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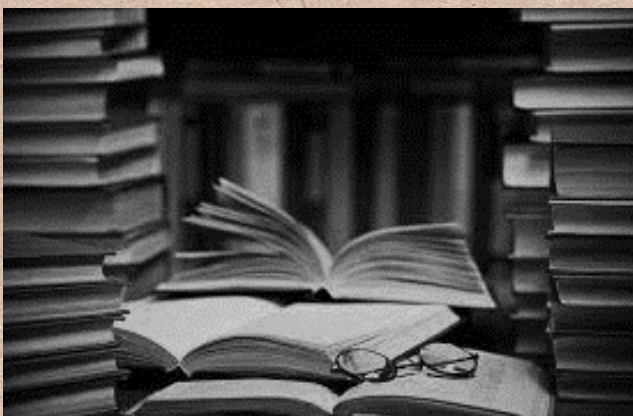
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Fait Accompli – 'an accomplished act'



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INDEX[🏠]

- SEBI extends the deadline for complying with enhanced investment adviser qualification by 2 years
- SEBI revises the manner of achieving minimum public unitholding requirement for InvITs
- SEBI redefines large corporate and the fund-raising norms in view of ease of doing business
- SEBI provides limited relaxation under SEBI LODR from sending hard copies of financial statements and proxy forms till September 30, 2024
- RBI notifies the Master Directions on Non-Banking Financial Company – Scale Based Regulations
- RBI introduces regulations applicable to Payment Aggregators facilitating cross border payment transactions
- RBI enumerates on the importance of appointment of 2 whole-time directors
- Prevention of Money-laundering (Maintenance of Records) Rules, 2005 amended by MoF
- MCA tweaks rules for dematerialisation of securities under Companies Act - makes it mandatory for private companies
- MCA tightens the beneficial interest rules under Companies Act - makes it mandatory for every company to designate a person in this regard
- MCA mandates disclosure of beneficial interest in LLP
- The wait is over: public companies can now list their securities on permitted foreign stock exchanges
- MCA provides comfort for shifting of registered office of company from one State/Union Territory to another post resolution under IBC
- One more step towards ease of doing business – MCA integrated with NSWS for incorporation of companies and LLPs
- MOEFCC notifies the Battery Waste Management (Amendment) Rules, 2023
- Ecomark Rules notified by MOEFCC
- Green Rules notified by MOEFCC

- **MOEFCC notifies the Plastic Waste Management (Second Amendment) Rules, 2023**
- **Central Government notifies the establishment of Arbitration Council of India**
- **MLJ notifies October 9, 2023, as the effective date for coming into force of certain provisions of The Mediation Act**
- **A big relief to the aviation industry from the rigor of Moratorium under IBC**
- **MCAFPD notifies the Legal Metrology (Packaged Commodities) Amendment Rules, 2023**
- **EPFO releases SOP for management and regulation of exempted establishment under EPF Act**

SEBI EXTENDS THE DEADLINE FOR COMPLYING WITH ENHANCED INVESTMENT ADVISER QUALIFICATION BY 2 YEARS

Securities Exchange Board of India ("SEBI"), *vide* its circular dated October 10, 2023, has extended the deadline for compliance with enhanced qualification and experience requirements for investment advisers to September 30, 2025.

Regulation 7 of SEBI (Investment Advisers) Regulations, 2013, as amended in the year 2020, outlines the qualification and experience requirements for investment advisers. Presently, the said regulation mandates an individual investment adviser or principal officer of a non-individual investment adviser and persons associated with investment advice ("Investment Advisers") to comply with enhanced qualification and experience requirements by September 30, 2023.

Based on considerations and representations received from various stakeholders and in view of the emerging landscape of the domain of investment advice, SEBI, through this circular has specified that the timeline for Investment Advisers to comply with the enhanced qualification and experience requirements is pushed to September 30, 2025.

To read the circular [click here](#)



SEBI REVISES THE MANNER OF ACHIEVING MINIMUM PUBLIC UNITHOLDING REQUIREMENT FOR INVITS

SEBI, *vide* its circular dated, June 27, 2023, had provided/suggested various methods (with or without conditions) for the Investment Manager of listed Infrastructure Investment Trusts ("InvITs") to increase the public unitholding to achieve the minimum public unitholding as per the extant SEBI (Infrastructure Investment Trusts) Regulations, 2014, which was covered in the [earlier edition of Legalaxy](#), subsequently the circular was consolidated in chapter 21 of the SEBI Master Circular for InvITs dated July 6, 2023 ("Master Circular").

SEBI, *vide* its circular dated October 31, 2023 ("Circular"), has provided an additional method, in addition to the methods listed in the Master Circular, for privately placed InvITs in order to achieve the minimum public unitholding requirements by issuance of units through preferential allotment, subject to the condition that only units issued to the public shall be considered for compliance with minimum public unitholding requirement.

SEBI has also modified the method no. 7 listed in the Master Circular pertaining to the sale of units held by the Sponsors/ Investment Manager/ Project Manager and their associates/ related parties in the open market.

To read the Circular [click here](#) & to read the Master Circular [click here](#)



SEBI REDEFINES LARGE CORPORATE AND THE FUND-RAISING NORMS IN VIEW OF EASE OF DOING BUSINESS

SEBI, *vide* its master circular dated August 10, 2021, had targeted the large entities categorised as Large Corporate ("LC") having their specified securities or debt securities or non-convertible redeemable preference shares, listed on a recognised stock exchange(s) and an outstanding long-term borrowing of INR 100 crores or above as on the last date of the financial year to mandatorily meet about one-fourth of their financing as termed as "incremental borrowings" from the debt market i.e., by way of issuance of debt securities.

Now, SEBI, *vide* its circular dated October 19, 2023, has re-defined the definition of LC by revising the requirement of having the outstanding long-term borrowing requirement to INR 1,000 crores or more and further expanded the definition of long-term borrowing by providing various exclusions. These LCs are required to mandatorily meet about one-fourth of their financing as termed as "qualified borrowing" instead of erstwhile "incremental borrowing" from the debt market i.e., by way of issuance of debt securities.

Further, SEBI has also introduced incentives for LCs in compliance and disincentives for LCs who are non-compliant.

This framework is applicable with effect from April 1, 2024, for LCs following April-March as their financial year and from January 1, 2024, for LCs which follow January-December as their financial year.

To read the master circular [click here](#) & to read the circular [click here](#)




SEBI PROVIDES LIMITED RELAXATION UNDER SEBI LODR FROM SENDING HARD COPIES OF FINANCIAL STATEMENTS AND PROXY FORMS TILL SEPTEMBER 30, 2024

SEBI, *vide* its circular dated October 6, 2023 ("Circular No. 1"), and circular dated October 7, 2023 ("Circular No. 2"), has provided limited relaxation from dispatching hard copies of the statements containing the salient features of all the documents as specified under Section 136 (*like financial statements, Board's report, Auditor's report, etc.*) of the Companies Act, 2013 ("Companies Act") to those security holders who have not registered their e-mail address(es) either with the listed entity or with any depository as provided under Regulations 58(1)(b) and 36(1)(b) of the SEBI (Listing Obligations and Disclosure Requirements) Regulations, 2015 ("SEBI LODR"), till September 30, 2024.

Circular No. 2 also provides relaxation from sending proxy forms to holders of securities as provided under Regulation 44(4) of SEBI LODR, till September 30, 2024.

The above relaxation is in light of MCA's general circular dated September 25, 2023, which, *inter alia*, allowed companies to conduct their Annual General Meetings ("AGMs") and Extra-Ordinary General Meetings (EGMs) for the year 2023 and 2024 via video conference or other audio-visual means ("Virtual Mode") up to September 30, 2024 and thereby extended the relaxation in sending physical

copies of the financial statements (*including the Board's report and Auditor's report*) to the shareholders for the AGMs conducted via Virtual Mode till September 30, 2024.

To read Circular No. 1 [click here](#), to read Circular No. 2 [click here](#) & to read the general circular [click here](#) 

RBI NOTIFIES THE MASTER DIRECTIONS ON NON-BANKING FINANCIAL COMPANY – SCALE BASED REGULATIONS

Reserve Bank of India ("RBI"), *vide* its notification dated October 19, 2023, has notified the Master Direction – RBI (Non-Banking Financial Company – Scale Based Regulations) Directions, 2023 ("NBFC Directions"), which are applicable to non-banking financial companies ("NBFCs").

NBFC Directions are issued in supersession of the Non-Banking Financial Company–Non-Systemically Important Non-Deposit taking (Reserve Bank) Directions, 2016 and Non-Banking Financial Company–Systemically Important Non-Deposit taking Company and Deposit taking Company (Reserve Bank) Directions, 2016.

By way of these NBFC Directions, RBI has classified NBFCs into specific layers on the basis of their size, activity and perceived risk and has also laid down regulations to be complied by each category of NBFC. The 4 categories are:

(a) Base Layer (NBFCs-BL)

The NBFCs-BL comprises of non-deposit taking NBFCs below the asset size of INR 1,000 crores and NBFCs undertaking the following activities: (i) NBFC-Peer to Peer Lending Platform; (ii) NBFC-Account Aggregator; (iii) Non-Operative Financial Holding Company; and (iv) NBFC not availing public funds and not having any customer interface.

(b) Middle Layer (NBFCs-ML)

The NBFCs-ML comprises of all deposit taking NBFCs, irrespective of asset size, non-deposit taking NBFCs with asset size of INR 1,000 crores and above and NBFCs undertaking the following activities: (i) Standalone Primary Dealer; (ii) Infrastructure Debt Fund-Non-Banking Financial Company; (iii) Core Investment Company; (iv) Housing Finance Company; and (v) Non-Banking Financial Company-Infrastructure Finance Company.

(c) Upper Layer (NBFCs-UL)

The NBFCs-UL comprises of those NBFCs which are specifically identified by RBI as warranting enhanced regulatory requirement based on a set of parameters and scoring methodology, comprising of quantitative and qualitative parameters/ supervisory judgment.

(d) Top Layer (NBFCs-TL)

The NBFCs-TL shall be populated if RBI is of the opinion that there is a substantial increase in the potential systemic risk from specific NBFCs in the upper layer. Such NBFCs shall move to the top layer from the upper layer. Ideally, the top layer will remain empty until RBI populates the list.

The NBFC Directions further state that NBFCs that are a part of a common group or are floated by a common set of promoters shall not be viewed on a standalone basis. Further, statutory auditors are required to certify the asset size (*as on March 31*) of all the NBFCs in the group every year by issuing a certification to that effect.

To read the notification [click here](#)



RBI INTRODUCES REGULATIONS APPLICABLE TO PAYMENT AGGREGATORS FACILITATING CROSS BORDER PAYMENT TRANSACTIONS

RBI, *vide* its notification dated October 31, 2023, has notified its decision to regulate Payment Aggregator-Cross Border i.e., the entities facilitating cross-border payment transactions for import and export of permissible goods and services in an online mode (“PA-CB”). Authorised dealers, payment aggregators and PA-CB, involved in processing/ settlement of cross border payment transactions for import and export of goods and services, shall comply with the provided instructions. Additionally, PA-CB must ensure adherence to governance within a period of 3 months from the date of this notification.

Authorisation for PA-CB activity may be sought for any one of the following categories: (a) export only PA-CB; (b) import only PA-CB; and (c) export and import PA-CB. As per the notification, AD Category-1 banks do not require separate approval from RBI for undertaking PA-CB activities. However, non-banks which provide PA-CB activities shall apply to RBI for authorisation by April 30, 2024 and shall be allowed to continue services till a decision on their application is received from RBI. AD Category-1 banks undertaking PA-CB activity shall ensure compliance for PA-CBs by April 30, 2024.

The notification outlines a net worth criterion for entities, wherein non-banks providing PA-CB services (*as on October 31, 2023*), shall have a minimum net worth of INR 15 crores whilst submitting the application for authorisation to RBI and a minimum net worth of INR 25 crores by March 31, 2026. New non-bank PA-CB (*entities which have not commenced operations before October 31, 2023*) shall have a minimum net worth of INR 15 crores whilst submitting the application for authorisation to RBI and shall attain a minimum net worth of INR 25 crores by the end of the third financial year of granting the authorisation. All existing non-bank PA-CBs which are unable to comply with the net worth requirement or fail to apply for authorisation within the stipulated time frame shall wind-up its PA-CB activity by July 31, 2024.

In terms of import and export transactions processed by PA-CBs, the maximum value per unit of goods/ services sold/ purchased shall be INR 25 lakhs. Also, all other instructions issued by the RBI regarding Payment Aggregators (PAs) shall apply mutatis mutandis to PA-CBs.

To read the notification [click here](#)



RBI ENUMERATES ON THE IMPORTANCE OF APPOINTMENT OF 2 WHOLE-TIME DIRECTORS

RBI, *vide* its circular dated October 25, 2023, has notified certain directions on the appointment of 2 whole-time directors in pursuance of its circular dated April 26, 2021, titled 'Corporate Governance in Banks - Appointment of Directors and Constitution of Committees of the Board'. The aim of this circular is to establish an effective senior management team in the banks in order to navigate the ongoing and emerging challenges and in order to facilitate succession planning, especially for the Managing Director ("MD") and Chief Executive Officer ("CEO") positions.

By way of the circular, RBI has advised banks to ensure the presence of at least 2 whole-time directors, including the MD and CEO, on their boards, wherein the total number of whole-time directors can be decided by the board of the bank by taking into account certain factors such as the size of operations and business complexity.

Additionally, RBI has asked banks, that do not meet this minimum requirement, to submit their proposals for appointment of such whole-time directors on their board under Section 35B(1)(b) (*Amendments of provisions relating to appointments of managing directors, etc., to be subject to previous approval of the Reserve Bank*) of the Banking Regulation Act, 1949, within a period of 4 months from the date of issuance of this circular. Further, the banks that currently do not already have the enabling provisions necessary to appoint such whole-time directors, mentioned in their articles of association, have been asked to first seek the necessary approvals under Section 35B(1)(a) of the Banking Regulation Act, 1949, and thereafter comply with the instructions given under the circular.

To read the circular [click here](#)



PREVENTION OF MONEY-LAUNDERING (MAINTENANCE OF RECORDS) RULES, 2005 AMENDED BY MOF

Department of Revenue, Ministry of Finance ("MoF"), *vide* its notification dated October 17, 2023, has notified the Prevention of Money-laundering (Maintenance of Records) Third Amendment Rules, 2023 ("PML Rules"). The PML Rules aim to further expand the scope of obligations for reporting entities.

The key amendments brought in by the PML Rules are:

(a) the definition of 'client due diligence' has been amended to mean due diligence carried out on a client, using reliable and independent sources of identification; (b) requirement of every reporting entity, which is a part of a group, to implement group-wide programmes against money laundering and terror financing, including group-wide policies for sharing information required for the purposes of client due diligence, money laundering and terror finance risk management; (c) requirement of the principal officer of a reporting entity to furnish the information promptly and immediately (*instead of 7 days mentioned previously*) to the director of the reporting entity in respect of transactions that he finds of suspicious nature; (d) the maintenance of records and furnishing of such information to the director must be kept confidential from others; and (e) every reporting entity is now obligated to: (i) identify its clients, verify their identity and obtain information on the purpose and intended nature of its business relationship with the clients; (ii) take reasonable steps to understand the nature of the customer's business, along with its ownership and control; and (iii) determine whether a client is acting on behalf of a beneficial owner, and thereby identify and verify the identity of such the beneficial owner, using reliable and independent sources of identification.

To read the notification [click here](#)



MCA TWEAKS RULES FOR DEMATERIALISATION OF SECURITIES UNDER COMPANIES ACT – MAKES IT MANDATORY FOR PRIVATE COMPANIES

Ministry of Corporate Affairs ("MCA"), *vide* its notification dated October 27, 2023, has issued the Companies (Prospectus and Allotment of Securities) Second Amendment Rules, 2023 ("Amendment Rules"), which shall come into force from its publication in the official gazette ("Effective Date"), which, *inter-alia*, provides as follows:

- I. Insertion of new Rule 9B (*Issue of Securities in dematerialised form by private companies*) under the Companies (Prospectus and Allotment of Securities) Rules, 2014 ("Principal Rules"), which *inter-alia*, states: (a) every private company, which as on last day of a financial year, ending on or after March 31, 2023, other than a small company as per audited financial statements of such financial year, shall within 18 months of closure of such financial year: (i) issue the securities only in dematerialised form; and (ii) facilitate dematerialisation of all its securities in accordance with the provisions of the Depositories Act, 1996 and the regulations made thereunder ("DP Act"); (b) every such private company making any offer for issue of any securities or buyback of securities or issue of bonus shares or rights offer, after the date when it is required to comply with the Amendment Rules, shall ensure that before making such offer, entire holding of securities of its promoters, directors, key managerial personnel has been dematerialised in accordance with the provisions of the DP Act; (c) every holder of securities of such private company who intends to: (i) transfer such securities; or (ii) subscribes to any securities of such private company, on or after the date when the company is required to comply with the Amendment Rules, shall get such securities dematerialised before such transfer or ensure that all his securities are held in dematerialised form before such

subscription, as the case may be; (d) provision of the Rule 9B of the Principal Rules shall not apply in case of a Government company.

- II. Insertion of Rule 9(2) in the Principal Rules, which states that every public company which issued share warrants prior to the commencement of Companies Act and not converted into shares shall: (a) within a period of 3 months of the effective date of the Amendment Rules, inform the Registrar about the details of such share warrants in form PAS-7; and (b) within a period of 6 months of the Effective Date of the Amendment Rules, require the bearer of the share warrants to surrender such warrants to the company and get the shares dematerialised in their account.

To read the notification [click here](#)



MCA TIGHTENS THE BENEFICIAL INTEREST RULES UNDER COMPANIES ACT – MAKES IT MANDATORY FOR EVERY COMPANY TO DESIGNATE A PERSON IN THIS REGARD

MCA, *vide* its notification dated October 27, 2023, has tweaked the Companies (Management and Administration) Rules, 2014 (“Principal Rules”) by Companies (Management and Administration) Second Amendment Rules, 2023, effective from October 27, 2023. Rule 9 (*Declaration in respect of beneficial interest in any shares*) of the Principal Rules has been amended by insertion of sub-rule (4), which, *inter-alia*, contemplates that every company shall designate a person who shall be responsible for furnishing, and extending co-operation for providing, information to the Registrar or any other authorised officer with respect to beneficial interest in shares of the company.

For the above purpose a company may designate: (a) a company secretary, if required to be appointed under Companies Act; or (b) key managerial personnel, other than the company secretary; or (c) every director, if there is no company secretary or key managerial personnel. Until the person is designated, the following persons shall be deemed to have been designated person: (a) company secretary, if required to be appointed under Companies Act; or (b) every Managing Director or Manager, in case a company secretary has not been appointed; or (c) every director, if there is no such person as mentioned in point (a) or (b) above.

Every company shall inform the details of the designated person in annual return and if the company changes the designated person at any time, it shall intimate the same to the Registrar.

To read the notification [click here](#)



MCA MANDATES DISCLOSURE OF BENEFICIAL INTEREST IN LLP

MCA, *vide* its notification dated October 27, 2023, has inserted Rule 22A and Rule 22B through the Limited Liability Partnership (Third Amendment) Rules, 2023 (“LLP Rules”), pursuant to which every

Limited Liability Partnership (“LLP”) shall carry out certain compliances and the rules have been introduced in view of the importance of governance and transparency.

The compliances and important timelines for the implementation of the LLP Rules are:

Sr. No.	Applicable Rule	Compliance to be undertaken	Form	Time Limit
1.	Rule 22A	Register of partners to be maintained	Form 4A	Newly incorporated LLP: from its incorporation. Existing LLP: within 30 days from commencement of the LLP Rules.
		In case of any change in contribution amount, in name and details of the partners in the LLP agreement or cases of cessation of partnership interest.		The entries in the register to be made within 7 days.
	Rule 22B	A person who is the registered partner of an LLP but does not hold any beneficial interest, shall file with the LLP a declaration to that effect.	Form 4B	Within 30 days from the date on which his name is entered in the register of partners.
		Every person who is the beneficial partner in an LLP but his name is not registered in the register of partners, shall file with LLP, a declaration disclosing such interest and subsequent changes therein.	Form 4C	Within 30 days after acquiring such beneficial interest and within 30 days from the date of changes made therein.
		LLP to file a return of the above declarations.	Form 4D	Within 30 days from the date of receipt of above declarations.
		Every LLP to designate a partner for furnishing information with respect to beneficial interest in contribution in LLP.	Form 4	

To read the notification [click here](#)




THE WAIT IS OVER: PUBLIC COMPANIES CAN NOW LIST THEIR SECURITIES ON PERMITTED FOREIGN STOCK EXCHANGES

MCA, *vide* its notification dated September 28, 2020, had introduced the Companies (Amendment) Act, 2020 (“Amendment Act”), to amend certain provisions of Companies Act. Section 5 of the Amendment Act inserted two sub-sections under Section 23 (*Public offer and private placement*) of Companies Act which, *inter alia*, allowed certain prescribed class of public companies to issue

prescribed class of securities for the purposes of listing on permitted stock exchanges in permissible foreign jurisdictions or such other jurisdictions, as may be prescribed by the Central Government. However, Section 5 of the Amendment Act was not notified.

MCA, *vide* its notification dated October 30, 2023, has now appointed October 30, 2023, as the date on which the provisions of Section 5 of the Amendment Act shall come into force. Such prescribed class of public companies, prescribed class of securities, permitted stock exchanges and foreign jurisdictions are still awaited from the Central Government.

To read the notification dated September 28, 2020, [click here](#) & to read the notification dated October 30, 2023, [click here](#) 

MCA PROVIDES COMFORT FOR SHIFTING OF REGISTERED OFFICE OF COMPANY FROM ONE STATE/UNION TERRITORY TO ANOTHER POST RESOLUTION UNDER IBC

MCA, *vide* its notification dated October 20, 2023, has made amendment in Rule 30 to the Companies (Incorporation) Rules, 2014 ("**Principal Rules**") by Companies (Incorporation) Third Amendment Rules, 2023, ("**3rd Amendment Rules**") effective from October 21, 2023.

Rule 30 of the Principal Rules provides procedure for shifting of the registered office of a company from one State or Union Territory to another. The 3rd Amendment Rules, *inter-alia*, covers the following:

(a) the discretionary power vested in the Regional Director ("**RD**") to impose costs upon the company while approving the shifting of the registered office under Rule 30(9) of the Principal Rules has been taken away; (b) RD is now empowered to allow the shifting of the registered office of a company under Rule 30 of the Principal Rules, if such a company has been taken over by new management pursuant to a resolution plan approved under Insolvency and Bankruptcy Code, 2016 ("**IBC**"), subject to the condition that: (i) no appeal against the resolution plan is pending before any Court or Tribunal and; (ii) no inquiry, inspection, investigation is pending or initiated after the approval of the said resolution plan.

To read the notification [click here](#) 

ONE MORE STEP TOWARDS EASE OF DOING BUSINESS – MCA INTEGRATED WITH NSWS FOR INCORPORATION OF COMPANIES AND LLPs

National Single Window System ("**NSWS**"), a one stop shop portal which integrates multiple approvals and clearances required from the Central Government and various State Governments for various businesses was launched by Ministry of Commerce and Industry in September, 2021.

MCA, *vide* its bulletin on October 23, 2023, has informed the stakeholders that MCA has integrated with NSWS for the incorporation of companies and limited liability partnerships. Incorporation services can also be availed through NSWS portal.

To read the bulletin [click here](#)



MOEFCC NOTIFIES THE BATTERY WASTE MANAGEMENT (AMENDMENT) RULES, 2023

Ministry of Environment, Forest and Climate Change ("MoEFCC"), *vide* its notification dated October 25, 2023, has notified the Battery Waste Management (Amendment) Rules, 2023 ("Amendment Rules"). The Battery Waste Management Rules, 2022 ("Battery Rules") apply to: (a) producer, dealer, consumer, entities involved in collection, segregation, transportation, refurbishment, and recycling of waste battery; and (b) all types of batteries regardless of chemistry, shape, volume, weight, material composition and use. The Battery Rules do not apply to batteries used for military purposes and equipment designed to be sent to space. The Amendment Rules define battery as new or refurbished cell or battery, including accumulator, which is any source of electrical energy generated by direct conversion of chemical energy and includes disposable primary or secondary battery.

The Amendment Rules lay down certain obligations on every producer, such as:

(a) collection, recycling, and refurbishing obligations/targets are to be met; (b) sound-management of pre-consumer waste battery generated during manufacturing or assembling or import of a battery or battery pack and shall file annual returns regarding the consumer waste battery generated in the preceding financial year; (c) take measures towards sustainable production of batteries or battery pack in accordance with the guidelines issued by the Central Pollution Control Board ("Board"); (d) obtain registration from the Board through online centralised portal; (e) inform the Board of any changes to the information contained in the extended producer responsibility registration; (f) furnish a return regarding the battery manufactured or assembled or imported in the preceding financial year to the Board on or before June 30th of every year; (g) take measures for sustainable production of battery or battery pack in accordance with the guidelines issued by the Board; (h) make available total weight of waste battery processed by entity involved in refurbishment and/ or recycling of waste battery, on quarterly basis, on the portal developed by the Board; and (i) ensure that on or before March 31, 2025, all battery or battery packs produced are appropriately marked with extended producer responsibility registration number.

To read the notification [click here](#)



ECOMARK RULES NOTIFIED BY MOEFCC

MoEFCC, *vide* its notification dated October 11, 2023, has notified the Ecomark Certification Rules, 2023 ("Ecomark Rules"). The Ecomark Rules require labelling of products which have lesser adverse impacts on the environment, with an objective to encourage consumers to adopt such products as well as the manufacturers that promote environmental friendly products and ensure environmental

performance of such products, *inter-alia*, with respect to the impact such products have on climate change, nature and biodiversity, energy consumption, generation of waste and release of hazardous substances. The Ecomark Rules provides labelling to products that meet approved environmental criteria mentioned therein.

The key provisions of the Ecomark Rules are as follows:

(a) the overall objectives of the Ecomark Rules are: (i) to build consumer awareness on environmental issues and of the implications of their choices; (ii) to encourage manufacturers for transitioning to production of Ecomark certified products; and (iii) to prevent misleading and deceptive information with respect to fraudulent use of Ecomark label; (b) products will be examined in terms of environmental impacts which, *inter-alia*, have substantially less potential for pollution and environmental impact compared to other products and that the product contributes to reduction of adverse impacts on the environment basis the primary product criteria that are set for each of these products/product categories. A list of primary product criteria has also been provided for in the Ecomark Rules; (c) the governance of the Ecomark Rules for its effective implementation has been required to be done by the Steering Committee, wherein the Ecomark Rules specify the criteria for members of the steering committee along with its functions; (d) the implementation of the Ecomark Rules shall be done by the Ecomark Administrator, and such Ecomark Administrator, *inter-alia*, shall be responsible for developing guidelines and to identify products to be covered under the Ecomark Rules; (e) the Ecomark Administrator can constitute technical committees, whose criteria for appointment and responsibilities have been provided in the Ecomark Rules; and (f) the Ecomark Rules also provide for the constitution of the Ecomark portal, knowledge and database platform and the implementation committee.

To read the notification [click here](#)



GREEN RULES NOTIFIED BY MOEFCC

MoEFCC, *vide* its notification dated October 12, 2023, has notified the Green Credit Rules, 2023 ("**Green Rules**") and initiated the Green Credit Programme ("**Green Programme**") on a national scale. The program aims to promote a competitive market-based approach to green credit and incentivize environmental initiatives amongst diverse stakeholders. The Green Rules define green credit as a singular unit of an incentive provided for a specified activity, delivering a positive impact on the environment.

MoEFCC has clarified that the Green Programme is distinct from the Carbon Credit Trading Scheme, 2023 ("**Carbon Credit Scheme**"). However, activities with similar climate co-benefits, such as the reduction or removal of carbon emissions, may qualify for both green credits under the Green Programme and carbon credits under the Carbon Credit Scheme for the same activity.

The main objective behind the Green Programme is to incentivise environmental positive actions through a market-based mechanism by generating green credits which can be tradeable and made available for trading on a domestic market platform. The Green Rules outline the procedure for generating green credits.

Rule 4 of the Green Rules elaborates on the Green Programme, allowing any individual or entity to take measures aimed at environmental protection, preservation, and conservation. The measures encompass various activities, including tree plantation, water management, sustainable agriculture, waste management, air pollution reduction, mangrove conservation and restoration, Ecomark label development, and sustainable building and infrastructure.

To oversee the management and operations of the Green Programme, the Indian Council of Forestry Research and Education has been appointed as the administrator.

To read the notification [click here](#) & to read the press release [click here](#)



MOEFCC NOTIFIES THE PLASTIC WASTE MANAGEMENT (SECOND AMENDMENT) RULES, 2023

MoEFCC, *vide* its notification dated October 30, 2023, has notified the Plastic Waste Management (Second Amendment) Rules, 2023 ("**Plastic Waste Amendment Rules**"). The Plastic Waste Amendment Rules aim to provide a statutory framework for plastic waste management in the country in an environmentally sound manner and to further strengthen the effective implementation of the legislation on plastic waste management.

The Plastic Waste Amendment Rules provide for:

(a) use of information technology tools for online reporting replacing the multi-step manual reporting and capturing of data at various stages of waste management at the state and local authority level; (b) providing an online electronic trading platform for trading of certificates generated by registered plastic waste processors for price discovery; (c) the definition of 'carry bags' to include bags made from plastic material or compostable plastic or biodegradable plastic (*used for the purpose of carrying or dispensing, commodities, which have a self-carrying feature*), but does not include bags that constitute or form an integral part of the packaging in which goods are sealed prior to use; (d) definition of 'producers' which means persons engaged in the manufacture of plastic packaging; (e) certain information shall be printed in English on the plastic packaging which, *inter alia*, includes the name and registration certificate number for the producer or importer or brand owner generated through the centralized online portal, for plastic packaging: (i) in case of, rigid plastic packaging, with effect from July 1, 2024, multilayer flexible plastic packaging of more than one layer with different types of plastic including plastic sachet or pouches, and multi-layered plastic packaging; (ii) plastic packaging and thickness in case of flexible plastic packaging of single layer including plastic sachet or pouches (*if single layer*), plastic sheets or like and covers made of plastic sheet, carry bags; and (iii) with effect from January 1, 2025, and number of certificate issued in case of plastic sheet or like used for packaging and plastic packaging as well as carry bags commodities made of compostable plastic; (f) each plastic packaging shall contain, (*printed in English*), name and certificate number issued in case of plastic sheet or like used for packaging and plastic packaging as well as carry bags and commodities made of biodegradable plastic; (g) the authorities who shall be responsible for the enforcement of the provisions which, *inter alia* include, the Central Pollution Control Board, the State Pollution Control Board and the Pollution Control Committee in respect of

a Union territory; and (h) the establishment of the State Level Monitoring Committee for the effective monitoring of the implementation of the Plastic Waste Amendment Rules.

To read the notification [click here](#)



CENTRAL GOVERNMENT NOTIFIES THE ESTABLISHMENT OF ARBITRATION COUNCIL OF INDIA

Ministry of Law and Justice ("MLJ"), *vide* its notification dated August 9, 2019, had made amendments in the Arbitration and Conciliation Act, 1996 ("Arbitration and Conciliation Act") by way of Arbitration and Conciliation (Amendment) Act, 2019 ("Arbitration Amendment Act"). One of the amendments, *inter alia*, was Section 10 of the Arbitration Amendment Act which inserted Part IA in the Arbitration and Conciliation Act i.e., establishment, composition, functioning, duties and powers of Arbitration Council of India.

MLJ, *vide* its notification dated October 12, 2023, has notified that Section 10 of the Arbitration Amendment Act is effective from October 12, 2023.

To read the notification dated August 9, 2019, [click here](#) & to read the notification dated October 12, 2023, [click here](#)



MLJ NOTIFIES OCTOBER 9, 2023, AS THE EFFECTIVE DATE FOR COMING INTO FORCE OF CERTAIN PROVISIONS OF THE MEDIATION ACT

MLJ, *vide* its notification dated October 9, 2023, has appointed October 9, 2023 as the date on which the provisions of the following sections of the Mediation Act, 2023 ("Mediation Act"), shall come into force, namely:

Sections 1 (*short title, extent and commencement*), 3 (*definitions*), 26 (*proceedings of Lok Adalat and permanent Lok Adalat not to be affected*), 31 to 38 (*Mediation Council of India*), 45 (*mediation fund*), 46 (*accounts and audit*), 47 (*power of Central Government to issue directions*), 50 (*protection of action taken in good faith*), 51 (*Central Government's power to make rules*), 52 (*Council's power with the previous approval of the Central Government to make regulations*), 53 (*laying down of the notification, rule or regulation*), 54 (*Central Government's power to remove difficulties*), 56 (*Mediation Act not to apply to pending proceedings*), and 57 (*transitory provisions*).

To read the notification [click here](#)



A BIG RELIEF TO THE AVIATION INDUSTRY FROM THE RIGOR OF MORATORIUM UNDER IBC

MCA, *vide* its notification dated October 3, 2023, in exercise of its powers conferred under Section 14(3)(a) of IBC, has notified that the provisions of Section 14(1) of IBC ("**Moratorium**"), shall not apply to transactions, arrangements or agreements, under the Convention on International Interests in Mobile Equipment ("**Convention**") and Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Aircraft Equipment ("**Protocol**"), relating to aircraft, aircraft engines, airframes and helicopters.

The Convention and the Protocol were adopted under the joint auspices of International Civil Aviation Organization and the International Institute for the Unification of Private Law concluded at Cape Town on November 16, 2001. India is a signatory to and has acceded the Convention and the Protocol by depositing with the International Institute for the Unification of Private Law the instruments of accession on March 31, 2008.

To read the notification [click here](#)



MCAFPD NOTIFIES THE LEGAL METROLOGY (PACKAGED COMMODITIES) AMENDMENT RULES, 2023

Ministry of Consumer Affairs, Food and Public Distribution ("**MCAFPD**"), *vide* its notification dated October 6, 2023, has notified the Legal Metrology (Packaged Commodities) Amendment Rules, 2023 to amend the Legal Metrology (Packaged Commodities) Rules, 2011. According to the notification, the amendment shall come into force on January 1, 2024. The objective of the amendment is to ensure that the consumer has an informed experience by having access to more accurate measurement and labelling of packaged goods in India.

Through the amendment, MCAFPD has inserted definitions of a combination package, a group package, and a multi-piece package. Further, the requirement of labelling under Rule 6(1)(d) will not be applicable on spare parts and accessories which are not sold to end customers and will only have to bear the declaration of month and year of manufacture in a visible and legible manner. By this amendment, MCAFPD has also added that the requirement of declaration of unit sale price is not applicable on a combination package, a group package, or a multi-piece package, under these rules or under any other law for the time being in force.

A new item has been added to clause (f) of Rule 26 which requires that the size of a product should be either (a) in metric notation or (b) with internationally recognizable size indicators such as S, M, L, XL, XXL and XXXL (*along with details in metric notation*). Further, clause (g) has been inserted exempting packages if it contains loose commodities ordered through e-commerce channels, where consumers are aware of the ordered commodity, its type and quantity. However, the commodities shall have to bear the information listed under Rule 26 clause (g).

To read the notification [click here](#)



EPFO RELEASES SOP FOR MANAGEMENT AND REGULATION OF EXEMPTED ESTABLISHMENT UNDER EPF ACT

Employees' Provident Fund Organisation ("EPFO"), *vide* its circular dated October 6, 2023, has released a Standard Operating Procedure ("SOP") for management and regulation of establishments that are granted exemption from operation of the Employees' Provident Funds Scheme, 1952 and are permitted to operate an exempted private provident fund trust under the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 ("EPF Act"). The SOP aims to delineate the process of compliance to be done by the exempted/ relaxed establishments managing their own trust and the regulations thereof on the conditions and obligations as per the EPF Act.

The SOP sets out the responsibilities of the exempted establishment/ trust, board of trustees, regional office of EPFO, zonal office of EPFO and head office of EPFO. In this regard, the SOP lays down the specific procedures and timelines to be followed by each of these stakeholders. Further, through the SOP, EPFO has introduced a 'priority matrix' for the purpose of taking suitable action against exempted establishments and has classified the establishments into 3 categories, wherein Category A entails mandatory cancellation, however, Category B and Category C is for establishments that can rectify their violations. The conditions of priority matrix are detailed in Form CE-6 (*as attached to the SOP*).

To read the circular [click here](#)



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