



LEGAL UPDATE

APRIL 2020 - PART II

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**I. MINISTRY OF CORPORATE AFFAIRS (MCA)****1. Clarification on manner & mode of issue of notices to the members before convening the general meeting**

MCA vide [circular dated April 13, 2020](#) has provided clarifications on the difficulties in serving and receiving notices/ responses by post in the current circumstances and for other matters also. Some of the key clarification are as follows:

**1) For companies which are required to provide the facility of e-voting under the Companies Act, 2013, or any other company which has opted for such facility:**

- a. The company may give the notice of the meeting only through e-mails registered with the company or with the depository participant/ depository.
- b. The Circular has provided to include certain additional matters in the public notice
- c. The Chairman of the meeting shall satisfy himself and cause to record the same that all efforts feasible under the circumstances have indeed been made by the company to enable members to participate and vote on the items being considered in the meeting.

**2) For companies which are not required to provide the facility of e-voting under the Companies Act, 2013:**

- a. The company may give the notice of the meeting only through e-mails registered with the company or with the depository participant/ depository
- b. A copy of the notice shall be prominently displayed on the website, if any of the company.
- c. The Chairman of the meeting shall satisfy himself and cause to record the same that all efforts feasible under the circumstances have indeed been made by the company to enable members to participate and vote on the items being considered in the meeting.

**3) Passing of certain items only through postal ballot without convening general meeting:**

- a. MCA has clarified that Rule 22(15) of the Companies (Management and Administration) Rules, 2014 which provides that the provisions of the Rule 20 of the Companies (Management and Administration) Rules, 2014 regarding voting by electronic means shall apply, as far as applicable, mutatis mutandis in respect of the voting by electronic means.

- b. The company would send notice by email to all its shareholders who have registered their email address with the company or depository/ depository participant.
  - c. The company shall also provide a process of registration of e-mail addresses of members and state so in its public notice.
  - d. It shall be noted that the communication of the assent or dissent of the members would only take place through the remote e-voting system.
- 4) **Sending of e-mails by members, where poll on any item is required:** The poll will take place during the meeting, and the members may convey their assent or dissent only at such stage on items considered in the meeting by sending emails to the designated email address of the company, which was circulated by the company in the notice sent to the members.

**2. Relaxation of Filings under Section 124 and section 125 of the companies Act, 2013 r/w IEPFA (Accounting, Audit, Transfer and Refund) Rules, 2016**

MCA vide [Circular dated April 13, 2020](#), has issued clarification on relaxation with regard to filing of various Investor Education and Protection Fund (IEPF) e-forms and e-verification of claims till September 30, 2020. Due to the outbreak of COVID-19 pandemic, MCA had already allowed filing in MCA-21 registry without additional fees till September 30, 2020 vide [Circular dated March 24, 2020](#) and [Circular dated March 30, 2020](#).

**3. Holding of annual general meetings (AGM) by companies whose financial year has ended on December 31, 2019**

MCA vide [Circular dated April 21, 2020](#) has allowed companies, whose financial year (FY) (other than first FY) has ended on December 31, 2019, to hold their AGM for such FY within 9 months from the closure of the FY, i.e. by September 30, 2020. The deviation from the general requirement of holding the AGM within 6 months from end of FY will not be considered as a violation. MCA has further clarified that all references to due date of AGM or the date by which the AGM should have been held under the law must be construed accordingly.

**4. Period/days of extension for names reserved and resubmission of forms**

MCA vide [Guidelines dated April 22, 2020](#) has provided extension for name reserved and resubmission of the same. The extension are as follows:

- a. Validity of Name extended for New Companies/LLP Incorporation and Change of Name of Existing Companies/LLP - For Names expiring any day between March 15, 2020 to May 03, 2020, the validity of those names would be extended by 20 days beyond May 03, 2020
- b. Related to resubmission of forms of companies/LLP marked by MCA under resubmission: The SRNs where last date of Resubmission (RSUB) falls between March 15, 2020 to May 03, 2020, additional 15 days beyond May 03, 2020 would be allowed. However, for SRNs which are already marked under NTBR, extension would be provided on case to case basis. And hence the Forms will not get marked to (Not to be taken on Record)'NTBR' due to non-resubmission during this extended period as detailed above.

## **II. SECURITIES AND EXCHANGE BOARD OF INDIA (SEBI)**

### **1. Relaxation in adherence to prescribed timelines issued by SEBI due to Covid 19**

The Securities and Exchange Board of India (SEBI) vide [Circular dated April 13, 2020](#) has issued relaxation in adherence to prescribed timelines due to COVID-19 pandemic. The relaxation is given for equal number of extended days in lockdown declared by Government of India that is 21 days for the following prescribed time limits for activities, investor requests and compliances:

- 1) Processing of Remat Requests
- 2) Processing of Transmission Requests
- 3) Processing of request for Issue of Duplicate Share Certificates
- 4) Processing of Requests for Name Deletion/ Name Change/ Transposition/ Pending Share Transfers
- 5) Processing of Requests for Consolidation / Split / Replacement of Share Certificates / Amalgamation of Folios
- 6) Handling Investor Correspondence / Grievances / SCORES complaint
- 7) Submission of Half Yearly Report
- 8) Compulsory Internal Audit of RTAs by CA / CS / CMA holding Certificate of Practice and Certified Information Systems Auditor (CISA) / Diploma Information Systems Auditor (DISA)
- 9) Submission of Audit Report by CISA / CISM qualified or equivalent auditor by QRTAs to SEBI
- 10) Submission of Compliance Report by QRTAs duly reviewed by the Board of Directors of the QRTA to SEBI on Enhanced monitoring of QRTAs

- 11) Surrender of certificate of security under Regulation 74(5) of the SEBI (Depositories and Participants) Regulations, 2018.
- 12) Submission of audit report on quarterly basis under the Regulation 76 of the SEBI (Depositories and Participants) Regulations, 2018.

## 2. Extension of Submission Date of Share Capital Audit Report for the quarter ended March 31, 2020

Bombay Stock Exchange vide [Circular dated April 14, 2020](#) informed regarding the decision to relax the timelines for filing Share Capital Audit Report for the quarter ended March 31, 2020, in terms of Regulation 76 of SEBI (Depositories and Participants) (D&P) Regulations, 2018. Companies are permitted to file the said report for the quarter ended March 31, 2020 by May 31, 2020.

## 3. Relaxation in time period for certain activities carried out by depository participants, RTAs / issuers, KRAs, stockbrokers

SEBI vide [Circular dated April 16, 2020](#), has published Relaxation in time period for certain activities carried out by depository participants, Registrars to an Issue & Share Transfer Agents (RTAs) / issuers, KYC Registration Agencies (KRAs), stockbrokers, as under:

Sl. No.	Requirements	Existing timeline	Reference SEBI Regulation / Circular
1	Processing of the demat request form by Issuer / RTA.	15 days	Regulation 74 (5) of SEBI (Depositories & Participants) (D&P) Regulations, 2018.
2	Processing of the demat request form by the Participants.	7 days	Regulation 74 (4) of SEBI (D&P) Regulations, 2018
3	KYC application form and supporting documents of the clients to be uploaded on system of KRA within 10 working days.	10 days	SEBI circular no. MIRSD/Cir26/2011 dated December 23, 2011.

- The period beginning from March 23, 2020 till May 17, 2020 shall be excluded for computing the existing timelines specified in Regulation 74 (4) and 74 (5) of SEBI (D & P) Regulations, 1996 and the Circular dated December 23, 2011.

- Further, a 15-day time period after May 17, 2020 is allowed to the SEBI registered intermediary, to clear the back log.

#### 4. Additional relaxations / clarifications in relation to compliance with certain provisions of the SEBI (LODR) Regulations, 2015

SEBI vide [Circular dated April 17, 2020](#), has published Additional relaxations / clarifications in relation to compliance with certain provisions of the SEBI (Listing Obligations and Disclosure Requirements) (LODR) Regulations, 2015 (LODR) due to the COVID – 19 pandemic as follows:

Regulations	Compliance particulars	Existing Timeline	Extended timeline
Regulation 29 (2) of LODR Regulations	Prior intimation to stock exchanges about meetings of the board:	<ul style="list-style-type: none"> <li>· at least 5 days before the meeting if financial results are to be considered;</li> <li>· 2 working days in other cases.</li> </ul>	prior intimation of 5 days / 2 working days shall be reduced to 2 days, for board meetings held till July 31, 2020.
Regulation 39 (3) of LODR Regulations	Intimation to Stock Exchanges regarding loss of share certificates and issue of the duplicate certificates:	within two days of it getting information.	any delay beyond the stipulated time will not attract penal provisions laid down vide SEBI circular no. SEBI/HO/CFD/CMD/CIR/P/2018/77 dated May 3, 2018. This relaxation is for intimations to be made between March 1, 2020 to May 31, 2020.
Regulation 52(8) of LODR Regulations	Publication of advertisements in newspapers	Listing of their NCDs and NCRPS	exempt till May 15, 2020

**Clarification regarding the use of digital signatures:** SEBI clarified that authentication/certification of any filing/submission made to stock exchanges under LODR may be done using digital signature certifications until June 30, 2020

**5. SEBI (Regulatory Sandbox) (Amendment) Regulations, 2020**

SEBI through this amendment has inserted a new chapter with respect to “Power to relax strict enforcement of the regulations”, stating that the Board may exempt any person or class of persons from the operation of all or any of the provisions of these regulations for a period as may be specified but not exceeding 12 months, for furthering innovation in technological aspects through testing new products, processes, services, business models, etc. in live environment of regulatory sandbox in the securities markets.

**6. XBRL based filing for Debt Listed Companies at NSE**

National Stock Exchange (NSE) vide [Circular dated April 20, 2020](#) has decided to introduce XBRL based compliance filing mechanism featuring identical and homogenous compliance data structures between Stock Exchanges / MCA. This will help listed companies to use the compliance data generated in XBRL format in other Stock Exchange to upload in NSE. Alternatively, submit compliance information in NSE and generate compliance data in XBRL format for further use. Listed Companies can upload XBRL files generated using their back office / through utility provided by other Stock exchanges in the NEAPS system. The taxonomy under NEAPS system is common taxonomy between NSE and BSE and adapted from BSE.

**7. One-time relaxation with respect to validity of SEBI Observations**

SEBI vide [Circular dated April 21, 2020](#) has extended validity of SEBI Observations and provided that a public issue/rights issue may be opened within twelve months from the date of issuance of observations by SEBI. It also permitted an issuer to increase or decrease the fresh issue size by up to 50% of the estimated issue size without requiring filing of fresh draft offer document with the Board subject to some conditions. The relaxation on change in fresh issue size shall be applicable for issues (Initial Public Offer/ Rights Issues/ Follow-on Public Offer) opening before December 31, 2020

**8. Relaxations from certain provisions of the SEBI (Issue of Capital and Disclosure Requirements) (ICDR) Regulations, 2018 in respect of Rights Issue**

SEBI vide [Circular dated April 21, 2020](#), has decided to introduce temporary relaxations in the provisions related to Rights Issues as contained in the SEBI (ICDR) Regulations, 2018. These temporary relaxations are applicable for Right

Issues that open on or before March 31, 2021. Some of the key relaxation are enlisted below:

**1) Relaxations with respect to the eligibility conditions related to Fast Track Rights Issues:**

- a) Unless Relaxation in the pre-condition with respect to listing of equity shares from 3 years to 18 months.
- b) Companies with smaller market size i.e. more Rs. 100 crore and above also permitted to enter into Fast Track Issue.
- c) The timeline for being in compliance with listing regulations has been reduced from 3 years to 18 months.

**2) Relaxation with respect to Minimum Subscription:** The minimum subscription amount has been reduced from 90% to 75%. The Circular has put another restriction on the utilization of atleast 75% of the funds for the objects of the issue other than general corporate purpose if the actual subscription goes beyond 75% but within 90% of the offer.

**3) Minimum threshold for not filing draft letter of offer:**

- a) The conditions prescribed in Chapter III of ICDR Regulations shall not apply in case of Rights Issue carrying an issue size of less than Rs. 25 crores.
- b) In case of rights issue of size less than Rs. 25 crores, the issuer shall prepare the letter of offer in accordance with requirements as specified in these regulations and file the same with the Board for information and dissemination on the Board's website.

**9. Consultation Paper on Pricing of Preferential Issues and Open Offer Exemption**

SEBI vide [Reports dated April 22, 2020](#) has issued a consultation paper for easing pricing norms for preferential issues in companies having stressed assets. It aims to provide objective criteria for classifying a company as 'stressed'. The document issued by the securities regulator also proposes a relaxation of the open offer requirement in such companies. Public Comments are invited on the proposal latest by May 13, 2020.

**10. Relaxation in Regulation 24(i)(f) of the SEBI (Buy-back of Securities) Regulations, 2018 due to the COVID 19 pandemic**

SEBI vide [Circular dated April 23, 2020](#) has issued relaxation in the provisions of the SEBI (Buy-back of Securities) Regulations, 2018 due to the COVID 19 pandemic. Regulation 24(i)(f) provides a restriction that the companies shall not raise further capital for a period of one year from the expiry of buyback period,



except in discharge of their subsisting obligations. SEBI has decided to temporarily relax the period of restriction provided in Regulation 24(i)(f) of the Buy-back Regulations from “one year” shall be read as “six months”. This Circular shall come into force with immediate effect and will be applicable till December 31, 2020.

#### **11. Relaxation in relation to Regulation 44(5) of the SEBI (LODR) Regulations, 2015 on holding of AGM by top 100 listed entities**

SEBI vide [Circular dated April 23, 2020](#), has relaxed the compliances related to holding of the AGM, for the Top 100 Listed entities (by market capitalization). This step has been taken by SEBI on account of COVID-19 pandemic. Currently the Top 100 listed entities are required to hold their AGM within a period of 5 months from the date of closing of the FY of the Company. In line with the MCA Circular dated April 21, 2020 extending due date for holding AGM by Companies whose FY ended on December 31, 2020, SEBI, too, has extended the deadline to September 30, 2020 for holding of AGMs.

#### **12. Clarification on Know Your Client (KYC) Process and Use of Technology for KYC**

SEBI vide [Circular dated April 24, 2020](#) has decided to make use of technological innovations like electronic signature to facilitate online KYC. Some of the key features of the circular are as follows:

- 1) An investor's KYC process can be completed through online or app-based KYC, in-person verification through video and online submission of documents through e-signature (eSign).
- 2) The name, photograph, address, mobile number, e-mail ID and bank details of the investor will be captured online and official documents need to be provided as a photo or scan of the original under eSign and the same need to be verified via mobile and e-mail by sending One Time Password (OTP) or any other mechanism
- 3) Once the information as required as per the online KYC form is filled up by the investor, the process can be completed and then the investor will need to take a printout of the completed form and after affixing their signature, send the scanned copy of the same to the registered intermediary under eSign
- 4) The registered intermediary would forward the KYC completion intimation letter to the address of the investor in cases where the investor has given address other than as given in the official document. In case of return of the intimation

letter for wrong or incorrect address, no transactions will be allowed in such accounts and intimation will also be sent to the stock exchange and depository.

- 5) Video in-person verification would not be required when the KYC of the investor is completed using Aadhaar authentication or the KYC form has been submitted online, documents have been provided through DigiLocker or any other source which can be verified online.

### **13. SEBI reduces Broker turnover fees and filing fees for issuers**

SEBI vide [Press Release dated April 27, 2020](#) has decided to reduce broker turnover fees and filing fees on offer documents for Public issue, Rights issue and Buyback of shares as follows:

- 1) The broker turnover fee will be reduced to 50% of the existing fee structure for the period June 2020 to March 2021. The benefit of the above reduction in fees will automatically be passed on to the investors as well.
- 2) Filing fees on offer documents for Public issue, Rights issue and Buyback of shares will be reduced to 50% of the existing fee structure. This will be effective for documents filed from June 1, 2020 to December 31, 2020.

### **14. Comprehensive list of relaxations granted in relation to compliance with various provisions on account of COVID-19 pandemic**

BSE vide [Circular dated April 27, 2020](#) has issued a comprehensive list of the revised timelines based on the compilation of various circulars issued by SEBI notifying relaxations in the timelines by which the compliance filing required under certain provisions of SEBI (LODR) Regulations, 2015, SEBI (SAST) Regulations, 2011 and SEBI (D&P) Regulations, 2018. The list for ease of reference by listed companies is provided in the Annexure of the Circular.

## **III. RESERVE BANK OF INDIA (RBI)**

### **1. Internal Money Laundering (ML)/Terrorist Financing (TF) risk assessment by Regulated Entities (REs)**

RBI vide [Notification dated April 20, 2020](#) has inserted a new section 5A has been added to chapter II of the Master Direction on KYC. As per the new section:

- 1) REs are required to carry out 'ML and TF Risk Assessment' exercise periodically to identify, assess and take effective measures to mitigate its money laundering and terrorist financing risk for clients, countries or geographic areas, products, services, transactions or delivery channels, etc

- 2) The periodicity of risk assessment exercise shall be determined by the Board of the RE, in alignment with the outcome of the risk assessment exercise. However, it should be reviewed at least annually.
- 3) REs shall apply a Risk Based Approach (RBA) for mitigation and management of the identified risk and should have Board approved policies, controls and procedures in this regard
- 4) The first such internal risk assessment by the REs should be completed by June 30, 2020 and thereafter reviewed periodically.

## **2. Foreign Exchange Management (Non-debt Instruments) Amendment Rules, 2020**

Ministry of Finance (MoF) vide [Notification dated April 22, 2020](#) has amended the provision of Rule 6 (a) of Foreign Exchange Management (Non-Debt Instruments) Rules, 2019 to give effect to the amendment brought in Para 3.1.1 of the Consolidated FDI Policy, 2017. According to the amendment:

- 1) The entity of any country which shares land border with India or the beneficial owner of an investment into India who is situated in or is a citizen of any such country, may subscribe, purchase or sell equity instruments of an Indian company only through Government approval route.
- 2) The citizen of Pakistan or an entity incorporated in Pakistan shall invest only under the Government route, in sectors or activities other than defence, space, atomic energy and such other sectors or activities prohibited for foreign investment.
- 3) In the case of transfer of ownership of any existing or future FDI in an entity in India, directly or indirectly, which results in the beneficial ownership falling within the restriction or purview of the above, such subsequent change in beneficial ownership shall also require Government Approval.

## **3. Amendment of PML (Maintenance of Records) Rules, 2005**

MoF vide [Notification dated April 13, 2020](#) has amended the Rule 8 of Prevention of Money-laundering (PML) (Maintenance of Records) Rules, 2005 which relates to Furnishing of information to the Director by principal officer. Post amendment the monthly reporting and the quarterly reporting in respect of transactions are required to submit by June 30, 2020

Further MoF vide [Notification dated April 16, 2020](#) further amended Rule 8 of PML (Maintenance of Records) Rules, 2005 directing the report for which the above-mentioned timeline of June 30, 2020 shall apply:

- 1) In respect of transactions referred to in clauses (A), (B), (BA), (C) and (E) of sub rule (1) of rule 3, the report is required to submit by June 30, 2020
- 2) In respect of transactions referred to in clauses (F) of sub rule (1) of rule 3 for the quarter January-March 2020

#### **IV. INSURANCE**

##### **1. Advisory on Cyber fraud prevention**

Insurance Regulatory and Development Authority of India (IRDAI) vide [Press Release dated April 20, 2020](#) has cautioned the general public not to fall prey to offers from fraudsters offering insurance with unusually low premium from fake entities through online / digital mode. General public are advised to ensure that insurance policies are purchased only from the following entities:

- 1) Insurance Companies registered with IRDAI
- 2) Insurance intermediaries who can solicit business and are registered with IRDAI
- 3) Insurance agents duly appointed by Insurance Companies

The list of the insurance companies and insurance intermediaries are provided in the Press Release. The customer should take due care and verify the genuineness of the website and the genuineness of the insurer, intermediary or agent before making any online payment.

#### **V. NATIONAL PENSION SCHEME (NPS)**

##### **1. Compliance of Cyber Security Policy by Point of Presence (PoPs) and Non-Individual Retirement Advisers (RAs)**

Pension Fund Regulatory and Development Authority (PFRDA) vide [Circular dated April 21, 2020](#) has clarified that PoPs and Non-Individual RAs are required to submit the Compliance certificate with respect to cyber security for respective FY as per Annexure I (enclosed in the circular) within 30 days from the end of the said FY. They are also advised to submit the report on cyber-attacks incident pertaining to NPS activities, if any, as per Annexure II (enclosed in the Circular) immediately on occurrence of such incident. Accordingly, the previous [Circular dated January 07, 2019](#) stands superseded.

##### **2. Enabling Aadhaar based offline paperless KYC verification process for NPS on-boarding**

PFRDA vide [Circular dated April 24, 2020](#) has directed the PoPs to use the Aadhaar based offline paperless KYC verification process as an additional option

of KYC for the purpose of enrollment under NPS. The benefits and the detail process are enclosed in the Annexure of the Circular.

## **VI. INFORMATION TECHNOLOGY (IT)**

### **1. Cyber Security Advisory from National Critical Information Infrastructure Protection Centre (NCIIPC)**

NCIIPC vide [Advisory dated March 25, 2019](#) has requested for certain Cyber Security Measures for all organizations, to prevent the infrastructure failures from any kind of cyber-attacks, due to the COVID-19 outbreak. NCIIPC has also issued [COVID Guidelines](#) for reference purpose. Following are the key policy measures to be taken by all organization:

- 1) Remote login for maintenance tasks to be enabled only after proper authentication and session management. Monitoring of all such sessions pertaining to critical resources.
- 2) Secure systems that enable remote access.
- 3) Ensure Virtual Private Network and other remote access systems are fully patched.
- 4) Enhance system monitoring to receive early detection and alerts on abnormal activity.
- 5) Implement multi-factor authentication
- 6) Ensure all machines have properly configured firewalls policies.
- 7) Implementation of anti-malware and anti-intrusion prevention.
- 8) Test remote access solutions capacity or increase capacity as per assessment.
- 9) Ensure continuity of operations/ plans or business continuity plans are up-to-date.
- 10) Increase awareness of information technology support mechanisms for employees who work remotely.
- 11) Update incident response plans to consider workforce changes in a distributed environment.

## **VII. ENVIRONMENT**

### **1) Maharashtra PCB extends the storage period of Hazardous Wastes beyond 90 days**

Due to the outbreak of Covid-19 pandemic and declaration of lockdown across the state, the [Maharashtra Pollution Control Board \(Maharashtra PCB\) vide Notification dated April 07, 2020](#) has ordered to store hazardous and other waste

for a period of one hundred and eighty (180) days or allowed to be stored beyond 15 days after lifting of lockdown whichever is earlier. The occupier shall ensure safe storage of hazardous wastes so that there is no adverse effect on the environment or human health.

**2) Gujarat PCB extends the storage period of Hazardous Wastes beyond 90 days**

Due to the outbreak of Covid-19 pandemic and declaration of lockdown across the state, the Gujarat Pollution Control Board (Gujarat PCB) vide [Circular dated April 09, 2020](#) has ordered to store the hazardous wastes beyond ninety days. However, the occupiers shall ensure that the hazardous wastes are not allowed to be stored beyond 15 days after lifting of lockdown. The occupier shall ensure safe storage of hazardous wastes so that there is no adverse effect on the environment or human health.

**3) Andhra Pradesh PCB extends the validity period of consent to establish till June 30, 2020**

The Andhra Pradesh Pollution Control Board (Andhra Pradesh PCB) vide [notification dated April 05, 2020](#), has extended the validity period of consent to establish or operate, Authorization, Registration and any other mandatory regulatory clearances which come under the domain of Andhra Pradesh Pollution Control Board, having expiry on and after March 31, 2020 up to June 30, 2020 due to the outbreak of Covid-19 pandemic. This order will come into force with immediate effect.

**4) Gujarat PCB extends the validity period of consent to establish till June 30, 2020**

The Gujarat Pollution Control Board (Gujarat PCB) vide [notification dated April 03, 2020](#), has extended the validity period of consent to establish or operate, Authorization, Registration and any other mandatory regulatory clearances which come under the domain of Gujarat Pollution Control Board, having expiry on and after March 30, 2020 up to June 30, 2020 due to the outbreak of Covid-19 pandemic. This order will come into force with immediate effect.

**5) West Bengal PCB extends the validity period of consent to establish till June 30, 2020**

The West Bengal Pollution Control Board (West Bengal PCB) vide [notification dated April 02, 2020](#), has extended the validity period of consent to establish or operate, Authorization, Registration and any other mandatory regulatory clearances which come under the domain of West Bengal Pollution Control Board, having expiry on and after March 31, 2020 up to June 30, 2020 due to

the outbreak of Covid-19 pandemic. This order will come into force with immediate effect.

## **VIII. HEALTHCARE**

### **1. Treatment protocol for COVID-19 positive patients**

The Health and Family Welfare Department has [vide order dated April 8, 2020](#) issued the Treatment protocol for COVID-19 positive patients for use in hospitals in Tamil Nadu. Please refer to the link provided for further details.

### **2. Consolidated Revised Guidelines of Ministry of Home Affairs for lockdown**

As per Ministry of Home Affairs (MHA) [Order No. 40-3/2020-DM-I \(A\) dated April 15, 2020](#), Consolidated Revised Guidelines has been introduced for the measures to be taken for containment of COVID-19. The activities to be prohibited and the activities which will remain operational or to be allowed are mentioned in the link provided.

### **3. The Epidemic Diseases (Amendment) Ordinance, 2020 promulgated to punish those attacking healthcare workers**

The Central government has promulgated an Ordinance [vide order dated April 22, 2020](#) for prohibition of violence against health care service personnel and damage to property. Following are the key points of the new ordinance:

- Acts of violence includes loss or damage to any property or documents in the custody of, or in relation to, healthcare service personnel.
- In case of damage to any property or loss caused, the compensation payable shall be twice the amount of fair market value of the damaged property or the loss caused, as may be determined by Court.

### **4. Submission of notarized/apostilled documents for Import and Registration of drugs**

The Central Drugs Standard Control Organisation [vide notification dated April 15, 2020](#) requires the applications for import and registration of drugs to be submitted with self-attested documents and an undertaking that the notarized/apostilled documents will be submitted obtaining the same from the concerned authority after normalization of situation of COVID-19.

## **IX. TAX**

### **1. Clarifications on Vivad se Vishwas Act, 2020**

Central Board of Direct Taxes (CBDT) vide [Circular No. 9/2020](#) and [Corrigendum to Circular No. 9/2020](#) has provided clarifications on Direct Tax Vivad se Vishwas Act, 2020. This circular is direction/order issued u/s 10 and 11 of the Vivad se Vishwas Act, 2020. Also, answers to some of the questions in this circular extend the application of Vivad se Vishwas in public interest or to remove difficulties.

**2. Reporting requirement under clause 30C and 44 of Form 3CD**

CBDT has vide [Circular No. 10/2020](#) provided that reporting under clause 30C and clause 44 of the Tax Audit Report in Form 3CD would be kept in abeyance till March 31, 2021.

**3. FDI policy tightened to prevent opportunistic takeovers from neighbouring countries**

Ministry of Finance has vide [Notification dated April 22, 2020](#) revised the FDI policy to curb opportunistic takeovers/ acquisitions of Indian companies due to the current COVID-19 pandemic.

**4. Relaxation for custom clearance during lockdown**

Central Board of Indirect Taxes and Customs ('CBIC') has vide [Circular No. 21/2020-Customs](#) extended the relaxation given to accept an undertaking in lieu of a bond required during customs clearance till May 15, 2020. Also, the date of submission of proper bond in lieu of which the undertaking is being temporarily accepted is extended till May 30, 2020.

**5. FORM GST PMT-09 of the CGST Rules, 2017**

CBIC vide [Notification No. 37/2020 – Central Tax dated April 28, 2020](#) has appointed April 21, 2020 as the date from which the provisions of Rule 87 (13) and FORM GST PMT-09 of the CGST Rules, 2017, shall be effective

A registered person may, on the common portal, transfer any amount of tax, interest, penalty, fee or any other amount available in the electronic cash ledger under the Act to the electronic cash ledger for integrated tax, central tax, State tax or Union territory tax or cess in FORM GST PMT-09



**X. LABOUR****1. EPFO extend the Due Date for Payment of Contributions and Other Charges Due for Wage Month March 2020**

Employees Provident Fund Organisation (EPFO) vide [Notification No. C-1/Misc./2019-20/V01.II./Part./9 dated April 15, 2020](#), has extended the due date for payment of contributions and administrative charges/inspection charges due for wage month March 2020 from April 15, 2020 to May 15, 2020 to establishments disbursing wages for March 2020.

**2. Extension of Lockdown Period in State of Delhi till May 03, 2020**

Government of NCT of Delhi vide [Order No. FDDMA/COVID/2020/47 dated April 14, 2020](#), has extended the lockdown period in the territory of NCT of Delhi, up to May 03, 2020 to curb the menace of COVID-19, so all such orders whose validity was only till midnight of April 14, 2020, shall remain valid till midnight of 3rd May, 2020

**3. Government of NCT of Delhi extends the validity of Passes/E-Passes/Authorization Letters till May 03, 2020**

Government of NCT of Delhi vide [Order No. F/02/07/2020/S.I/48 dated April 14, 2020](#), has extended the validity of Passes/E-Passes/Authorization Letters (issued by offices of District Magistrates/District Deputy Commissioners of Police/Head of the Departments or gazetted officers authorised by them) expiring on April 14, 2020 now be valid till May 03, 2020. There shall be no need to re-validate these from the issuing authority concerned.

**4. Extension in due date to file Professional Tax Return in State of West Bengal**

Government of West Bengal vide [Order No. 3C/PRO/2020 Dated April 13, 2020](#), has extend the last date of filing of return in Form-III for the year ending on the March 31, 2020, now therefore, the registered employer shall file a e-return on before June 31, 2020 or manual return on or before July 07, 2020.

**5. Government of West Bengal extends validity of all Government Licenses/Permissions till June 30, 2020**

Government of West Bengal vide [Order No. 74-CS/2020 Dated April 10, 2020](#), has extend the validity of government licences/permissions falling due for renewal during the lockdown period up to June 30, 2020, However, all the

stipulated conditions of license/permission shall remain the same and must be strictly followed.

**6. Consumer Price Index for Agricultural Labourers and Industrial Workers for the month of February 2020**

Department of Economics & Statistics vide [Notification No. P3.Pdl.1/2020/DES](#) Dated April 15, 2020, has notified new consumer price Index for agricultural labour and industrial workers for the month of February, 2020 in state of Kerala.

**7. Extension in due date to file Professional Tax Return in State of Karnataka**

Government of Karnataka vide [Order No. FD 03 CPT 2020 Dated April 16, 2020](#), has extend the due date for filing professional tax returns under section 34 of the Karnataka Tax on Professions, Trades, Callings and Employments Act, 1976, now every employer shall:

- submit return for the month of March 2020 on or before May 20, 2020
- pay the due amount of enrollment tax on or before May 30, 2020.

**8. E-commerce Companies can deliver only Essential Goods till May 03, 2020**

Ministry of Home Affairs vide [Order No. 40-3/2020-DM-I\(A\) Dated April 19, 2020](#), has revised the consolidated guidelines relating to E-commerce companies, therefore, the supply of non-essential goods will remain prohibited during lockdown, however they will continue to operate for only essential goods as notified and allowed earlier.

**9. Operational Guidelines on preparing workplaces for Prevention of COVID-19 in State of Andhra Pradesh**

Industries and Commerce Department vide [Order No. G.O.Rt.No.88 Dated April 18, 2020](#), has instructed to strictly implement the consolidated guidelines issued by government of Andhra Pradesh, for allowing industrial activities in the State of Andhra Pradesh with certain safeguards and social distancing norms and with gradual phasing to ensure the same.

**10. Exemption from payment of Late Fees u/s 6(3) of the Maharashtra State Tax on Professions, Trades, Callings and Employments Act 1975**

Office of the Commissioner of Profession Tax, Maharashtra [vide Trade Circular No. PT/2020/B-196 Dated March 19, 2020](#), has notified that the whole of the late fee payable by the registered employer in respect of monthly or annual

returns pertaining to the period up to March 31, 2020 is exempted subject to fulfillment of eligibility conditions:

- Any amount payable as per return should have been/shall be paid on or before the filing of returns.
- The aforesaid employers should submit the returns pertaining to any periods up to March 2020 on or before April 30, 2020.

#### **11. Extension of license period for sale of liquor under L-1/L-1F and L-2 (Draught Beer) License up to June 30, 2020**

Office of the Commissioner of Excise vide Circular No. L.1/13/EX./IMFL/2010-11/ Dated April 17, 2020, has approved the extension of validity of existing L-1/L1F/L-2 licenses for the sale of liquor brands registered as per approved terms and conditions for 2019-20 at their existing price up to June 30, 2020. Licensees who are willing to avail this extension shall deposit their fee, as applicable to L-1/L-1F/L-2 licensees on pro-rata basis for a period of three months in advance.

#### **12. Exemption to Boilers from Section 6 (c) and Section 8 of the Boilers Act, 1923**

Labour, Factories, Boilers & Insurance Medical Service Department, Andhra Pradesh vide [Notification No. 401 dated April , 2020](#), hereby exempts, from subsection (c) of Section 6 and Section 8 of the Boilers Act, all certified Boilers situated in the industries in Andhra Pradesh state due to lockdown for a period of two months or till lifting of the lockdown whichever is earlier, for Boilers for which inspections are due in the months of April & May, 2020.

#### **13. Directions to all Employers of Shops/ Private Establishments in State of Rajasthan**

State Disaster Management Authority (SDMA) vide [Notification No. 58/DMRD/DM/2020 Dated April 01, 2020](#), has issued directions to all the employers, be it in the industry or in the shops and commercial establishments, shall not remove any worker from job and shall make payment of wages of their workers, at their work places, on the due date, without any deduction, for the period their establishments are under closure during the lockdown.

#### **14. Government of Goa issues Travel Passes to the IT and ITs Companies**

Department of Information Technology, Goa vide [Notification No. 1\(34\)/DOIT/Staff/2001/Part File/27Dated April 17, 2020](#), has notified that as per Guidelines issued by Ministry of Home Affairs [No. 40-3/2020- DM-1\(A\) on April 15, 2020](#), Government of Goa has issued travel passes to the IT and ITs

Companies, The application would be examined in view of the MHA guidelines and approved passes would be mailed on the e-mail of the authorized representative of the company.

**15. Employers in Private/ Public Sector should restrain from inviting any fresh new Migrant Labourers in the State of Goa**

Labour & Employment department, Goa vide [Notification No. CLE/PE/540/2020/894 Dated March 28, 2020](#), has issued advisory guidelines that all the employers in Private/ Public Sector should restrain from inviting any fresh new migrant labourers in the State, if they have employed such labourers who have arrived in the State after March 10, 2020, then they should be advised to quarantine (as per the guidelines issued in this regard) themselves compulsorily at their residence to supplement the Government efforts to fight the spread of COVID-19.

**16. Not to terminate the employees/ workers from job or to reduce their wages in view of outbreak of COVID-19**

Labour & Employment department, Goa vide [Notification No. CLE/PE/544/2020/890 Dated March 24, 2020](#), has issued advisory to all the Employers of Public/ Private establishments to not to terminate their employees, particularly casual or contractual workers from job or reduce their wages. If any worker takes leave, he should be deemed to be on duty without any consequential deduction in wages for this period.

**17. All the liquor licensed premises shall be Closed till May 03, 2020 in State of Goa**

Office of Commissioner of Excise, Goa vide [Order No. CE/12-463/2020/EXE/21 Dated April 17, 2020](#), has notified that all the breweries, wineries, country liquor bottling units, IMFL manufacturing units, and all the liquor licensed premises for sale of liquor shall remain closed till midnight of May 03, 2020 in State of Goa.

**18. Government of Gujrat Exempts the Provision of Working Hours in Factories till July 19, 2020**

Labour and Employment Department vide [Notification No. F&B/2020/188 Dated April 11, 2020](#), hereby exempt various provisions relating to weekly hours, daily hours, intervals for rest etc. of adult workers under section 51, section 54, section 55 and section 56 with-the following conditions:

- No adult worker shall be allowed or required to work in a factory for more than twelve hours in any day and Seventy-Two hours in any week,
- The Periods of work of adult workers in a factory each day,
- No Female workers shall be allowed or required to work in a factory between 7:00 PM to 6:00 AM.

### **19. Government of Himachal Pradesh Exempts the Provision of Working Hours in Factories till July 20, 2020**

Department of Labour and Employment vide [Notification No. Shram \(A\)4-3/2017 Dated April 21, 2020](#), hereby exempt various provisions relating to weekly hours, daily hours, intervals for rest etc. of adult workers under section 51, section 54, section 55 and section 56 with-the following conditions:

- No adult worker shall be allowed or required to work in a factory for more than twelve hours in any day and Seventy-Two hours in any week,
- The periods of work of adult workers in a factory each day shall be so fixed,
- Wages in respect of increased working hours as a result of this exemption shall be in proportion to existing minimum wages fixed by Government of Himachal Pradesh under Minimum Wages Act, 1948.
- Provisions of section 59 regarding overtime wages shall continue to be applicable without any change.

### **20. Revision of Minimum Wages Payable to the workers in State of Gujrat**

Labour Department Gujrat vide [Notification No. 481/3 2020 dated April 22, 2020](#) has revised the minimum wages dearness allowance payable to the workers under The Minimum Wages Act 1948, with effect from April 1, 2020.

### **21. New Special Allowance Payable to the Contract Labour in State of Gujrat**

Labour Department Gujrat vide [Notification No. 480/3 2020 dated April 22, 2020](#) has revised the special allowance payable to the contract labour in state of Gujrat, with effect from April 1, 2020.

### **22. Extension in Due date to submit Self-Certification-cum-Consolidated Annual Returns in state of Maharashtra**

Labour Department, Maharashtra vide [Notification No. Annual/2020 Dated April 20, 2020](#), hereby extend the due date to submit consolidated annual returns in lieu of multiple returns under various labour laws, Now occupier/ proprietor / partner / director / employer / principal employer / contractor shall file the annual return till July 31, 2020 for below laws:

- The Payment of Wages Act, 1936,

- The Minimum Wages Act, 1948,
- The Contract Labour [Regulation & Abolition] Act, 1970,
- The Maternity Benefit Act, 1961,
- Payment of Bonus Act, 1965,
- Payment of Gratuity Act, 1972,
- Equal Remuneration Act, 1976,
- Maharashtra Workmen's Minimum House Rent Allowance Act,
- The Factories Act, 1948,
- The Maharashtra Shops and Establishment Act, 1948,
- Inter State Migrant Workmen [Regulation of Employment and Conditions of Service] Act, 1979 and Rules, 1980,
- The Beedi & cigar Workers (conditions of Employment) Act, 1966,
- The Motor Transport Act, 1961,
- The Child Labour (Prohibition & Regulation) Act, 1986,
- The Sexual Harassment of women at workplace (Prevention, Prohibition and Redressal) Act, 2013.

### **23. Government of Madhya Pradesh exempts the provision of working Hours in Factories till July 24, 2020**

Department of Labour and Employment vide [Notification No. 17 Dated April 24, 2020](#), hereby directs that all the factories registered under the Factories Act, 1948, shall be exempted from various provisions relating to 10 weekly hours, daily hours, Intervals for rest etc. of adult workers under Section 65 of Factories Act, 1948 till July 24, 2020 with the following conditions:

- No adult worker shall be allowed or required to work in a factory for more than Twelve hours in any day and Seventy-Two hours in any week.
- The periods of work of adult workers in each day shall be fixed that no period exceed six hours and that no worker shall work for more than six hours before he has had an interval for rest at least 30 minutes.

Over time Wages shall be paid as provided under section 59 of the Factories Act, 1948.

### **24. No Permission required to Re-open the Shops in State of Haryana**

Government of Haryana vide [Notification no. 384-466 Dated April 26, 2020](#), has issued instruction that no permission will be required by the individuals/ concerned to re-open those shops which are otherwise covered by [consolidated revised guidelines for containment of COVID-19 notified by the Haryana State Disaster Management Authority](#).

**25. No Permission required for Small Residential / Industrial Construction Work employing up to 10 workers in State of Haryana**

Government of Haryana vide [Notification no. 302-381 Dated April 25, 2020](#), has issued instructions in reference to small construction sites, no permission will be required for small residential / industrial construction work employing up to 10 workers only within the limit of municipal corporation, municipalities and rural areas where workers are available on site, subjected to the compliance of Standard Operating Procedure.

**26. Punjab Excise Bonded Warehouse (Haryana Amendment) Rules, 2020**

Excise and Taxation Department, Haryana vide [Notification no. 33/X-I/P.A. 1/1914/S.59/2020 Dated April 01, 2020](#), has revised the licence fees under rule 4 of Punjab Excise Bonded Warehouse Rules, 1957, with effect from April 01, 2020.

**27. Haryana Restaurant (Consumption of Liquor) Amendment Rules, 2020**

Excise and Taxation Department, Haryana vide [Notification no. 32/X-I/P.A.1/1914/S.58/2020 Dated April 01, 2020](#), hereby amend the Haryana Restaurant (Consumption of Liquor) Rules, 1988, now a license in form L-52 (Anumat Kaksh) may be granted in Urban Zone and in the Zones having border areas with the other States at a fixed fee of 3% of license fee of the respective zone in case of district Gurugram and 1.5% in case of the other districts in the State.

**28. Operating of Industries / Industrial Establishments in COVID-19 Unaffected Districts of Karnataka**

Revenue Department, Karnataka vide [Notification no. RD 158 TNR 2020 Dated April 27, 2020](#), has directed the industries/ industrial establishments (outside the Containment Zones) to restart their operations, the concerned industries outside the Containment Zones shall submit a self-declaration of adhering to Standard Operating Procedure (SOP) to the concerned District Industries Center for issuance of authorization letter for continuation of operations.

**29. Government of India Gives 4 Months Rental Waiver to the IT Companies Operating from STPI**

Ministry of Electronics & IT [Press Release dated April 16, 2020](#) has decided to waive off rent for four months for all small IT units operating from the Software Technology Parks of India (STPI) Centres, the rent will be waive off for period of March 01, 2020 to June 30, 2020.

### **30. Government of Haryana Exempts the Provision of Working Hours in Factories till June 30, 2020**

Labour Department, Haryana vide [Notification No. 2/17/2020-2Lab Dated April 29, 2020](#), hereby directs that all the factories registered under Factories Act, 1948 shall be exempted from the provisions relating to weekly hours, daily hours etc, of adult workers under section 51, section 54 and section 56 till June 30, 2020, subject to the following conditions:

- The total number of hours of work in any day shall not exceed twelve, subject to the conditions stipulated under sub-section (3) to section 65 of the Factories Act, 1948.
- The wages for the overtime period will be paid as per section 59 of the factories Act, 1948.
- The instructions issued by Government of India and Government of Haryana from time to time regarding COVID-19 including social distancing, sanitization etc. shall be strictly followed.

## **XI. FOOD SAFETY**

### **1. Food Hygiene and Safety Guidelines for Food Businesses during Coronavirus Disease (COVID-19) Pandemic**

Food Safety and Standards Authority of India (FSSAI) vide [Notification dated April 15, 2020](#), has issued the guidelines for employees/food handlers working in food establishments to prevent spread of COVID-19, It is mandatory for all food businesses to implement Good Hygiene Practices (GHP) and Good Manufacturing Practices (GMP) laid in Schedule 4 of Food Safety and Standards (Licensing and Registration of Food Businesses) Regulation, 2011 to ensure food safety and hygiene in food establishments.

## **XII. PROPERTY**

### **1. Karnataka Municipal Corporations (Amendment) Act, 2020**

Government of Karnataka vide [Notification No. DPAL 15 SHASANA 2016 Dated April 27, 2020](#) has amended the Karnataka Municipal Corporations Act, 1976, now whoever constructs or reconstructs any building or any part of the building without obtaining permission shall be liable to pay every year a penalty of an additional amount in respect of such floor area or in violation of the





permission granted equal to the property tax leviable on such floor area or deviation of the building.

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