban Co-operative Bank Ltd., Sikar, Rajasthan was placed under All-Inclusive Directions from close of business on November 09, 2018 for a period of six months subject to review, vide Directive dated October 26, 2018. The validity of the directions was last extended vide Directive dated September 07, 2021 for three months up to December 09, 2021, subject to review. It is hereby notified for the information of the public that, the Reserve Bank of India, hereby directs that the Directive dated October 26, 2018, issued to the above bank, the validity of which was last extended up to December 09, 2021, shall continue to apply to the bank for a further period of three months from December 10, 2021 to March 09, 2022, vide Directive dated December 09, 2021, subject to review.

Read More: https://www.rbi.org.in/Scripts/BS_PressReleaseDisplay.aspx?prid=52708

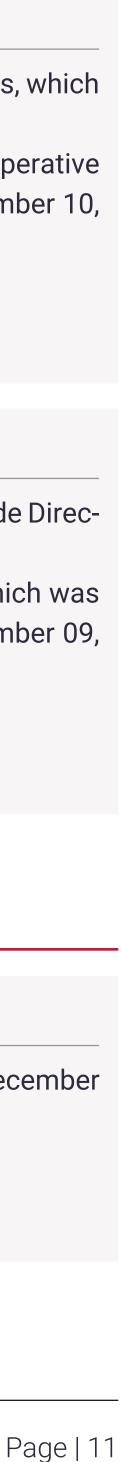
05 THE INSTITUTE OF CHARTERED ACCOUNTANT OF INDIA

Observations of the candidates on the question papers of CA examinations December 2021 - (05-12-2021)

It is hereby informed that candidates can bring to the notice of the Examination Department, their observations, if any, on the question papers relating to CA Examinations being held in December 2021 by e-mail at examfeedback@icai.in or by way of a letter, sent by Speed Post, at the following address, so as to reach us latest by 25th December 2021.

For More: https://www.icai.org/category/announcements

Directions under Section 35 A of the Banking Regulation Act, 1949 (As Applicable to Co-operative Societies) – Sikar Urban Co-operative Bank Ltd, Sikar, Rajasthan - Extension of Validity



CSR Committee of ICAI proudly announces 9th batch of Certificate Course on CSR through online mode, for members of ICAI. - (08-12-2021)

CSR Committee of ICAI proudly announces 9th batch of Certificate Course on CSR through online mode, for members of ICAI. Interested members can register themselves by making an online payment of Rs. 6,490/- (Inclusive of GST). Registration will start from 1:00 p.m. on 8th December, 2021 and close at 6:00 p.m. on 23rd December, 2021.

For More: https://www.icai.org/category/announcements

Empanelment of Chartered Accountant firms/LLPs for the year 2022-2023 - (10-12-2021)

Online Applications are invited from Chartered Accountant firms/LLPs who desire to be empanelled with the office of the Comptroller and Auditor General of India for the year 2022-2023 for considering for appointment as auditors of Companies as per Sections 139(5) and 139(7) of the Companies Act 2013 and of Statutory Corporations/Autonomous Bodies as per the provisions of their respective Acts.

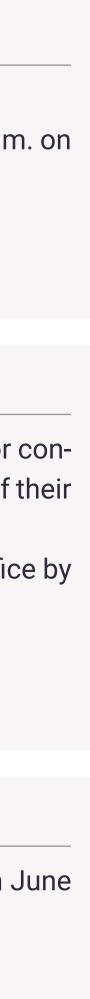
The firms/LLPs will be required to submit a print out of the acknowledgement letter generated online and also hard copies of the documents in support of their online application to this office by 28th February 2022.

For More: https://www.icai.org/category/announcements

Live Coaching Classes (LCC) Batch-4 commencing from 8th December 2021 for Students of Foundation Course appearing in June 2022 Examination - (10-11-2021)

The Board of Studies is announcing 4th Batch of 'Live Coaching Classes' commencing from 8th December 2021 with coverage of full syllabus for Foundation Course students appearing in June 2022 exam without any Charge.

For More: https://www.icai.org/category/bos-important-announcements



06 FOREIGN EXCHANGE AND MANAGEMENT ACT

External Commercial Borrowings (ECB) and Trade Credits (TC) Policy – Changes due to LIBOR transition Dated-Dec 08,2021

In view of the imminent discontinuance of LIBOR as a benchmark rate, it has been decided, in consultation with stakeholders, to make the following changes to the all-in-cost benchmark and ceiling for FCY ECBs/ TCs:

1. Redefining Benchmark Rate for FCY ECBs and TCs: Currently, the benchmark rate is defined in paragraph 1.5 of the master direction as "benchmark rate in case of FCY ECB/TC refers to 6-months LIBOR rate of different currencies or any other 6-month interbank interest rate applicable to the currency of borrowing. 2. Change in all-in-cost ceiling for new ECBs/ TCs: To take into account differences in credit risk and term premia between LIBOR and the ARRs, the all-in-cost ceiling for new FCY ECBs and TCs has been increased by 50 bps to 500 bps and 300 bps, respectively, over the benchmark rates. 3. One Time Adjustment in all-in-cost ceiling for existing ECBs/TCs: To enable smooth transition of existing ECBs/TCs linked to LIBOR whose benchmarks are changed to ARRs, the all-in cost ceiling for such ECBs/ TCs has been revised upwards by 100 basis points to 550 bps and 350 bps, respectively, over the ARR. There is no change in the all-in-cost benchmark and ceiling for INR ECBs/ TCs. For More: -

https://www.rbi.org.in/scripts/FS_Notification.aspx?fn=5

Overseas Direct Investment for November 2021 Press Release: 2021-2022/1336 Dated: - Dec 10,2021

The Reserve Bank of India has released the data on Overseas Direct Investment, both under Automatic Route and the Approval Route, for the month of November 2021. For More: https://www.rbi.org.in/scripts/FS_PressRelease.aspx?fn=5

Introduction of Legal Entity Identifier for Cross-border Transactions RBI/2021-22/137 A.P. (DIR Series) Circular No. 20 Dated: -Dec 10,2021

The Legal Entity Identifier (LEI) is a 20-digit number used to uniquely identify parties to financial transactions worldwide to improve the quality and accuracy of financial data systems. LEI has been introduced by the Reserve Bank in a phased manner for participants in the over the counter (OTC) derivative, non-derivative markets, large corporate borrowers and large value transactions in centralised payment systems.

In order to further harness the benefits of LEI, it has been decided that AD Category I banks, with effect from October 1, 2022, shall obtain the LEI number from the resident entities (non-individuals) undertaking capital or current account transactions of ₹50 crore and above (per transaction) under FEMA, 1999. For More: -

https://www.rbi.org.in/scripts/FS_Notification.aspx?fn=5



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Insights to help you sharpen your Governance, Risk and Compliance Knowledge

Issued by: Knowledge Management team of JHS & Associates LLP (JHS)

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