

Summary of the recently issued notifications/circulars

01. SEBI Circular, dated 16th July 2018

Strengthening the Guidelines and Raising Industry standards for RTAs, Issuer Companies and Banker to an Issue -Clarification

02. CBDT Notification, dated 20th July 2018

Income Tax (8th Amendment) Rules 2018

03. CBDT Press Release, dated 26th July 2018

Extension of date for filing of Income Tax Returns

04. MCA Notification, dated 27th July 2018

Companies (Incorporation) 3rd Amendment Rules 2018

05. MCA Notification, dated 27th July 2018

Commencement notification

06. MCA Notification, dated 31st July 2018

Companies (Accounts) Amendment Rules, 2018

07. Central Tax Notification, dated 30th July 2018

Notification issued to extend the due date for filing of FORM GSTR-6.

PGB Updates

18/31-JUL-18

Recently issued notifications/circulars are given below for your ready reference.

01. SEBI Circular, dated 16th July 2018

Subject: Strengthening the Guidelines and Raising Industry standards for RTAs, Issuer Companies and Banker to an Issue -Clarification

Brief note:

1. SEBI, vide circular No. SEBI/HO/MIRSD /DOP1/CIR/P/2018/73 dated April 20, 2018, inter-alia, mandated RTAs to send a letter under Registered / Speed post seeking PAN and bank details within 90 days of the said circular and two reminders thereof after the gap of 30 days.

2. In this regard SEBI has received several representations to extend the timelines of first letter so as to bunch it up with annual reports/notices of AGM. Further, clarifications have been sought to send the reminders by way of modes other than Registered / Speed post, citing huge cost involved and the efficacy of sending reminders by way of other modes; especially in cases where first letter sent by Registered / Speed Post returned undelivered.

3. Accordingly, in respect of para II (12)(ii) of Annexure to the aforementioned circular, it is clarified that:

a. The timeline for sending the initial letter by Registered / Speed Post to physical shareholders has been extended to September 30, 2018 to enable companies to send the initial letter along with Annual Reports/notice of AGM.

b. Subsequently, two reminders may be sent by other modes including ordinary post / courier

To view and print these PDF document, please follow below mentioned link:

https://www.sebi.gov.in/legal/circulars/jul-2018/strengthening-the-guidelines-and-raising-industry-standards-for-rtas-issuer-companies-and-banker-to-an-issue-clarification_39553.html

02. CBDT Notification, dated 20th July 2018

Subject: Income Tax (8th Amendment) Rules 2018

Brief note:

The Central Board of Direct Taxes hereby makes the following rules further to amend the Income-tax Rules, 1962, namely:—

1. (1) These rules may be called the Income-tax (8th Amendment) Rules, 2018.

(2) They shall come into force from the 20th day of August, 2018.

2. In the Income-tax Rules, 1962, in Appendix II, in Form No. 3CD,-

(i) in serial number 4,-

(a) after the words "sales tax," the words "goods and services tax," shall be inserted;

(b) after the words "registration number or", the words "GST number or" shall be inserted;

(ii) in serial number 19, in the table, after the row with entry "32AC", the row with entry "32AD" shall be inserted;

(iii) in serial number 24, after the words "32AC or", the words "32AD or" shall be inserted;

PGB Updates

18/31-JUL-18

(iv) in serial number 26, for the words “or (f)”, the words “, (f) or (g)” shall be substituted;

(v) after serial number 29 and the entries relating thereto, the following shall be inserted, namely:-

“29A. (a) Whether any amount is to be included as income chargeable under the head ‘income from other sources’ as referred to in clause (ix) of sub-section (2) of section 56? (Yes/No)

(b) If yes, please furnish the following details:

(i) Nature of income:

(ii) Amount thereof:

29B. (a) Whether any amount is to be included as income chargeable under the head ‘income from other sources’ as referred to in clause (x) of sub-section (2) of section 56? (Yes/No)

(b) If yes, please furnish the following details:

(i) Nature of income:

(ii) Amount (in Rs.) thereof:”;

(vi) after serial number 30 and the entries relating thereto, the following shall be inserted, namely:-

“30A. (a) Whether primary adjustment to transfer price, as referred to in sub-section (1) of section 92CE, has been made during the previous year? (Yes/No)

(b) If yes, please furnish the following details:-

(i) Under which clause of sub-section (1) of section 92CE primary adjustment is made?

(ii) Amount (in Rs.) of primary adjustment:

(iii) Whether the excess money available with the associated enterprise is required to be repatriated to India as per the provisions of sub-section (2) of section 92CE? (Yes/No)

(iv) If yes, whether the excess money has been repatriated within the prescribed time (Yes/No)

(v) If no, the amount (in Rs.) of imputed interest income on such excess money which has not been repatriated within the prescribed time:

30B. (a) Whether the assessee has incurred expenditure during the previous year by way of interest or of similar nature exceeding one crore rupees as referred to in sub-section (1) of section 94B? (Yes/No)

(b) If yes, please furnish the following details:-

(i) Amount (in Rs.) of expenditure by way of interest or of similar nature incurred:

(ii) Earnings before interest, tax, depreciation and amortization (EBITDA) during the previous year (in Rs.):

(iii) Amount (in Rs.) of expenditure by way of interest or of similar nature as per (i) above which exceeds 30% of EBITDA as per (ii) above:

(iv) Details of interest expenditure brought forward as per sub-section (4) of section 94B:

A.Y.	Amount (in Rs.)

(v) Details of interest expenditure carried forward as per sub-section (4) of section 94B:

PGB Updates

18/31-JUL-18

A.Y.	Amount (in Rs.)

30C. (a) Whether the assessee has entered into an impermissible avoidance arrangement, as referred to in section 96, during the previous year? (Yes/No)

(b) If yes, please specify:-

(i) Nature of the impermissible avoidance arrangement:

(ii) Amount (in Rs.) of tax benefit in the previous year arising, in aggregate, to all the parties to the arrangement:";

(vii) in serial number 31,-

(A) after clause (b), the following clauses and entries relating thereto shall be inserted, namely:-

“(ba) Particulars of each receipt in an amount exceeding the limit specified in section 269ST, in aggregate from a person in a day or in respect of a single transaction or in respect of transactions relating to one event or occasion from a person, during the previous year, where such receipt is otherwise than by a cheque or bank draft or use of electronic clearing system through a bank account:-

(i) Name, address and Permanent Account Number (if available with the assessee) of the payer;

(ii) Nature of transaction;

(iii) Amount of receipt (in Rs.);

(iv) Date of receipt;

(bb) Particulars of each receipt in an amount exceeding the limit specified in section 269ST, in aggregate from a person in a day or in respect of a single transaction or in respect of transactions relating to one event or occasion from a person, received by a cheque or bank draft, not being an account payee cheque or an account payee bank draft, during the previous year:—

(i) Name, address and Permanent Account Number (if available with the assessee) of the payer;

(ii) Amount of receipt (in Rs.);

(bc) Particulars of each payment made in an amount exceeding the limit specified in section 269ST, in aggregate to a person in a day or in respect of a single transaction or in respect of transactions relating to one event or occasion to a person, otherwise than by a cheque or bank draft or use of electronic clearing system through a bank account during the previous year:-

(i) Name, address and Permanent Account Number (if available with the assessee) of the payee;

(ii) Nature of transaction;

(iii) Amount of payment (in Rs.);

(iv) Date of payment;

(bd) Particulars of each payment in an amount exceeding the limit specified in section 269ST, in aggregate to a person in a day or in respect of a single transaction or in respect of transactions

PGB Updates

18/31-JUL-18

relating to one event or occasion to a person, made by a cheque or bank draft, not being an account payee cheque or an account payee bank draft, during the previous year:—

(i) Name, address and Permanent Account Number (if available with the assessee) of the payee;

(ii) Amount of payment (in Rs.);

(Particulars at (ba), (bb), (bc) and (bd) need not be given in the case of receipt by or payment to a Government company, a banking Company, a post office savings bank, a cooperative bank or in the case of transactions referred to in section 269SS or in the case of persons referred to in Notification No. S.O. 2065(E) dated 3rd July, 2017”;

(B) in item (c), in sub-item (v), for the words “taken or accepted”, the word “repaid” shall be substituted;

(C) in item (d), in sub-item (ii), after the words “amount of”, the words “repayment of” shall be inserted;

(D) in item (e), in sub-item (ii), after the words, “amount of”, the words “repayment of” shall be inserted;

(viii) in serial number 34, for item (b), the following item shall be substituted, namely:-

“(b) whether the assessee is required to furnish the statement of tax deducted or tax collected. If yes, please furnish the details:

(i) Tax deduction and collection Account Number (TAN)

(ii) Type of Form

(iii) Due date for furnishing

(iv) Date of furnishing, if furnished

(v) Whether the statement of tax deducted or collected contains information about all details/transactions which are required to be reported. If not, please furnish list of details/transactions which are not reported.”;

(ix) after serial number 36 and the entries relating thereto, the following shall be inserted, namely:-

“36A. (a) Whether the assessee has received any amount in the nature of dividend as referred to in sub-clause (e) of clause (22) of section 2? (Yes/No)

(b) If yes, please furnish the following details:-

(i) Amount received (in Rs.):

(ii) Date of receipt:”;

(x) after serial number 41 and the entries relating thereto, the following shall be inserted, namely:-

“42. (a) Whether the assessee is required to furnish statement in Form No.61 or Form No. 61A or Form No. 61B? (Yes/No)

(b) If yes, please furnish:

(i) Income tax Department Reporting Entity Identification Number

(ii) Type of Form

(iii) Due date for furnishing

(iv) Date of furnishing, if furnished

(v) Whether the Form contains information about all details/transactions which are required to be reported. If not, please furnish list of the details/transactions which are not reported.

PGB Updates

18/31-JUL-18

43. (a) Whether the assessee or its parent entity or alternate reporting entity is liable to furnish the report as referred to in sub-section (2) of section 286 (Yes/No)

(b) if yes, please furnish the following details:

(i) Whether report has been furnished by the assessee or its parent entity or an alternate reporting entity

(ii) Name of parent entity

(iii) Name of alternate reporting entity (if applicable)

(iv) Date of furnishing of report

44. Break-up of total expenditure of entities registered or not registered under the GST:

(i) Sl.No.

(ii) Total amount of Expenditure incurred during the year

(iii) Expenditure in respect of entities registered under GST

(iii.a) Relating to goods or services exempt from GST

(iii.b) Relating to entities falling under composition scheme

(iii.c) Relating to other registered entities

(iii.d) Total payment to registered entities

(iv) Expenditure relating to entities not registered under GST

To view and print these PDF document, please follow below mentioned link:

<https://www.incometaxindia.gov.in/Communications/Notification/Notification-33-2018.pdf>

03. CBDT Press Release, dated 26th July 2018

Subject: Extension of date for filing of Income Tax Returns

Brief note:

The due date for filing of Income Tax Returns for Assessment Year 2018-19 is 31.07.2018 for certain categories of taxpayers. Upon consideration of the matter, the Central Board of Direct Taxes (CBDT) extends the 'due date' for filing of Income Tax Returns from 31st July, 2018 to 31st August, 2018 in respect of the said categories of taxpayers.

To view and print these PDF document, please follow below mentioned link:

<https://www.incometaxindia.gov.in/Lists/Press%20Releases/Attachments/723/Press-Release-Extension-date-filing-Income-Tax>Returns-26-7-2018.pdf>

04. MCA Notification, dated 27th July 2018

Subject: Companies (Incorporation) 3rd Amendment Rules 2018

Brief note:

The Central Government hereby makes the following rules further to amend the Companies (Incorporation) Rules, 2014, namely: -

1. (1) These rules may be called the Companies (Incorporation) Third Amendment Rules, 2018.

(2) They shall come into force on the date of their publication in the official Gazette.

2. In the Companies (Incorporation) Rules, 2014.

(a) in rule 3, for Explanation to sub-rule (1), the following shall be substituted, namely:-

PGB Updates

18/31-JUL-18

"Explanation I - For the purposes of this rule, the term "resident in India" means a person who has stayed in India for a period of not less than one hundred and eighty two days during the immediately preceding financial year.

Explanation II.- For the purposes of this rule, while counting the number of days of stay of a director in India for the financial year 20-18-2019, any period of stay between 01.01.2018 till the date of notification of this rule shall also be counted";

(b) for rule 1.5, the following shall be substituted, namely:-

"15. Declaration from Subscribers and First Directors.- For the purposes of clause (c) of sub-section (1) of section 7, the declaratioir shall be submitted by each of the subscribers to the memorandum and each of the first directors named in the articles in Form No.INC-9." ;

(c) in Form No. INC-9, for the word 'Affidavit', the word 'Declaration' shall be substituted;

(d) in Form No. INC-32, (SPICe), in the List of Attachments, in item number 3, for the words and brackets "Affidavit and declaration by first subscriber(s) and director(s)" the words and brackets "Declaration by first subscriber(s) and director(s)" shall be substituted.

To view and print these PDF document, please follow below mentioned link:

http://www.mca.gov.in/Ministry/pdf/CompanieIncorporation3rdRules27_30072018.pdf

05. MCA Notification, dated 27th July 2018

Subject: Commencement notification

Brief note:

The Central Government hereby appoints the day of 27th July, 2018 as the date on which the following provisions of the said Act shall come into force, namely

Sl.No.	Sections
1.	Section 5; and
2.	Section 6

To view and print these PDF document, please follow below mentioned link:

http://www.mca.gov.in/Ministry/pdf/CommencementNotiAmendment27_30072018.pdf

06. MCA Notification, dated 31st July 2018

Subject: Companies (Accounts) Amendment Rules, 2018

Brief note:

The Central Government hereby makes the following rules further to amend the Companies (Accounts) Rules, 2014, namely:-

1. (1) These rules may be called the Companies (Accounts) Amendment Rules, 2018.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Companies (Accounts) Rules, 2014, in rule 8,

(i) In sub-rule (5), after clause (viii) the following clauses shall be inserted, namely:-

PGB Updates

18/31-JUL-18

“(ix) a disclosure, as to whether maintenance of cost records as specified by the Central Government under sub-section (1) of section 148 of the Companies Act, 2013, is required by the Company and accordingly such accounts and records are made and maintained,

(x) a statement that the company has complied with provisions relating to the constitution of Internal Complaints Committee under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 [14 of 2013]

(ii) after sub-rule (5), the following rule shall be inserted, namely:-

“(6) This rule shall not apply to One Person Company or Small Company”.

(iii) after rule 8, the following rule shall be inserted, namely:-

“8A. Matters to be included in Board’s Report for One Person Company and Small Company.-

(1) The Board’s Report of One Person Company and Small Company shall be prepared based on the stand alone financial statement of the company, which shall be in abridged form and contain the following:-

(a) the web address, if any, where annual return referred to in sub-section (3) of section 92 has been placed;

(b) number of meetings of the Board;

(c) Directors’ Responsibility Statement as referred to in sub-section (5) of section 134;

(d) details in respect of frauds reported by auditors under sub-section (12) of section 143 other than those which are reportable to the Central Government;

(e) explanations or comments by the Board on every qualification, reservation or adverse remark or disclaimer made by the auditor in his report;

(f) the state of the company’s affairs;

(g) the financial summary or highlights;

(h) material changes from the date of closure of the financial year in the nature of business and their effect on the financial position of the company;

(i) the details of directors who were appointed or have resigned during the year;

(j) the details or significant and material orders passed by the regulators or courts or tribunals impacting the going concern status and company’s operations in future.

(2) The Report of the Board shall contain the particulars of contracts or arrangements with related parties referred to in sub-section (1) of section 188 in the Form AOC-2.”.

To view and print these PDF document, please follow below mentioned link:

http://www.mca.gov.in/Ministry/pdf/companisAccountsRules_31072018.pdf

PGB Updates

18/31-JUL-18

07. Central Tax Notification, dated 30th July 2018

Subject: Notification issued to extend the due date for filing of FORM GSTR-6.

Brief note:

The Commissioner hereby extends the time limit for furnishing the return by an Input Service Distributor in FORM GSTR-6 under sub-section (4) of section 39 of the said Act read with rule 65 of the Central Goods and Services Tax Rules, 2017, for the months of July, 2017 to August, 2018 till the 30th day of September, 2018.

To view and print these PDF document, please follow below mentioned link:

<http://www.cbic.gov.in/resources//htdocs-cbec/gst/Notification-30-2018-central tax-English.pdf;jsessionid=4E99794D3F5A7D68187F311F515FFF56>

➤ **If you have any questions, please write to updates@pgbhagwatca.com**

➤ **If you do not want such updates, please email to updates@pgbhagwatca.com.**

Disclaimer:

This information is brief summary of the updates & does not contain any official/ standard view of M/s P.G. Bhagwat, Chartered Accountants. Further M/s P. G. Bhagwat, Chartered Accountants is not responsible for any kind of loss arising due to use of this information.