

THE INSTITUTE OF COMPANY SECRETARIES OF INDIA

CS UPDATE

JANUARY 2, 2007

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MCA 21 UPDATES

Invalidation of provisional DINs

For obtaining DIN, directors are required to submit an application in e-form DIN – 1 online through MCA portal. A provisional DIN is generated automatically. As per the Companies (Director Identification) Rules, 2006, directors are required to apply to the Central Government for a regular DIN within 60 days of the on-line generation of provisional DIN (i.e. an application with necessary enclosures as identification proof are required to be submitted physically). After the deadline for obtaining a regular DIN is reached, the provisional DIN shall become invalidated.

In this regard, the following announcement is being displayed on the website of Ministry of Company Affairs (MCA):

“Directors are required to apply for a regular DIN within 60 days of the on-line generation of provisional DIN as per the DIN Rules. As such, the provisional DINs in all cases generated on-line up to September 30, 2006, and where regular DIN has not been applied for, will become invalid with effect from January 1, 2007.”

Updated e-forms

The new version of e-form 1AA would be available on the website of Ministry of Company Affairs (MCA) from January 07, 2006. In this regard the following announcement is appearing at the website of MCA (www.mca.gov.in):

'The form level processing of e-form 1AA is being updated.'

The updated e-form would be available for use w.e.f. January 07, 2006 (Sunday) 6.00 AM. All stakeholders are requested to take a note of this and use latest version of these e-forms after release from January 07, 2006 onwards.'

FEMA UPDATES

To

All Category - I Authorised Dealer Banks

Madam/Sir,

Liberalised Remittance Scheme of USD 50,000 for Resident Individuals

Attention of Authorised Dealer Category I (AD – Category I) banks is invited to the A.P. (DIR Series) Circular No. 64 dated February 4, 2004, Foreign Exchange Management (Current Account Transactions) Rules, 2000 (Rules) as amended from time to time and A.P. (DIR Series) Circular No.66 dated January 13, 2003.

In terms of the above mentioned Rules and directions –

- a resident individual is permitted to remit up to USD 25,000 per calendar year under the Liberalised Remittance Scheme of USD 25,000 (the Scheme) for any current or capital account transactions or a combination of both subject to specified terms and conditions including remittance facility not being made available for certain purposes,
- in terms of the Current Account Transactions Rules
 - a resident individual is permitted to remit upto USD 5000 per remitter/ donor per annum towards gift ,
 - a resident individual is permitted to remit upto USD 5000 per remitter/ donor per annum towards donation,
- a resident individual is permitted to invest in overseas companies (a) listed on a recognised stock exchange abroad and (b) which has the shareholding of at least 10 per cent in an Indian company listed on a recognised stock exchange in India (as on 1st January of the year of the investment).

2. With a view to simplifying the procedures and providing greater flexibility in foreign exchange transactions, the Liberalised Remittance Scheme of USD 25,000 (the Scheme) is liberalised further by enhancing the limit of USD 25,000

per **calendar** year to USD 50,000 per **financial** year (April- March) for any current or capital account transactions or a combination of both. In addition, as a measure of rationalization, it has also been decided that

- limit of USD 50,000 under the Scheme would also include remittances towards gift and donation by a resident individual.
- investment by resident individual in overseas companies would be subsumed under the Scheme of USD 50,000. The requirement of 10 per cent reciprocal shareholding in the listed Indian companies by such overseas companies has been dispensed with.

Accordingly, AD – Category I banks may allow remittance of USD 50,000 per financial year (April- March) by a resident individual under the revised Scheme. The other terms and conditions as stipulated in the A. P. (DIR Series) Circulars No. 64 dated February 4, 2004 and No. 80 dated March 18, 2004 would continue as hitherto.

3. In addition, the existing facility of release of exchange by Authorised Persons up to USD 10,000 or its equivalent in one calendar year on a declaration basis for one or more private visits to any country (except Nepal and Bhutan) will continue to be available on a self-declaration basis. However, the facility would be now available on a **financial** year (April-March) basis.

4. As indicated in A.P (DIR Series) Circular No.80 dated March 18, 2004, soliciting of deposits etc. under the Scheme by entities which do not have an operational presence in India, gives rise to supervisory concerns. It is therefore clarified that all banks, both Indian and foreign, including those not having an operational presence in India should seek prior approval from the Reserve Bank for the schemes being marketed by them in India to residents either for soliciting foreign currency deposits for their foreign/overseas branches or for acting as agents for overseas mutual funds or any other foreign financial services company.

5. The resident individual seeking to make the remittance should furnish an Application –cum- Declaration in the revised format as at Annex-1.

6. AD - Category I banks may arrange to furnish information on the number of applicants and total amount remitted under the Scheme, on a quarterly basis, in the Format at Annex-2, to the Chief General Manager-in-Charge, Foreign Exchange Department, Foreign Investments Division (EPD), Reserve Bank of India, Central Office, Mumbai-400001 within 10 days of the reporting quarter. A soft copy of the statement (in Excel format) may also be sent by e-mail.

7. Necessary amendments to (i) Foreign Exchange Management (Current Account Transactions) Rules, 2000 (ii) Foreign Exchange Management (Permissible Capital Account Transactions) Regulations, 2000 and (iii) Foreign Exchange Management (Transfer or Issue of Any Foreign Security) Regulations, 2000 are being notified separately.

8. AD - Category I banks may bring the contents of this circular to the notice of their constituents and customers concerned.

9. The directions contained in this Circular have been issued under Section 10 (4) and 11 (1) of the Foreign Exchange Management Act, 1999 (42 of 1999) and is without prejudice to permissions / approvals, if any, required under any other law.

Yours faithfully,

(Salim Gangadharan)
Chief General Manager-in-Charge

**Application cum Declaration for purchase of foreign exchange under the
Liberalised Remittance Scheme of USD 50,000**

(To be completed by the applicant)

I. Details of the applicant

- a. Name
- b. Address.....
- c. Account No.....
- d. PAN No.....

II. Details of the foreign exchange required

- 1. Amount (Specify currency).....
- 2. Purpose

III. Source of funds:

IV. Nature of instrument

- Draft.....
- Direct remittance.....

**V. Details of the remittance made under the Scheme in the financial
year (April- March) 200...**

Date :..... Amount :.....

VI. Details of the Beneficiary

- 1. Name
- 2. Address
- 3. Country
- 4*. Name and address of the bank.....
- 5*. Account No.....

(* Required only when the remittance is to be directly credited to the bank account of the beneficiary)

**This is to authorize you to debit my account and effect the foreign exchange
remittance/issue a draft as detailed above. (strike out whichever is not
applicable).**

Declaration

*I,(Name), hereby declare that the total amount of
foreign exchange purchased from or remitted through, all sources in India
during the financial year as per item No. V of the Application, is within the limit
of USD 50,000/-(US Dollar Fifty Thousand only), which is the limit prescribed
by the Reserve Bank for the purpose and certify that the source of funds for
making the said remittance belongs to me and will not be used for prohibited
purposes.*

Signature of the applicant
(Name)

Certificate by the Authorised Dealer

This is to certify that the remittance is not being made by/ to ineligible entities and that the remittance is in conformity with the instructions issued by the Reserve Bank from time to time under the Scheme.

Name and designation of the authorised official:

Place:

Date:

Signature
Stamp and seal

Annex-2

[A.P.(DIR Series) Circular No.24
dated December 20, 2006]

Format

Statement indicating the details of remittances made by resident individuals
under the Liberalised Remittance Scheme for the quarter ended ----- 200--

Name of the Bank:

Sl.No.	Purpose of remittance	No. of applicants	Amount remitted in USD
1.	Deposit		
2.	Purchase of immovable property		
3.	Investment in equity/debt		
4.	Gift		
5.	Donation		
6.	Others		
Total			

Name and designation of the authorised official:

Place:

Date:

Signature
Stamp and seal

CAPITAL MARKET UPDATES

SEBI News clarification in 'The Economic Times' on the headline "FII registrations take a year-end break"

OCH/CD/NH/2006/

December 27, 2006

The Resident Editor
The Economic Times
Times of India Building,
Dr. D.N.Road, Fort
Mumbai – 400 001

Dear Sir,

Sub: **Clarification**

Please refer to the news items headlined "FII registrations take a year-end break" published in your newspaper on December 27, 2006, wherein it has been indicated that "..December 2006 could be the only month in a span of seven years to not have a single foreign institutional investor registering with the regulator".

We wish to inform you that the above statement is factually incorrect and written without seeking comments or confirmation from SEBI. In fact, the number of FIIs registered during the period from 20th November till the date of your news item is 31 and the total number of FIIs registered with SEBI as on date is 1024. The web-page containing the details of the registered FIIs which captures name, address and contact details etc. reflects this up-to-date information.

It appears to us that the figure quoted by you seems to have taken from the page pertaining to 'FII trends' which is meant essentially for capturing the FII investment data. It is for information that SEBI is in the process of changing the software platform that maintains the FII investment database, on account of which the figure for FIIs registered with SEBI was seen as constant at 993 since November 20, 2006, on this page.

We would have expected that an esteemed newspaper like yours would not rush to publish news items of this nature, without at least checking and verifying the facts with SEBI and build a story around it by seeking comments from market players who too do not know the full facts.

In future, you are advised to verify facts before carrying such news items.

Thanking you,

Yours faithfully,
Securities and Exchange Board of India

Authorised Signatory

PRESS RELEASE

PR No.296/2006

OFFER DOCUMENTS RECEIVED / WITHDRAWN AND OBSERVATIONS

ISSUED BY SEBI FROM DECEMBER 18, 2006 TO, DECEMBER 24, 2006

During the period, the following offer documents were filed with SEBI:

Sr. No	Company	Lead Manager (Pre-Issue)	Date of Receipt	Type of Issue#	Type of instru- ment	Issue Price (Rs) (Face Value + Premium	Issue Size (Rs. in crores) (includ- ing Promo- ters Contri- bution)	Promoters	Dealing Office
1.	Omaxe Ltd.	DSP Merrill Lynch Ltd. Citigroup Global Markets Pvt. Ltd. UBS Securities India Pvt. Ltd.	22-Dec-06	IPO(F)	Equity	(10 +*)	1200 approx.	Mr Rohts Goel Mr Sunil Goel Mr Jai Bhagwan Goel Constellation Capital Limited	HO

								S.A.Fininvest Limited NAJ Builders Private Limited Kautilya Monetary Services Private Limited JB Realcon Private Limited Dream Home Developers Private Limited Guild Builders Private Limited	
2.	Barak Valley Cements Ltd	UTI Securities Ltd	22-Dec-06	IPO(F)	Equity	(10 + *)	**	Mr Prahlad Rai Chamaria Mr Bijay Kumar Garodia Mr Santosh Kumar Bajaj	HO
3.	Shaily Engineering Plastics Ltd	Centrum Capital Limited	22-Dec-06	FPO(F)	Equity	(10 + *)	24.00	Mr Mahendra Sanghvi Mr Laxman Sanghvi	HO

									Mrs Tilotama Sanghvi
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During the said period, SEBI had issued observations on the following offer documents filed with it:

Sr. No.	Company	Lead Manager (Pre-Issue)	Type of Issue#	Type of Instrument	Issue Price (Rs) (Face Value + Premium)	Issue Size (Rs. in crores) (including Promoters Contribution)	Date of Final Observation	Dealing Office
1.	Abhishek Mills Limited	UTI Bank Ltd.	IPO(F)	Equity	(10 +*)	**	20-Dec-06	HO
2.	Vimal Oil & Foods Limited	Centrum Capital Limited Indbank Merchant Banking Services Ltd	Comp.	Equity	(10 +*)	**	21-Dec-06	HO
3.	Redington (India) Limited	Enam Financial Consultant Pvt. Ltd	IPO(F)	Equity	(10 +*)	**	22-Dec-06	HO
4.	Technocraft Industries Ltd	ICICI Securities Ltd	IPO(F)	Equity	(10 +*)	**	19-Dec-06	HO

During the said period, the Lead Manager had withdrawn the following offer document filed with SEBI.

Sr. No.	Company	Lead Manager (Pre – Issue)	Vide letter dated	Type of Issue	Office

1.	Indo Asia Leisure Services Ltd	IDBI Capital Market Services Ltd	18-Dec-2006	IPO	HO
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IPO (F) – Initial Public Offer (Fresh issue of shares).

IPO (OFS) - Initial Public Offer (Offer for Sale).

IPO (F+OFS) – Initial Public Offer (Fresh and Offer for Sale).

FPO (F) – Further Public offer (Fresh issue of shares).

* Premium will be disclosed in the final offer document.

** Issue Size will be disclosed in the final offer document.

Draft offer documents are available to the public from dealing offices of SEBI (on payment of Rs.100/- per document by DD in favour of SECURITIES AND EXCHANGE BOARD OF INDIA), Lead Managers & Stock Exchanges. The draft offer documents are also posted on the website (www.sebi.gov.in) under “Issues and Listing“.

Mumbai

December 29, 2006

TAX UPDATES

CENTRAL EXCISE ACT

28.12.2006

Notification No. 26/2006-CENTRAL EXCISE (N.T.)

G.S.R. (E).— In exercise of the powers conferred by section 37 of the Central Excise Act, 1944 (1 of 1944), the Central Government hereby makes the following rules further to amend the Central Excise Rules, 2002, namely:-

1. (1) These rules may be called the Central Excise (Third Amendment) Rules, 2006.
- (2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Central Excise Rules, 2002, for rule 16C, the following rule, shall be substituted, namely:-

“16C.- Special procedure for removal of excisable goods for carrying out certain processes.- The Commissioner of Central Excise may, by special order and subject to such conditions as may be specified by him, permit a manufacturer to remove excisable goods manufactured in his factory, without payment of duty, for carrying out tests or any other process not amounting to manufacture, to any other premises, whether or not registered, and after carrying out such tests or any such other process may allow,-

- (a) bringing back such goods to the said factory without payment of duty, for subsequent clearance for home consumption or export, as the case may be, or
- (b) removal of such goods from the said other premises, for home consumption on payment of duty leviable thereon or without payment of duty for export, as the case may be:

Provided that this rule shall not apply to the goods known as “prototypes” which are sent out for trial or development test.”.

[F.No.267/24/2006-CX.8]

Note: The principal rules were published in the Gazette of India vide notification No. 4/2002-Central Excise (N.T.), dated the 1st March, 2002, [GSR 143 (E), dated the 1st March, 2002], and were last amended vide notification No.18/2006-Central Excise (N.T.), dated the 30th September, 2006, vide [GSR 607(E), dated the 30th September, 2006].

CUSTOMS ACT

28TH DECEMBER, 2006

NOTIFICATION NO.136 /2006-CUSTOMS (N.T.)

G.S.R. 772 (E).- In exercise of the powers conferred by sub-section (2) of section 75 of the Customs Act, 1962 (52 of 1962), sub-section (2) of section 37 of the Central Excise Act, 1944 (1 of 1944) and sub-section (2) of section 94 of the Finance Act, 1994 (32 of 1994) read with section 63 of the Finance Act, 2006 and in pursuance of rule 3 and rule 4 of the Customs, Central Excise Duties and Service Tax Drawback Rules, 1995, the Central Government, hereby makes the following amendment in the notification of the Government of India in the Ministry of Finance (Department of Revenue), No.81/2006-CUSTOMS (N.T.), dated the 13th July, 2006, namely:-

In the said notification ,in Condition 1, the following shall be inserted, namely:-

“ provided that after the amendment of the First Schedule to the Customs Tariff Act, 1975 under clause (b) of section 63 of the Finance Act, 2006 in the manner as provided under its Fourth Schedule with effect from 1st January 2007, the tariff items and description of goods as specified in columns 1 and 2 of the Table (said Schedule) of this notification shall continue to remain aligned with the tariff items and description of goods in the First Schedule to the Customs Tariff Act, 1975 as it existed before the 1st January,2007.”.

[F.No.609/54/2006-DBK]

Note: The principal notification No.81/2006-CUSTOMS (N.T.) was published in the Gazette of India, Extraordinary, vide number G.S.R.420(E), dated the 13th July, 2006 and was amended vide notification No. 116/2006-customs (N.T.) vide GSR 721 (E), dated the 22nd November, 2006