

Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Corporate Persons) (Second Amendment) Regulations, 2023 – September 18, 2023

The Insolvency and Bankruptcy Board of India (IBBI) notified the Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Corporate Persons) (Second Amendment) Regulations, 2023. The amendments have been introduced to make the process of corporate insolvency resolution smoother and to curtail the scope of litigation. The key aspects introduced are as follows:

Regulation 2D: Details of debt, default, and limitation in respect of applications under section 7 or section 9 - This regulation mandates that a creditor, while filing an application under Section 7 or 9 of the Insolvency and Bankruptcy Code 2016 (as amended), has to set out the chronology of debt, default, part payments, limitation and date of acknowledgement of debt, along with the requisite evidence.

Regulation 3A: Assistance and cooperation by the personnel of the corporate debtor - This regulation adds a provision regarding the assistance and cooperation expected from the personnel of the Corporate Debtor (CD) by providing a detailed procedure for taking custody and control of assets and records of the CD by the Resolution Professional (RP) including provisions for creating list and tracing the possession of assets and records of the CD.

Amendments to Regulation 12 and Regulation 13: To reduce the burden on Adjudicating Authorities (AA), the amendments increase the timelines for creditors to file claims up to the date of issue of request for resolution plans under Regulation 36B or 90 days from the insolvency commencement date, whichever is later. The RP has also been empowered to give views on the acceptance of claim for its collation even for claims submitted beyond this time and put such claims before the Committee of Creditors (CoC) to recommend their acceptance for inclusion in the list of claims and its treatment in the resolution plan before the same is adjudicated or condoned by the AA.

Other amendments: The amendments also set out enhanced role and responsibilities of the Authorised Representative (AR) of creditors and include enhanced fees of AR, stipulate a fixed timeline for intimation to the RP of assignment of debt by a creditor, and to make the resolution process more transparent and robust. To access the circular, [click here](#).

IBBI amends the Insolvency and Bankruptcy Board of India (Model Bye-Laws and Governing Board of Insolvency Professional Agencies) Regulations, 2016 and Insolvency and Bankruptcy Board of India (Insolvency Professionals) Regulations, 2016

The amendments aim to simplify the enrolment and registration process, streamlining the exit and attendant compliance obligations in the Insolvency Profession and consequent amendments. The salient features of the amendments effected are as under: -

- Introduction of a unified enrolment and registration application form.
- Introduction of timeline of sixty days for approval of unified application (for enrolment) by the Insolvency Professional Agency (IPA) and of thirty days forwarding the unified application (for registration) to the Board.
- Additional requirements introduced for the IPA to consider while accepting application for surrender of professional membership or expelling the professional member.
- Reduction of timelines for approval of unified application (for registration) or communicating prima-facie refusal to grant registration to the applicant by the Board.
- Introduction of requirement to furnish intimation to the Board by the IPA in case of acceptance of application for surrender of professional membership, expulsion of professional member, demise of an individual or winding up or dissolution of a company, limited liability partnership or registered

partnership firm, who are registered as IPs. Consequent special procedure by the Board has also been introduced.

- Introduction of provision for surrender of certificate of registration by the IP to the Board. To access the circulars, click on the links below:

a. [Insolvency and Bankruptcy Board of India \(Model Bye-Laws and Governing Board of Insolvency Professional Agencies\) \(Amendment\) Regulations, 2023](#)

b. [Insolvency and Bankruptcy Board of India \(Insolvency Professionals\) \(Second Amendment\) Regulations, 2023](#)

Board nomination rights to unitholders of Real Estate Investment Trusts (REITs) and Infrastructure Investment Trusts (InvITs) – September 11, 2023

SEBI has issued a circular regarding board nominations for Real Estate Investment Trusts (REITs) and Infrastructure Investment Trusts (InvITs) in accordance with their 2014 regulations. The Manager of the REIT/ Investment Manager of the InvIT shall, within ten days from the end of each calendar month, review whether the Eligible Unitholder(s) who have exercised the board nomination right, continue to have/hold the required number of units of REIT/InvIT and make a report of the same. The Manager shall submit such report to the Trustee of the REIT/InvIT. To access the circulars, click on the links below:

a. [Real Estate Investment Trusts \(REITs\)](#)

b. [Infrastructure Investment Trusts \(InvITs\)](#)

Regulatory Reporting by AIFs – September 14, 2023

SEBI has issued a circular outlining regulatory reporting requirements for Alternative Investment Funds (AIFs). As per the circular, the AIFs will submit quarterly reports to SEBI in the formats specified with respect to the activities carried on by the AIFs. To enable the AIF industry to have uniform compliance standards, ease compliance reporting and for regulatory and developmental purposes, the existing quarterly reporting format has been reviewed and hosted by the AIF associations on their website. To access the circular, [click here](#).

Redressal of Investor Grievances through the SEBI Complaint Redressal (SCORES) Platform and linking it to Online Dispute Resolution platform – September 20, 2023

To strengthen the existing investor grievance handling mechanism through SCORES by making the entire redressal process of grievances in the securities market comprehensive by providing a solution that makes the process more efficient by reducing timelines and by introducing auto-routing and auto-escalation of complaints, SEBI notified the Securities and Exchange Board of India (Facilitation of Grievance Redressal Mechanism) (Amendment) Regulations, 2023 and amended the regulations as mentioned under 'Schedule I' vide notification dated August 16, 2023. Consequently, it became necessary to revise the extant process for redressal of investors' grievances against Entities and provide for a mechanism through which Designated Bodies may monitor the process of the redressal of investors' grievances by Entities. The circular covers the Framework for handling of investor grievances received through SCORES by entities and monitoring of the redressal process by designated bodies and the general provisions regarding investor grievance redressal. To access the circular, [click here](#).

Securities and Exchange Board of India (Listing Obligations and Disclosure Requirements) (Fourth Amendment) Regulations, 2023 – September 21, 2023

SEBI has introduced the Securities and Exchange Board of India (Listing Obligations and Disclosure Requirements) (Fourth Amendment) Regulations, 2023. These amendments are aimed at regulating the listing of non-convertible debt securities by listed entities. In the Securities and Exchange Board of India (Listing Obligations and Disclosure Requirements) Regulations, 2015, after regulation 62, the Regulation 62A is inserted, namely, "Listing of subsequent issuances of non-convertible debt securities." To access the circular, [click here](#).

Reserve Bank of India (Classification, Valuation and Operation of Investment Portfolio of Commercial Banks) Directions, 2023 – September 12, 2023

The Reserve Bank of India (RBI), on January 14, 2022, released a Discussion Paper (DP) proposing changes to the existing guidelines governing the classification, valuation, and management of investment

portfolios held by commercial banks. The Reserve Bank of India has subsequently issued the Reserve Bank of India (Classification, Valuation and Operation of Investment Portfolio of Commercial Banks) Directions, 2023. These revised Directions includes principle-based classification of investment portfolio, tightening of regulations around transfers to/from Held To Maturity (HTM) category and sales out of HTM, inclusion of non-SLR securities in HTM subject to fulfilment of certain conditions and symmetric recognition of gains and losses. To access the RBI Directions, [click here](#).

TRAI releases Consultation Paper on “Digital Inclusion in the Era of Emerging Technologies” – September 14, 2023

The consultation paper aims to explore and address the challenges and opportunities presented by the rapid advancement of emerging technologies, with a focus on ensuring inclusivity for all segments of society and industries particularly Micro Small and Medium Enterprises (MSMEs). In the consultation paper, TRAI has analysed various gaps in digital inclusion present in the country such as the mobile internet usage gap, rural-urban internet penetration disparities, gender gaps in internet access, etc. as well as gaps identified from some global indices. Proactively prioritizing inclusion can create an ecosystem that benefits every individual, fostering a more equitable and accessible digital economy. To access the update, [click here](#).

Rajasthan Platform Based Gig Workers (Registration and Welfare) Act, 2023 – July 24, 2023

The Government of Rajasthan has passed the Rajasthan Platform Based Gig Workers (Registration and Welfare) Act, 2023 (“Act”). With this initiative, Rajasthan has become the first state in India to pass a legislation, which regulates the engagement of gig workers and aims to provide social security and other benefits to platform-based gig workers. As on date there is no legislation governing the rights of the people engaged in the gig economy. While at the Central level, the Code on Social Security, 2022, recognizes gig and platform workers as a separate class of workers and seeks to extend a variety of benefits to them, the same is yet to be brought in force. The Act defines ‘gig workers’ and regulates the conduct of the ‘aggregators’ (digital intermediaries connecting buyers and sellers) and ‘primary employers’ (individuals or organisations engaging platform-based gig workers). Key aspects of the Act are:

- **Registration:** All gig workers and aggregators in the state will be registered to provide gig workers with social security benefits and address their concerns.
- **Welfare Board:** The state will establish "The Rajasthan Platform Based Gig Workers Welfare Board," comprising two members each from gig workers and aggregators, along with two civil servants. This board will oversee the registration process and create a social security fund for gig workers.
- **Unique ID:** The state government will assign a unique ID to every gig worker for efficient record-keeping.
- **Welfare Fee:** Aggregators will pay a fee based on the value of each transaction related to gig workers, which will contribute to the "Platform Based Gig Workers Fund and Welfare Fee."
- **Social Security Schemes:** Gig workers will gain access to general and specific social security schemes.
- **Grievance Redressal:** The Act ensures gig workers can voice their grievances and participate in decisions related to their welfare through representation on the board.
- **Penalties for Non-Compliance:** Aggregators who fail to pay the welfare fee on time may face fines ranging from ₹5 lakhs for the first offence to ₹50 lakhs for subsequent violations.
- **Welfare and Development Fund:** A ₹200 crore fund will be created to support gig workers' welfare and development.



NEW DELHI

30, Nizamuddin East
New Delhi – 110 013
Tel: + 91 11 4719 4400 | Fax: + 91 11 4050 6977
E-mail: delhi@dmd.law

MUMBAI

121, Maker Chambers – IV, Nariman Point
Mumbai – 400 021
Tel: + 91 22 4356 5555 | Fax: + 91 22 4356 5550
E-mail: mumbai@dmd.law

www.dmd.law

Please feel free to address any questions or request for advice to: dmdadvocates@dmd.law

DISCLAIMER: The information provided in this document does not constitute a legal opinion/advice by DMD Advocates. The information provided through this document is not intended to create any attorney-client relationship between DMD Advocates and the reader and, is not meant for advertising the services of or for soliciting work by DMD Advocates. DMD Advocates does not warrant the accuracy and completeness of this document and readers are requested to seek formal legal advice prior to acting upon any information provided in this document. Further, applicable laws and regulations are dynamic and subject to change, clarification and amendment by the relevant authorities, which may impact the contents of this document. This document is the exclusive copyright of DMD Advocates and may not be circulated, reproduced or otherwise used by the intended recipient without our prior permission.

