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MCA allows two names to be proposed in the application for reservation of unique names (RUN) without any additional fees

The Ministry of Corporate Affairs, as a part of commitment for continuous improvement of processes and providing greater ease to stakeholders, has now allowed two names to be proposed in the application for reservation of name unique names , without any additional cost w.e.f 24.03.2018



Even if the proposed two names get rejected under the RUN web service, available at www.mca.gov.in, the Central Registration Centre has allowed one-time resubmission of such application within fifteen days for rectification of defects, if any.

Moreover, earlier, an applicant would have had to earlier forego the fees if the proposed name got rejected. Now, the applicant gets a wider choice for the same amount of fee.

Companies (Filing of Documents and Forms in Extensible Business Reporting Language) Amendment Rules, 2018

Ministry of Corporate Affairs vide its notification dated 8th March, 2018 has amended the Companies (Filing of Documents and Forms in Extensible Business Reporting Language) 2015.

1. These rules may be called the Companies (Filing of Documents and Forms in Extensible Business Reporting Language) Amendment Rules, 2018.
2. They shall come into force on the date of their publication in the Official Gazette.

3. In In the Companies (Filing of Documents and Forms in Extensible Business Reporting Language) Rules, 2015, rule 3, shall be numbered as sub-rule (1) of rule 3 and after sub-rule (1) as so numbered, the following sub-rules shall be inserted, namely:–



➤ “(2) The companies which have filed their financial statements under sub-rule (1) shall continue to file their financial statements and other documents though they may not fall under the class of companies specified therein in succeeding years.

➤ (3) The companies which have filed their financial statements under the erstwhile rules, namely the Companies (Filing of Documents and Forms in Extensible Business Reporting Language) Rules, 2011,

shall continue to file their financial statements and other documents as prescribed in sub-rule (1) though they do not fall under the class of companies specified therein.”

Extension of Condonation of Delay Scheme [CODS], 2018 upto 30th April, 2018

Ministry of Corporate Affairs has extended the validity of ‘Condonation of Delay Scheme’ 2018 by a month to April, 2018.

The CODS 2018 which came into effect on 1st January, 2018 is a scheme provided by the Government as an opportunity for the non-compliant defaulting companies to rectify their default in compliance on filing of financial statements.



This scheme was earlier valid till March 31, but has now been extended to April 30, according to a circular issued by MCA.

Relaxation of additional fees and extension of last date of filing of AOC-4 XBRL E-Forms using Ind AS under the Companies Act, 2013

MCA has extended the last date for filing of AOC-4 XBRL for all eligible companies required to prepare or voluntarily prepare their financial statements in accordance with Companies (Indian Accounting Standards) Rules, 2015 for the financial year 2016-17, without additional fee till 30th April, 2018.



Companies (Indian Accounting Standards) Amendment Rules, 2018

The MCA has notified the Companies (Indian Accounting Standards) Amendment Rules, 2018.

These Rules shall come into force with effect from 1st April 2018. Companies (Indian Accounting Standards) Amendment Rules, 2018 includes Ind AS 115 Revenue from Contracts with Customers, Appendix D to Ind AS 115 Service Concession Arrangements and Appendix B to Ind AS 21, Foreign Currency Transactions and Advance Consideration (corresponding to IFRIC 22). Ind AS 11 Construction Contracts and Ind AS 18 Revenue will be omitted.

National Financial Reporting Authority (NFRA)

MCA has, vide Notification dated 21st March, 2018, notified sub-sections (3) & (11) of section 132 of the Companies Act, 2013 relating to manner of appointment and other terms and conditions of Service of Chairperson and Members as well as Secretary and other employees of the National Financial Reporting Authority (NFRA).

Simultaneously, MCA has also notified the rules relating to manner of appointment and other terms and conditions of Service of Chairperson and Members.

Payment of Gratuity (Amendment) Act, 2018

The Central Government vide its notification dated 29th March, 2018 hereby specifies that the amount of gratuity payable to an employee under the said Act shall not exceed twenty lakh rupees.

Earlier the upper ceiling on gratuity amount under the Act was Rs. 10 Lakh

Lawyers of foreign countries or their law firms cannot practice profession of law in India, Bar Council of India or Union of India are at liberty to make appropriate rules in this regard.

Case Name : Bar Council Of India Vs. A.K. Balaji And Ors. (Supreme Court)

Date of Judgement/Order : 13/03/2018

Courts : Supreme Court of India

The issue involved in the above case was whether foreign law firms/lawyers are permitted to practice in India. Appeal had been filed by the Bar Council of India against the Judgment of Madras High Court in A.K. Balaji vs. The Government of India wherein Civil Appeal had been filed by Global Indian Lawyers against the judgment of Bombay High Court. Briefly, it was pleaded, to practice law in India, a person has to be Indian citizen and should possess degree in law from a recognized University in India. Nationals of other countries could be admitted as advocates in India only if citizens of India are permitted to practice in such other countries. Foreign degree of law from a University outside India requires recognition by the Bar Council of India. The Indian advocates are not allowed to practice in U.K., U.S.A., Australia and other foreign nations except on fulfilling onerous restrictions like qualifying tests, experience, work permit. Foreign lawyers cannot be allowed to practice in India without reciprocity.

SUPREME COURT
JUDGMENTS
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Under the Advocates Act (the Act), a foreigner is not entitled to practice in India. However, LPOs (Legal Process Outsourcing), are conducting seminars and arbitrations, foreign lawyers are visiting India on Visitor Visa and practicing illegally. They also violate tax and immigration laws. They have also opened their offices in India for practice in the fields of mergers, take-overs, acquisitions, amalgamations, etc. Disciplinary jurisdiction of the Bar Council extends only to advocates enrolled under the Act. In India, the legal profession is considered as a noble profession to serve the society and not treated as a business but the foreign law firms treat the profession as trade and business venture to earn money. Indian

lawyers are prohibited from advertising, canvassing and solicit work but foreign law firms are advertising through websites and canvass and solicit work by assuring results. Many accountancy and management firms are also employing graduates and thus rendering legal services.

Advocates Act in India makes it clear that advocates enrolled with the Bar Council alone are entitled to practice law, except as otherwise provided in any other law. All others can appear only with the permission of the court, authority or person before whom the proceedings are pending.

Foreign lawyers will be governed by code of conduct applicable to the legal profession in India and Bar Council of India or the Union of India are at liberty to frame rules for the legal profession in India. The provisions of the Advocates Act will apply. There was no bar for the foreign law firms or foreign lawyers to visit India for a temporary period on a “fly in and fly out” basis for the purpose of giving legal advice to their clients in India regarding foreign law or their own system of law and on diverse international legal issues. The prohibition applicable to any person in India, other than advocate enrolled under the Advocates Act, certainly applies to any foreigner also



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