

Newsletter
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Company Secretaries

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Further Relaxation of Timelines Announced by The Ministry of Corporate Affairs (MCA)

Overview

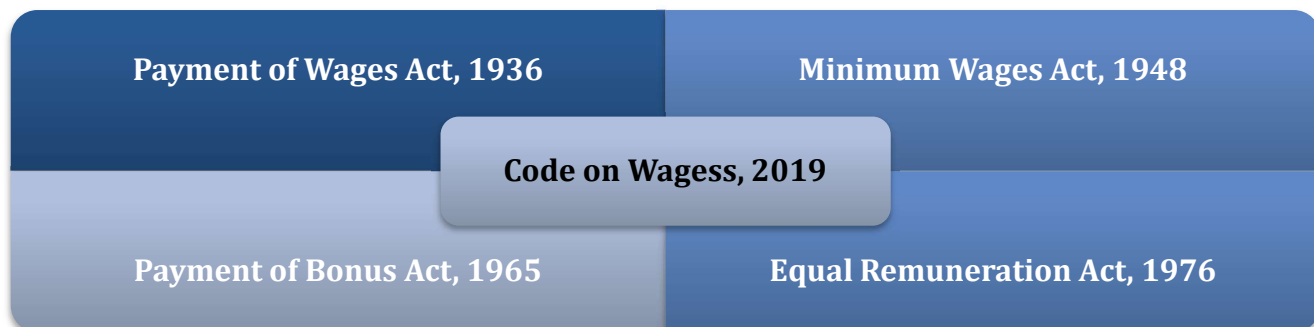
In view of difficulties faced by the Corporates and Professionals in their day to day functioning and business activities and the continuous disruption caused due the Covid-19 pandemic in the country and with the view of providing greater Ease of Doing Business, the Institute of Company Secretaries of India [hereinafter referred to as "ICSI"] requested the Ministry of Corporate Affairs, Government of India to further relax the timelines in respect of certain statutory compliances. The MCA considered the request sent by ICSI and has extended the timelines of the following statutory compliances:

S.No.	Type of Scheme/ Forms/ Event	Earlier Due Date	Extended Due Date
1	<p>Company Fresh Start Scheme 2020 [hereinafter referred to as "CFSS 2020"]</p> <p>The CFSS 2020 was introduced on 1st April, 2020 and was operational till 30th September, 2020. CFSS 2020 provided one-time opportunity to the defaulting companies' to file all the pending documents including the annual filings of the company without charging higher additional fees on any delay with the MCA. The CFSS 2020 has now been extended to 31st December 2020</p>	30th September, 2020	31st December 2020
2	<p>Limited Liability Partnership Settlement Scheme, 2020 [hereinafter referred to as "LLP Settlement Scheme 2020"]</p> <p>The Scheme was introduced on 1st April, 2020 and was operational till 30th September, 2020, to provide a one-time waiver of additional filing fees for delayed filings by the LLPs with the ROC during the period starting from 1st April, 2020 and ending on 30th September, 2020. The LLP Settlement Scheme 2020 has now been extended to 31st December, 2020</p>	30th September, 2020	31st December 2020
3	<p>Scheme for relaxation of time for filing forms related to creation or modification of charges [hereinafter referred to as "Charge Scheme"]</p> <p>The Scheme was introduced on 17th June, 2020, which was applicable for the charge creation and modification related forms (i.e., Form CHG-1 and Form CHG-9), where the date of creation / modification of charge:</p> <p>(a) is before 01.03.2020, but the timeline for filing such form had not expired under section 77 of the Act as on 01.03.2020, or</p> <p>(b) falls on any date between 01.03.2020 to 30.09.2020 (both dates inclusive)</p> <p>Whereby the period beginning from 01.03.2020 (or the period beginning from the date of creation/ modification, in the case of situation in clause (b) above) and ending on 30.09.2020, will be not be reckoned for the purpose of counting of days under section 77 or section 78 of the Act.</p> <p>The Charge Scheme has now been extended upto 31st December, 2020, instead of 30th September, 2020</p>	As per Section 77 and 78 of the Act, except that the period between 01.03.2020 to 30.09.2020, shall not be reckoned.	As per Section 77 and 78 of the Act, except that the period between 01.03.2020 to 31.12.2020, shall not be reckoned.
4	<p>Form DIR -3 KYC</p> <p>Since the form is a part of the CFSS 2020 and LLP Settlement Scheme 2020, the same has now been extended to 31st December, 2020</p>	30th September, 2020	31st December 2020
5	<p>Conducting of EGM through VC or OAVM</p> <p>The Government of India had decided to allow companies to conduct their EGMs through Video Conferencing ["VC"] or Other Audio-Visual Means ["OAVM"] or transact items through postal ballot up to 30th September, 2020. The same has now been extended to 31st December, 2020</p>	30th September, 2020	31st December 2020

6	<p>Registration of details of Independent Director</p> <p>The last date for registration of details of Independent Directors in the ID Data Bank with the Indian Institute of Corporate Affairs ["IICA"] was extended up to 30th September, 2020. The same has now further been extended to 31st December, 2020</p>	30 th September, 2020	31 st December 2020
7	<p>Conducting of Board Meetings through VC or OAVM</p> <p>The Government of India and Ministry of Corporate Affairs had decided to allow companies to conduct their Board Meetings through Video Conferencing ["VC"] or Other Audio-Visual Means ["OAVM"] up to 30th September, 2020 for restricted items of business under Rule 4 of the Companies (Meeting of Board and its Powers) Rules 2014. The same has now been extended to 31st December, 2020</p>	30 th September, 2020	31 st December 2020

Glance into the Code on Wages, 2019

The Code on Wages, 2019 also known as the “Wage Code” is an Act of the Parliament that has been framed to combine and consolidate the provisions of four major labour laws relating to Wages and Bonus payments and makes a standard universal provisions for minimum wages and timely payment of wages for all workers in India. The Code on Wages, 2019 extends to the whole of India.



The Wage Code Summary	
Coverage	<ul style="list-style-type: none"> The Wage Code applies to all the employees Central Government shall make decisions relating to employments such as railways, mines, oil-fields etc. State Government shall make decisions in relation to all other employments
Wages	Wages shall include salaries, allowances or any other component expressed in monetary value and terms but shall not include bonus payable to employees or any travelling allowance among others.
Floor Wage	As per the Wage Code, the Central Government will fix a floor wage, taking into account the living standards of workers. It may set different floor wages for different geographical areas.
Minimum Wages	Minimum Wages decided by the Central or State Government must be higher than the floor wage. In case the existing minimum wages fixed by the Central or State Government are higher than the floor wage, they cannot reduce the minimum wages in that case.
Fixing of Minimum Wages	<ul style="list-style-type: none"> Wage Code prohibits employers from paying wages less than the minimum wages In pursuance of framing minimum wages, the Central or State Government (as the case may be) may take into account certain aspects such as (a) Skills of workers, (b) Difficulty of Work etc.
Payment of Wages	Wages shall be paid in coins, currency notes, crediting to Bank account or any other electronic mode. The Wage period shall be fixed by the employer and may either be daily, weekly, fortnightly or monthly
Overtime	The Central or State Government (As the case may be) may fix the number of hours that constitute a normal working day. In case of excess work on a normal working day, employee shall be entitled to overtime wages which must be at least twice the normal rate of wages
Deductions	Employee’s wages may be deducted on the certain grounds which may include: <ul style="list-style-type: none"> Fines Absence from duty Accommodation given by employer Recovery of advances given to employee Note: These deductions shall not exceed beyond 50% of the total wages of the employee
Gender Discrimination	The Wage Code strictly prohibits discrimination among gender with respect to matters relating to wages and recruitment of employees from same work or work of similar nature.
Determination of Bonus	Employees whose wages do not exceed a specific monthly amount, notified by the central or state government (as the case may be) will be entitled to an annual bonus. The amount of Bonus shall be at least: <ol style="list-style-type: none"> 8.33% of his wages, or Rs. 100 Whichever is higher

	Also, the employer shall distribute a part of the gross profits amongst the employees. This will be distributed in proportion to the annual wages of an employee. An employee can receive a maximum bonus of 20% of his annual wages.
Advisory Boards	Central and State Governments to constitute Advisory Boards. Central Advisory Board shall consist of: i. Employers ii. Employees (in equal number as employers) iii. Independent persons iv. 5 representatives of State Government State Advisory Board shall consist of: a. Employers b. Employees c. Independent persons Note: 1/3rd of the total number of members of both the boards shall comprise of Women. >The Board will advise the respective governments on various issues including <ul style="list-style-type: none"> • Fixation of minimum wages • Increasing employment opportunities for women
Offences	The Code specifies penalties for offences committed by an employer which shall include (i) paying less than the due wages, or (ii) For contravening any provision of the Code. - Penalties vary depending on the nature of offence, with the maximum penalty being imprisonment for 3 months along with a fine of up to Rs. 1 lakh

Comparison between Existing Acts and the Code on Wages, 2019

Basis	Acts	Existing Provisions	Code on Wages, 2019
Applicability	Minimum Wages Act	Applicable only on Scheduled Employments	Applicable to all employees including employees belonging to Organized and Unorganized Sector
	Payment of Wages Act	Applies to employees drawing less than 24000 for filing claims	Protection to all employees without any wage limit
	Payment of Bonus Act	Applicable on 20 or more employees	Applicable on establishment employing 20 or more persons
Revision of Minimum Wages	Minimum Wages Act	Revision at least once in five years	Revision after every five years
Concept of Floor Wages	All subsumed Acts	Not present in any of the Acts	Newly Introduced in the Code on Wages, 2019
Time Limit for filing of Claims	Minimum Wages Act	Within 6 months from date on which minimum wages (or other amounts) become payable	Within 3 years from date on which claim arises
	Payment of Wages Act	Within 12 months form date on which deduction of wages was made or payment was due to be made	
	Payment of Bonus Act	Within one year from the date on which money becomes due to the employee from the employer	
Penalty	All subsumed Acts	Varying fines from Rs. 500 up to Rs. 20,000 and imprisonment up to 1 year	Rigorous Fine as Penalty has been increased varying from Rs. 50,000 to Rs. 1 Lakh with imprisonment for up to 3 months in case of repeated offence.

Compliance Calendar

Income Tax

Compliance details	Applicability	Reporting period	Due Date	Extended Due date due to Covid	Form
Deposit of Tax Deducted	Non-government deductors	September, 2020	7th October, 2020		Challan 281
Deposit of Tax Deducted	Assessing Officer has permitted quarterly deposit of TDS under section 192, 194A, 194D or 194H	July, 2020 to September, 2020	7th October, 2020	-	Challan 281
Issue of TDS certificate u/s 194IA 194IB and 194M	All deductors	August, 2020	15th October, 2020	31st March, 2021	Form 16B & 16C
Quarterly statement of TCS deposited	All deductors	July, 2020 to September, 2020	15 th September 2020	31st March, 2021	
Quarterly TCS certificate	All deductors	September, 2020	30 th September 2020	31st March, 2021	
Quarterly statement of TDS deposited	All deductors	July, 2020 to September, 2020	31st October, 2020	31st March, 2021	Form 24Q & Form 26Q
Due date for furnishing of Annual audited accounts	All deductors who claimed deductions under section 35(2AA)	F.Y. 2019-20	31st October, 2020	31st March, 2021	Form 3CG/3CH
Quarterly return of non-deduction of tax at source	a banking company	July, 2020 to September, 2020	31st October, 2020	31st March, 2021	
Audit report under section 44AB	Assesse who is also required to submit a report pertaining to international or specified domestic transactions under section 92E	F.Y. 2019-20	31st October, 2020	-	
Filing of Report on relevant of International transactions	Assesse who has international transaction and specified domestic transaction	F.Y. 2019-20	31st October, 2020	-	Form 3CEB
Due date for e-filing of report in respect of arm's length price of the remuneration paid to the fund manager	an eligible investment fund	F.Y. 2019-20	31st October, 2020	30th November 2020	Form 3CEJ

Statement as required by rules 5D, 5E and 5F	scientific research association, university, college or other association or Indian scientific research company	F.Y. 2019-20	31st October, 2020	30th November 2020	
Filing of Tax Audit Report	Companies including other entities on which Tax Audit provisions are applicable	F.Y. 2019-20	31st October, 2020		
Submit copy of audit of accounts to the Secretary, Department of Scientific and Industrial Research	company is eligible for weighted deduction under section 35(2AB) [if company does not have any international/specified domestic transaction]	F.Y. 2019-20	31st October, 2020	30th November 2020	
Challan-cum-statement for TDS u/s 194IA, 194IB and 194M	All deductors	September, 2020	30th October, 2020	31st March, 2021	Form 26QB & 26QC
Monthly Return for Profession Tax more than 50,000/-	Entities registered with PT Authorities	September, 2020	30th October, 2020		Through State-Wise PT Portal
GST					
Return of outward supplies of taxable goods and/or services	Taxpayers with Annual Turnover more than INR 1.5 Cr	September, 2020	11th October, 2020	-	GSTR 1
Return of outward supplies of taxable goods and/or services	Taxpayers with Annual Turnover not more than INR 1.5 Cr	July, 2020 to September, 2020	31st October, 2020	-	GSTR 1
Summary Return of Outward and Inward Supplies along with payment of Tax	All tax payers	September, 2020	20th October, 2020		GSTR 3/3B
Summary Return of Outward and Inward Supplies along with payment of Tax	Taxpayers with Annual Turnover not more than INR 5 Cr	August, 2020	20th September, 2020	1st October, 2020	GSTR 3/3B
Summary Return of Outward taxable supplies and tax payable	NR Taxable persons & OIDAR Service Provider	September, 2020	20th October, 2020		GSTR 5 & 5A

Return for details of ITC received and distribution	Input Service Distributors	September, 2020	13th October, 2020	GSTR 6
Return for TDS under GST	Government Authorities	September, 2020	10th October, 2020	GSTR 7
Return for Details of Supplies and the amount of tax collector	E-commerce Operator	September, 2020	10th October, 2020	GSTR 8
Return for details of goods and services purchased in India	Taxpayer claiming Refund & having UIN	September, 2020	28th October, 2020	GSTR-11

Companies Act and FEMA

Compliance details	Applicability	Reporting period	Due Date	Extended Due date due to Covid	Form
Half yearly return duly certified	All Nidhi Companies	1st April 2020 - 30th Sep 2020	30th Oct, 2020	31-12-2020	NDH-3
Reporting of actual transactions of External Commercial Borrowings (ECB) through AD Bank under FEMA	all categories of ECB	September, 2020	7th October, 2020	-	ECB-2 Return

Labour Laws

Compliance details	Applicability	Reporting period	Due Date	Extended Due date due to Covid	Form
Deposit of Provident Fund Contributions	Entities registered with PF Authorities	September, 2020	15th October, 2020	-	Monthly ECR
EDLI Return (Employees Deposit Linked Insurance)	All companies and firm deducting PF	September, 2020	25th October, 2020	-	
Deposit of E.S.I.C Contributions	Entities registered with ESIC Authorities	September, 2020	15th October, 2020	-	Monthly ECR

SEBI(LODR)Regulation and SEBI (DP) Regulation

Compliance details	Applicability	Reporting period	Due Date	Extended Due date due to Covid	Form
Compliance Certificate certifying maintaining physical & electronic transfer facility	All Listed Entity	1st April 2020 - 30th Sep 2020	31st Oct 2020	-	Regulation 7 (3)
Quarterly Compliance Report on Corporate Governance.	It shall not apply, in respect of - (a) the listed entity having paid up equity share capital not exceeding rupees ten crore and net worth not exceeding rupees twenty five crore, as on the last day of the previous financial year: (b) the listed entity which has listed its specified securities on the SME Exchange.	1st July, 2020- 30th Sep 2020	15th Oct2020	-	Regulation 27 (2)
Statement of Investor complaints.	All Listed Entity	1st July, 2020- 30th Sep 2020	21st Oct 2020	-	Regulation 13 (3)
a statement showing holding of securities and shareholding pattern separately for each class of securities.	All Listed Entity	1st July, 2020- 30th Sep 2020 1st April 2020 - 30th Sep 2020 (For SME Listed)	21st Oct 2020	-	Regulation 31
Certificate from Practicing Company Secretary, certifying that all certificates have been issued within thirty days of the date of lodgment for transfer, sub-division, consolidation, renewal, exchange or endorsement of calls/allotment monies.	All Listed Entity	1st April 2020 - 30th Sep 2020	31st oct, 2020	-	Regulation 40(9)
Submit Reconciliation of Share Capital Audit Report on a quarterly basis to the stock exchanges audited by a qualified chartered accountant or a practicing company secretary	All Listed Entity	1st April 2020 - 30th Sep 2020	30 th Oct, 2020	-	Regulation 76 of SEBI (DP) Regulation