

NEWSLETTER

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LEGAL UPDATES

- **Insolvency and Bankruptcy Board of India amends IBBI (Insolvency Resolution Process for Corporate Persons) Regulation, 2016 amidst COVID-19.**
- **IRDA notifies Re-scheduling of Term Loans in the context of COVID-19 outbreak vide its notification dated 08-04-2020.**
- **MCA vide its General Circular No. 14/2020 dated 08.04.2020 issued by the MCA allows companies to hold Extraordinary General Meetings (EGMs) through VC or OAVM complemented with e-Voting facility/simplified voting through registered emails.**
- **SEBI vide its Circular dated 30 April 2020 relaxed compliance with requirements pertaining to Mutual Funds.**
- **Maharashtra Real Estate Regulatory Authority (MahaRERA) relaxed on completion deadlines, revised completion dates, and extended completion dated amid COVID-19 crisis.**
- **Supreme Court of India vide its circular dated 15th April 2020 has issued Standard Operating Procedure for Ld. Advocate/Party-in-person for Mentioning, e-Filing and Video Conferencing Hearing.**

Insolvency and Bankruptcy Board of India amends IBBI (Insolvency Resolution Process for Corporate Persons) Regulation, 2016 amidst COVID-19

IBBI vide amendment dated 24.04.2020 has amended the CIRP Regulations, 2016 in the wake of lockdown due to COVID-19. The grim situation has made it difficult for the Insolvency Professionals to conduct the process, for the committee of creditors to conduct their meeting and for the prospective resolution applicants to submit the resolution plans within the specified time mentioned in the CIRP Regulation, 2016. Therefore, the time period of lock-down would not be counted for the purpose of any activity that could have been completed during this period.

IRDA notifies Re-scheduling of Term Loans in the context of COVID-19 outbreak vide its notification dated 08-04-2020

RBI has issued directions dated 27th March 2020 providing, certain moratorium to the borrowers. Considering the cash flow problem faced by the borrower on the repayment of Term Loan sanctioned by the Insurers and direction of RBI, IRDA has issued guidelines, which includes:

- a. With respect to Term Loans, insurers are permitted to grant a moratorium of three months towards payment of installments falling due between 1st March 2020 and 31st May 2020.
- b. The rescheduling of payments and the interests will not fall under the default category for reporting as NPA.
- c. Interest shall continue to accrue on the outstanding portion of the

term loans during such moratorium period.

MCA vide its General Circular No.14/2020 dated 08.04.2020 issued by the MCA allows companies to hold Extraordinary General Meetings (EGMs) through VC or OAVM complemented with e-Voting facility/simplified voting through registered emails

MCA taking note of the COVID-19 situation, has allowed to conduct meeting of Board of Directors till 30th June,2020 through video conferencing (VC) or other audio visual means (OAVM) vide its notification dated 19.03.2020.

In furtherance to this, the Ministry of Corporate Affairs has issued a notice wherein the companies are allowed to hold Extraordinary General Meetings (EGMs) through through VC or OAVM complemented with e-Voting facility/simplified voting through

registered emails, without requiring the shareholders to physically assemble at a common venue. Other safeguards have also been included in the Circular to ensure transparency, accountability, and protection of interests of investors.

SEBI vide its Circular dated 30 April 2020 relaxed compliance with requirements pertaining to Mutual Funds

SEBI has temporarily relaxed the compliance requirements and extended the timelines for compliance related to Mutual Funds. Further, the timelines for submission of cyber security audit reports as mandated in SEBI circular dated January 10, 2019 is extended by two months i.e. till August 31, 2020. In addition, the timelines for filing scheme annual reports for the year 2019-20 is extended by one month i.e. till August 31, 2020.

Maharashtra Real Estate Regulatory Authority (MahaRERA) relaxed on completion deadlines, revised completion dates, and extended completion dated amid COVID-19 crisis

The circular dated April 2, 2020 from MahaRERA has clarified that the registered projects whose completion or revised completion or extended completion expires on or after March 15, 2020, has been given an extension of three months, therefore accordingly new registration certificates will be issued at earliest, containing-revised schedule of such projects.

Supreme Court of India vide its circular dated 15th April 2020 has issued Standard Operating Procedure for Ld. Advocate/Party-in-person for Mentioning, e-Filing and Video Conferencing Hearing

In view of the situation and the concerns related to containing the

spread of COVID-19, the Chief Justice of India has constituted Bench (es) for taking up the hearing of extremely urgent matters, the prayer of which can be made by Advocate on Record, Party in Person by way of a signed and verified mentioning-application containing a synopsis of extreme urgency not exceeding one page, similar to the urgency affidavit filed during Court Vacation periods.

The court procedure during the Covid-19 lockdown is as follows:

- a. In extreme urgency, the Advocate-on- Record/Party-in-person is first required to file the petition/miscellaneous application, preferably through the e-filing mode available on the Supreme Court website.
- b. After the filing is complete, such petition/ miscellaneous application, and upon its due

registration the Advocate- on-Record/Party-in-person is permitted to send separately the signed and verified mentioning-application containing a synopsis of extreme urgency not exceeding one page on email address mention.sc@sci.nic.in two days prior to the sitting of a Bench latest by 5 PM in order to be considered for urgent hearing.

c. The mentioning-application must inter-alia clearly contain the case-details and contact-details of the Advocate-on-Record/Party in-person like e-mail ID, mobile number with alternate number(s), camp/office address stating Pin Code and Police Station.

d. The mentioning application must also contain one separate paragraph where request for

exemption from filing duly affirmed affidavit, consent for the hearing to be conducted through video conferencing, among others, has to be made.

e. The application would be approved or disapproved by the Competent Authority. In case the application praying for listing on grounds of extreme urgency is declined, the AOR/Party-in-Person would be intimated through e-mail.

DISCLAIMER:-

The present Newsletter intends to provide general information on the above mentioned subjects & in no manner provides exhaustive details on the same. This document shall not be construed as a legal advise & further, shall not form as a base to take any decision without seeking proper legal advise from us. We shall not be responsible for whatsoever

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