



INSIGNIA

DISTINCT DETAILS DELIVERED

JUNE LAW UPDATES



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MINISTRY OF CORPORATE AFFAIRS (MCA)

Ministry of Corporate Affairs to Launch New Company Forms on July 15th

The Ministry of Corporate Affairs is set to introduce a third set of company forms on July 15, 2024, at 12:00 AM, aiming to enhance service delivery. This launch includes nine forms: MSME, BEN-2, MGT-6, IEPF-1, IEPF-1A, IEPF-2, IEPF-4, IEPF-5, and IEPF-5 e-verification report, to be implemented on the V3 MCA21 portal.

Key points for stakeholders:

- Company e-filings on the V2 portal will be disabled starting July 4, 2024, at 12:00 AM.
- Ensure no SRNs are pending payment, awaiting investor details upload, or in resubmission status.
- Offline payments for the nine forms using the "Pay later" option will cease on July 1, 2024, at 12:00 AM. Payments must be made online via credit/debit card or net banking.
- The V3 portal will be unavailable from July 13, 2024, at 12:00 AM until July 14, 2024, at 11:59 PM.
- The V2 portal will remain operational for all other forms except the aforementioned nine.

Stakeholders are advised to plan accordingly to accommodate these changes. [Read more](#)





RESERVE BANK OF INDIA (RBI)

RBI Unveils Revised Currency Swap Framework for SAARC Countries (2024-2027)

The Reserve Bank of India (RBI), in collaboration with the Government of India, has announced a revised Currency Swap Arrangement Framework for SAARC nations, effective from 2024 to 2027. This updated framework allows the RBI to enter into bilateral swap agreements with central banks of SAARC countries seeking to use the facility. Originally introduced on November 15, 2012, the SAARC Currency Swap Facility was designed to provide a funding backstop for short-term foreign exchange liquidity needs or balance of payment crises until long-term solutions could be established.

The 2024-2027 framework introduces a new INR Swap Window with various concessions, offering ₹250 billion in rupee support. Additionally, the RBI will continue to provide swap arrangements in US Dollars and Euros through a separate swap window, with a total corpus of US\$ 2 billion. This facility will be accessible to all SAARC member countries upon signing bilateral swap agreements. [Read more](#)

RBI Invites Applications for Recognition of Self-Regulatory Organisations for NBFCs

The Reserve Bank of India (RBI) has announced the invitation of applications for the recognition of Self-Regulatory Organisations (SROs) for Non-Banking Financial Companies (NBFCs). This follows the issuance of the 'Omnibus Framework for Recognition of Self-Regulatory Organisations for Regulated Entities of the Reserve Bank' on March 21, 2024. The framework outlines objectives, responsibilities, eligibility criteria, governance standards, and the application process for SROs. Sector-specific guidelines, including the number of SROs and membership requirements, will be provided separately as needed. [Read more](#)

ABOUT US

MAHESHWARI AND CO. is a full service Law Firm that represents its clients in a number of complex and high value transactions. The Firm has an expertise and vast experience across various areas of practise including Corporate & Commercial Law, mergers & acquisitions, intellectual property rights, taxation, Litigation and Arbitration, Insolvency & Bankruptcy and Immigration.

Maheshwari & Co. is a key player in India's **Green Hydrogen Mission**, and has been collaborating with various national and international groups, associations, organizations, forums, and chambers to provide our expert opinion on the existing and upcoming regulatory framework.



MERGERS AND ACQUISITIONS

CCI to Announce Changes to Competition Rules

The Competition Commission of India (CCI) will soon implement updates to competition rules, including green channel approvals for mergers and acquisitions and de minimis exemption thresholds. Speaking at a PHD Chamber of Commerce and Industry conference, CCI Chairperson Ravneet Kaur emphasized the regulator's focus on advocacy and capacity building. She highlighted issues such as dark patterns and algorithmic collusion in e-commerce, noting their potential competition implications. Amendments to competition law aim to curb unfair business practices. [Read more](#)

Ambuja Cements Approves Merger with Adani Cementation

Adani group-owned Ambuja Cements announced its board's approval for the merger of Adani Cementation, a subsidiary of Adani Enterprises. The merger, based on a share swap ratio of 174 Ambuja shares for every 1 Adani Cementation share, will make Adani Cementation a wholly-owned subsidiary. This consolidation aims to enhance operational efficiency and expand Ambuja's coastal presence. Adani Cementation's strategic locations near Dahej port and Amba River will strengthen Ambuja's market reach in South Gujarat and Mumbai. The merger aligns with Adani Group's ambition to increase its cement capacity from 79 MTPA to 140 MTPA by 2028.

[Read more](#)

Tata Motors Finance to Merge with Tata Capital

Tata Motors announced that its Board of Directors, along with those of Tata Capital and Tata Motors Finance, approved the merger of Tata Motors Finance with Tata Capital through an NCLT scheme of arrangement. This move aligns with Tata Motors' strategy to exit non-core businesses and focus on emerging technologies. As part of the merger, Tata Capital will issue equity shares to Tata Motors Finance shareholders, resulting in Tata Motors holding a 4.7% stake in the merged entity. [Read more](#)





TAX

GST Council Proposes Waiver of Interest and Penalty on Tax Dues

On 22nd June, the GST Council empowered tax authorities to waive interest and penalties on past tax demands. The council also reduced the pre-deposit amount for filing appeals, established monetary limits for appeals against assessees in various legal forums, and set a sunset date for anti-profiteering cases. These measures aim to simplify doing business in the country. [Read more](#)

CBIC Issues Instructions for Early GST Recovery

The Central Board of Indirect Taxes and Customs (CBIC) has authorized Principal Commissioners and Commissioners to initiate GST recovery before the standard three-month period following a demand order. Under GST law, recovery can begin after three months if dues are unpaid. However, in exceptional cases, officers can mandate earlier payment with written justification. The CBIC noted that some field formations have been prematurely initiating recovery without proper authorization, prompting this directive. [Read more](#)

Law Committee Recommends CGST Amendment to Repeal Retroactive Tax Notices

The law committee has recommended an amendment to the CGST Act, 2017, proposing the introduction of Section 11A to quash retroactive tax notices. If approved by the GST Council, this amendment could provide significant relief to various industries, including online gaming, by nullifying numerous retrospective tax demands. The recommendation aims to address widespread concerns and support industry stability. [Read more](#)

NEWS & UPDATES

Maheshwari & Co. has been recognized by The Benchmark Litigation Asia Pacific Rankings 2024 for **Commercial and Transactions and New Delhi.**

Maheshwari & Co. has been recognized by The Legal 500 (Legalease) 2024 Asia Pacific 2024 Rankings for **Commercial, Corporate and M&A, Banking & Finance, Intellectual Property and Private Client.**

Our Head of Corporate Practice, **Ms. Jyotsna Chaturvedi**, has been appointed as **Co-Chair of the Gaming Gaming Forum at PHD Chamber of Commerce and Industry** for the 2023-24 term.



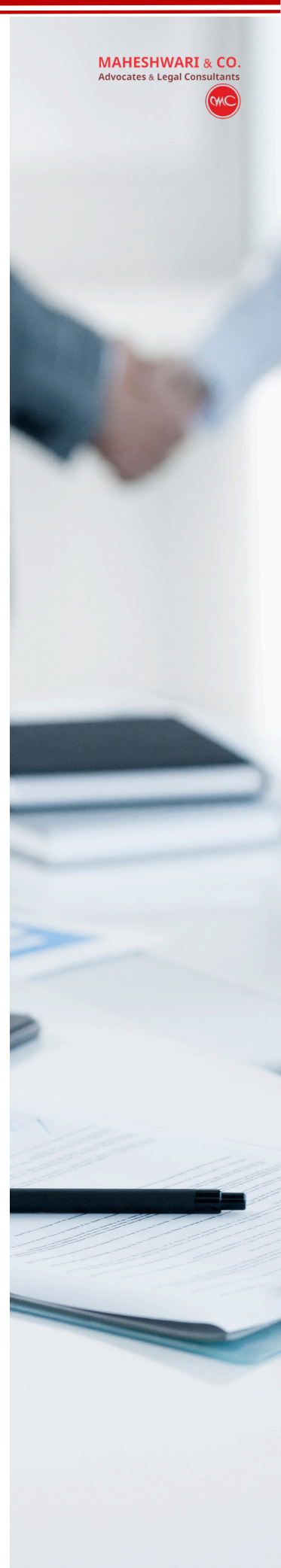
ARBITRATION

Telangana High Court Rules Section 9 IBC Petition Does Not Prevent Arbitration Under Section 11(6) of Arbitration Act

The Telangana High Court has ruled that filing a petition under Section 9 of the Insolvency and Bankruptcy Code (IBC), 1996, with the National Company Law Tribunal (NCLT) does not preclude initiating arbitration proceedings under Section 11(6) of the Arbitration Act. Chief Justice Alok Aradhe emphasized that no statutory provision restricts a party from commencing arbitration under Section 11. Section 9 of the IBC pertains to initiating the Corporate Insolvency Resolution Process (CIRP) by an operational creditor, while Section 11 deals with appointing arbitrators either by mutual agreement or by the court if the parties cannot agree on a procedure. [Read more](#)

Finance Ministry Limits Arbitration to Disputes Under Rs 10 Crore for Government Contracts

The Union Finance Ministry has issued a memorandum recommending that arbitration clauses in government contracts be restricted to disputes involving less than Rs 10 crore, citing the high costs, time-consuming nature, and perceptions of collusion associated with arbitration. This directive, circulated to all ministries, including the departments of public enterprises and financial services, as well as to all states, advises against routinely including arbitration in large procurement contracts. Despite this, there is an increased push from the judiciary to make India a leading international destination for commercial arbitration. Chief Justice of India DY Chandrachud emphasized on June 6 that arbitration is now the preferred method for resolving commercial disputes, highlighting the modern shift from traditional courtrooms to sophisticated meeting rooms for handling complex commercial matters. [Read more](#)





SECURITIES EXCHANGE BOARD OF INDIA (SEBI)

SEBI Notifies Amendments Allowing Greater NRI Contributions in FPIs

On June 26, 2024, SEBI announced the Foreign Portfolio Investors (Second Amendment) Regulations, 2024, modifying the 2019 regulations. These amendments now permit up to 100% aggregate contributions from NRIs, OCIs, and resident individuals in the corpus of FPIs based in India's International Financial Services Centres (IFSCs) and regulated by the International Financial Services Centres Authority (IFSCA). [Read more](#)

SEBI Introduces Changes to Call Auction Session for IPOs and Relisted Stocks

SEBI has decided to amend the duration of the call auction session for Initial Public Offerings (IPOs) and relisted stocks, aiming to prevent misuse based on recommendations from the Stock Exchanges' Working Group and the Secondary Market Advisory Committee. Additionally, enhanced surveillance measures will be implemented at stock exchanges. To improve transparency, real-time information on the number and quantity of cancelled orders will now be publicly available on stock exchange websites and trading terminals of Trading Members. [Read more](#)

CORPORATE SOCIAL RESPONSIBI LITY

As a part of its Corporate Social Responsibility initiatives, Maheshwari & Co. also created Maheshwari Foundation, a non-profit organisation formed by Mr. Vipul Maheshwari, the firm's Managing Partner.

Recently, the foundation organized a free food camp with the aim to provide relief and nourishment to those who are most vulnerable during these harsh conditions.



INFORMATION TECHNOLOGY (IT)

New Town Kolkata to Introduce NFT-Coded Property Documents

The New Town Kolkata Development Authority (NKDA) is set to implement non-fungible tokens (NFTs) for property registration certificates and land records. Following their successful use of blockchain technology for birth certificates, NKDA aims to ensure documents are tamper-proof by embedding them with NFTs, which include unique identification codes and metadata. Kalyan Kar, IT expert and vice-president of the Sector V Stakeholders' Association, explained that this method makes documents exclusive to their owners, preventing unauthorized copying or alteration. Similar to how NFTs protect digital art, these property documents will become digitally copyrighted and secure. [Read more](#)

Government to Release DPDP Rules for Public Consultation Before Parliament Session

The government plans to release the proposed administrative rules under the Digital Personal Data Protection (DPDP) Act for public consultation before the upcoming Parliament session in July. This will provide stakeholders ample time to review and discuss the rules, according to a senior government official. [Read more](#)





HEALTHCARE & PHARMACEUTICALS

Drug Controller Creates Safe Medicine Disposal Guidelines for Expired and Unused Drugs

The nation's drug controller is putting the finishing touches on a guidebook that will specify how outdated and unused medications should be disposed of, collected, stored, and transported. Officials emphasized that there might be hazards to the environment, animal health, and human health when pharmaceuticals that have past their expiration date or are not used by the prescribed patient are disposed of improperly. It is not advised to dispose of outdated medications with ordinary household garbage. The purpose of this publication is to offer safe disposal techniques to lessen these risks.

[Read more](#)

Government Increases Committee Size to Revision Drug and Medical Device Rates

The government has expanded the membership of a committee that reviews drug and medical device pricing reforms. The committee now consists of civil rights activists who represent patient and consumer interests, including Medicines Sans Frontieres (MSF), All India Drug Action Network (AIDAN), and Patient Safety and Access Initiative of India Foundation. Given that the Drug (Prices Control) Order (DPCO) was last updated more than 10 years ago, the committee's objectives include evaluating the cost and accessibility of important medications, encouraging industry expansion and exports, and monitoring the availability of these drugs. [Read more](#)

RECENT BLOGS

[Common Mistakes To Avoid When Filing A Patent In India](#)

[Post Incorporation Compliance For Private Limited Company In India](#)

[Types Of Business Structures In India](#)

[Division Bench Stands Strong On The 'Initial' Concept Of 'Initial Interest'](#)

[Confusion'](#) by Aditi Arora, Associate and Ayushman Das, Intern

[Big Mac Loses Its Chicken Wings: Irish Chain Wins Trademark](#)

[Dispute](#), by Ketan Joshi, Senior Associate and Aayushi Agrawal, Intern

GAMING

GST Council proposes amendments to enable govt waive retrospective tax dues

Finance Minister Nirmala Sitharaman revealed that the online gaming business requested a revision of the 28% GST rate, but this request was not addressed at the end of the GST Council meeting. The Council did, however, suggest changes that would permit the government to cancel back taxes. Sources with knowledge of the situation claim that the modifications intend to invalidate tax notifications sent in situations where less taxes were paid as a result of conflicting legal interpretations or ambiguous standards. As suggested by the law committee, one of the proposed revisions is the addition of a new Section 11A to the Central Goods and Services Tax (CGST) Act, 2017. [Read more](#)

Regarding allegations of poker manipulation, Bombay High Court declines to quash the FIR against Natural8 India.

A request to suppress a First Information Report (FIR) against the directors of online poker site Natural8 India, Kunal Patni and Sonia Madan Jain, was denied by the Bombay High Court's Goa bench. According to the FIR, the accused and Gamoski Networks enabled money transfers and poker games on Natural8, claiming instances of cheating, manipulation, game rigging, and embezzlement. Despite the lack of direct player complaints, Justices Valmiki Menezes and Karnik declared that the inquiry should continue and emphasized the need to look into claims of bot usage. [Read more](#)





INTELLECTUAL PROPERTY

Wynk and Tips Industries Reach Landmark Settlement in Copyright Dispute: INR 12 Crore Agreement Concludes Long-standing Legal Battle

The recent order, dated June 18, 2024, presided over by Justice R.I. Chagla of the Bombay High Court, marks the conclusion of the longstanding legal dispute between Tips Industries Limited and Wynk Ltd. (now Xtelify Ltd.) (discussed [here](#), [here](#) and [here](#)). This case, notable for its impact on digital streaming platforms in India, particularly focused on issues surrounding statutory licensing and internet broadcasting. The settlement not only resolves the immediate litigation but also acknowledges prior court decisions, including the judgment from April 23, 2019, by the Commercial Court. According to the settlement order, Wynk Ltd. has agreed to pay INR 12,00,00,000 plus applicable taxes as a comprehensive settlement for their use of Tips Industries' music repertoire from September 1, 2016, to September 10, 2020. [Read more](#)

Bharat Biotech Listed as Sole 'Inventor' of Covaxin in Patent Filings, omits ICMR Despite Joint Collaboration

According to Bharat Biotech's recent filings with patent offices in Europe, the US, and India, only its employees and scientists are acknowledged as the "inventors" of Covaxin, the country's first COVID-19 vaccine produced domestically. The filings do not list any scientists from the Indian Council of Medical Research (ICMR), even though Bharat Biotech and the ICMR worked together to create Covaxin. Public documents state that this partnership included shared intellectual property rights. The ICMR made it clear that although the ICMR-National Institute of Virology (NIV), Pune, one of its institutes, funded the development of Covaxin, it did not directly pay Bharat Biotech to create the vaccine. [Read more](#)

READ LAST EDITION

Last month's edition navigates the dynamic landscape of law updates in India, including policy changes, regulatory developments, and important court decisions across various practice areas.

Get an overview of recent MCA amendments and their implications for corporate governance and insights into the latest monetary policies and regulatory changes impacting the financial sector





ENERGY & NATURAL GAS

Landowner Compensation in Power Transmission Projects is Raised by the Government

To improve compensation for landowners impacted by electricity transmission projects, the central government has proposed new criteria. Landowners will now get 200% of the land value for the tower base area under the revised rules, a considerable increase from the prior 80%. Reducing project delays and addressing compensation difficulties are the goals of this modification. Rather of being based on the normally lower state circle rates, the compensation rates are now based on market values. [Read more](#)

Minister of Petroleum and Natural Gas: India Will Put Natural Gas, Diesel, and Petrol Under GST and Ban Stake Sales in State-Run Oil Companies

The Goods and Services Tax (GST) would be applied to natural gas, petroleum, and diesel as part of the new cabinet's measures, according to India's oil minister. In the wake of the BPCL divestiture process' termination in 2022, Puri reaffirmed the government's position against selling shares in state-run oil firms. Long-term oil negotiations are now underway between Indian companies and Russia. Fuel, diesel, and natural gas will all be included in the GST system, according to the Centre. [Read more](#)

DERC Recommends a 29.91% Mandatory Green Energy Purchase for 2024

Authorities from the Delhi Electricity Regulatory Commission (DERC) announced the release of their draft regulations for the renewable purchase obligation (RPO) for 2024. The laws require all stakeholders, including electricity distribution companies (discoms), to purchase green energy at a rate of 29.91%. Licensees for the distribution of electricity are required under these RPOs to get energy from renewable sources. [Read more](#)

FROM LAST EDITION

↔ Cross Margin Benefits for Offsetting Positions with Different Expiry Dates

↔ RBI Issues Draft Guidelines on Prudential Framework for Project Advances

↔ SEBI's new framework on rumour verification

↔ Bombay HC Clarifies Capital Gains Tax Treatment for Gifting Shares

↔ Arbitral award can't be set aside merely due to incorrect application of law or misinterpretation of evidence

↔ 'AI Office' to regulate tech under tough new Regulation – EU

↔ States and TRAI Step In to Regulate Online Gaming



STARTUPS & E-COMMERCE

Launching the MSME TEAM Scheme, the government hopes to onboard five lakh small businesses to the ONDC Platform.

The Centre has launched a new project to enrol five lakh small and micro companies to the Open Network for Digital Commerce (ONDC) platform. With a three-year budget of INR 277 crore, the MSME Trade Enablement and Marketing (TEAM) project was introduced by Union Minister for MSMEs Jitan Ram Manjhi. This effort aims to give financial help for onboarding, cataloguing, account management, shipping, packaging material, and design to five lakh micro and small businesses. Furthermore, to legalize women-owned informal microenterprises, the Yashasvini program was started. This initiative provides these businesses with capacity building, training, assistance, and mentorship. [Read more](#)

India and US Extend Digital Tax on E-commerce Supplies Until June 30

India and the United States have agreed to extend the 2% equalization levy or digital tax on e-commerce supplies until June 30, according to the finance ministry. This decision is part of a broader international tax reform effort, which includes 136 countries, aimed at addressing tax challenges in the digital economy. The extension allows for a transitional approach until the implementation of Pillar 1, a new global tax regime. [Read More](#)



REAL ESTATE & INFRASTRUCTURE

Delhi Civic Body to Halt Property Tax Payments via Cheques Starting July

The Municipal Corporation of Delhi (MCD) announced that from July 1, property tax payments through cheques will no longer be accepted. This decision stems from ongoing issues with cheques being dishonoured. Starting next month, taxpayers must use digital methods such as UPI, wallets, demand drafts, pay orders, or any online payment gateways to settle their property taxes, according to the MCD's statement. Due to legal complications arising from dishonoured cheques, the acceptance of property tax payments via this method will be discontinued effective July," the MCD stated. The civic body also urged property owners and those occupying vacant lands and buildings to make lump sum tax payments promptly to avail of a 10% rebate. [Read more](#)

Real Estate Sector Eyes Key Reforms in Union Budget 2024-25

Ahead of the Union Budget 2024-25, India's real estate sector, crucial for urban growth, anticipates significant changes. Anuj Puri, Chairman of Anarock Group, highlights the need for tax incentives and infrastructure improvements. He advocates granting 'industry status' to housing and revising affordable housing definitions to suit city-specific dynamics, especially in Mumbai. Sanjiv Puri, CII President, suggests a three-rate GST structure, including real estate under its scope, to drive sector growth and accessibility. [Read more](#)



TELECOMMUNICATIONS & MEDIA

New Telecom Act Empowers Government to Control Networks During Emergencies

The Telecommunications Act 2023, effective from June 26, grants the central government the authority to take control of any telecommunications services or networks in times of emergency. The Centre partially notified the Act on Friday, putting sections 1, 2, 10, and 30 into effect. [Read more](#)

Government Expands Provisions of Telecom Act 2023

In a significant move to streamline and strengthen the telecommunications sector, the Indian government has notified additional provisions of the Telecom Act 2023. These new provisions aim to enhance regulatory clarity, promote fair competition, and ensure better consumer protection. The updates include measures to facilitate infrastructure sharing, improve spectrum management, and bolster cybersecurity protocols within the industry. This notification marks a pivotal step towards modernising India's telecom regulations to match the rapid technological advancements and growing digital landscape. [Read More](#)

TRAI Releases Consultation Paper on Enhancing Quality of Service

The Telecom Regulatory Authority of India (TRAI) has issued a new consultation paper focusing on improving the Quality of Service (QoS) for telecom consumers. The paper seeks stakeholder feedback on various aspects, including service standards, complaint redressal mechanisms, and benchmarks for different telecom services. The initiative aims to address the evolving needs of consumers and ensure that service providers adhere to high-quality standards. By involving industry participants and consumers in this consultation process, TRAI aims to foster a more robust and responsive telecom service framework in India. [Read More](#)





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