

FYIs on notifications issued by government departments

SR. NO	DATE OF THE NOTIFICATION	FYI	LINK	CONCERNED PERSON
1	30-Mar-20	The Ministry of Finance has postponed the effective date of the amendments to the Indian Stamp Act, 1899, proposed by the Finance Act, 2019 (Act 7 of 2019) and Indian Stamp (Collection of Stamp-Duty through Stock Exchanges, Clearing Corporations and Depositories) Rules, 2019 to 1 st July 2020.	http://egazette.nic.in/WriteReadData/2020/218957.pdf	Ms. Smrithi Nair (smrithi.nair@jlex.com) or Mr. Rahul Apte (rahul.apte@jlex.com).
2	24-Mar-20	Guidelines on the measures to be taken by ministries/ departments of Government of India, State/Union territory governments and State/Union Territory Authorities for containment of Covid-19 Epidemic in the country	https://mha.gov.in/sites/default/files/Guidelines.pdf	Mr. Arunabh Choudhary (arunabh.choudhary@jlex.com), Mr. Avikshit Moral (avikshit.moral@jlex.com)
3	26-Mar-20	Due to pandemic COVID-19 the Central Government and the Health Ministry have invoked section 26B of the Drugs and Cosmetics Act, 1940 to facilitate the doorstep delivery of drugs to consumers. This step has been taken in the public interest. A valid License holder under the Drugs and Cosmetics Rules of 1945, allowed to sell, stock or distribute drugs by retail can now sell certain drugs through retail doorstep delivery. However, this is subject to certain conditions, including but not limited to, receipt of prescription physically or through e-mail.	https://www.mohfw.gov.in/pdf/Doorstepdelivery26B.pdf	Mr. Arunabh Choudhary (arunabh.choudhary@jlex.com), Mr. Avikshit Moral (avikshit.moral@jlex.com) or Ms. Tanvi Muraleedharan (tanvi.muraleedharan@jlex.com).
4	24-Mar-20	<p>The Ministry of Home Affairs issued guidelines on 24th March 2020 for the various measures to be taken by the ministries in light of the COVID-19 pandemic. These guidelines inter alia provides that commercial and private establishments shall be closed down, but capital and debt market services as notified by the Securities and Exchange Board of India ("SEBI") shall be exempted from such closure. In furtherance of the above, SEBI has issued notification dated 24th March 2020 listing the establishments which shall be exempt from the closure requirement and shall continue functioning:</p> <ul style="list-style-type: none"> (a) Recognised Stock Exchanges (b) Recognised Clearing Corporations (c) Depositories (d) Custodians (e) Mutual Funds (f) Asset Management Companies (g) Stock Brokers (h) Trading Members (i) Clearing Members (j) Depositories Participants (k) Registrar and Share Transfer Agents (l) Credit Rating Agencies (m) Debenture Trustees (n) Foreign Portfolio Investors (o) Portfolio Managers (p) Alternative Investment Funds (q) Investment Advisers (r) Any other entities and regulated activities as notified by SEBI 	https://www.sebi.gov.in/web/?file=https://www.sebi.gov.in/sebi_data/attachdocs/mar-2020/1585081043275.pdf#page=1&zoom=page-width,-16,850	Mr. Arunabh Choudhary (arunabh.choudhary@jlex.com) or Ms. Smrithi Nair (smrithi.nair@jlex.com).

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5	19-Mar-20	<p>The Ministry of Finance (“MoF”) has, vide a clarification issued early last week, confirmed the inclusion of coronavirus in force majeure clauses contained in supply chain arrangements entered into between supplier's with any Ministry or Department of the Central Government or a unit thereof or its attached or subordinate office to which powers of procurement have been delegated (the “Procuring Entity”). This clarification brings relief to a number of suppliers across a wide array of sectors that have entered into procurement processes with a Procuring Entity. The coronavirus epidemic has been affecting a number of supply chain arrangements across a wide array of sectors, with the National Solar Energy Federation of India recently making a representation to the Ministry of New and Renewable Energy, whereby requesting for coronavirus to be seen as a force majeure event. Some of the key points to be noted based on the clarification issued by the MoF are as follows:</p> <p>1) The clarification is specific to the provision pertaining to force majeure contained in the Manual for Procurement of Goods, 2017 issued by the MoF.</p> <p>2) The force majeure clause does not excuse a party's non-performance entirely, but only suspends it for the duration of the force majeure.</p> <p>3) Notice of force majeure needs to be given as soon as it occurs, and it cannot be claimed ex-post facto.</p> <p>4) If the performance in whole or in part or any obligation under such supply chain contracts is prevented or delayed by any reason of force majeure for a period exceeding 90 (ninety) days, either party may at its option terminate the contract without any financial repercussion on either side.</p> <p>5) Developers and suppliers no longer need to approach the regulatory commissions to seek clarity on this subject-matter. To what extent will the Procuring Entities be forthcoming in giving extensions to suppliers and if so, what extended timelines will be considered by them, is something only time will tell. As of now, this appears to be a step in the right direction as the coronavirus itself could have had an adverse impact on a number of ongoing projects.</p>	https://doe.gov.in/sites/default/files/Force%20Majeure%20Clause%20-FMC.pdf	Mr. Nand Gopal Anand (nandgopal.anand@jcllex.com), Mr. Pratish Kumar (pratish.kumar@jcllex.com) or Mr. Ankit Sinha (ankit.sinha@jcllex.com).
6		<p>The Government of India has reviewed the extant FDI Policy for curbing opportunistic takeovers/acquisitions of Indian companies due to the current COVID-19 pandemic:</p> <ol style="list-style-type: none"> 1) Foreign Investments from countries with which India shares land border shall be under the government approval route. 2) Transfer of ownership of any existing or future FDI in an Indian entity, directly or indirectly, resulting in beneficial ownership falling within the above restriction shall require approval of the government. 	https://dipp.gov.in/sites/default/files/pn3_2020.pdf	Mr. Arunabh Choudhary (arunabh.choudhary@jcllex.com), Mr. Avikshit Moral (avikshit.moral@jcllex.com) or Mr. Sumitava Basu (sumitava.basu@jcllex.com).
7	4/13/2020	<p>The ESIC Director General has further extended the time for filing the ESI contribution for the month of February 2020, from 15th April 2020 to 15th May 2020. Now the contributions for both February 2020 & March 2020 can be filed by 15th May 2020.</p>	https://www.esic.nic.in/attachments/circularfile/c5ffbad53f7e3b7134a72d9b2cf9d13c.pdf	Mr. Arunabh Choudhary (arunabh.choudhary@jcllex.com),

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8	10-Apr-20	The Ministry of Labour and Employment Government of India, has approved the Scheme Guidelines to implement the Pradhan Mantri Garib Kalyan Yojana (PMGKY) Package in order to prevent disruption in the employment of low wage earning employee and support establishment employing up to (100) One Hundred employees with 90% or more of such employees earning less than RSS. 15,000 monthly wages. For these qualifying establishments, the entire employees' EPF contribution(12% of wages) and employers' EPF & EPS contribution(12% of wages) totalling 24% of monthly wages for the next three months (April, May, June 2020), shall be directly paid by the Central Government in the EPF account of those employees earning less than Rs 15,000 monthly wages in these qualifying establishments who are already members of EPF Scheme 1952	For further details, please refer to the attachment or to the link here https://www.epfindia.gov.in/site_docs/PDFs/Circulars/Y2020-2021/covid_allinone.pdf	Mr. Arunabh Choudhary (arunabh.choudhary@jlex.com),
9	5-Apr-20	Ministry of Home Affairs vide its circular dated 5 th April 2020 issued consolidated guidelines in respect of lockdown measures for containment of covid-19.	https://mha.gov.in/sites/default/files/PR_Consolidated%20Guideline%20of%20MHA_28032020%20%281%29_0.PDF	Mr. Avikshit Moral (avikshit.moral@jlex.com) or Mr. Arunabh Choudhary (arunabh.choudhary@jlex.com).
10	19-Apr-20	The Competition Commission of India ("CCI") vide notification dated 19th April, 2020 ("Notification"), has taken notice of the disruptions caused by Covid-19 and has issued an advisory to cope with the dramatic change in the supply and demand patterns. It has clarified that coordinated conduct/activities of businesses may be granted protection from sanctions provided such conduct is necessary and proportionate to address the specific concerns/requirements arising due to Covid-19. The CCI has also cautioned the businesses not to take advantage of COVID-19 to contravene any of the provisions of the Competition Act, 2002.	https://www.cci.gov.in/sites/default/files/whats_newdocument/Advisory.pdf	Mr. Shubhabrata Chakraborti (shubhabrata.chakraborti@jlex.com) or Mr. Dhruv Malik (dhruv.malik@jlex.com).
11	27-Apr-20	Ministry of finance vide its notifications dated 27 th April 2020 ("MOF Notification") has appointed 27 th April 2020 as date of establishment of International Financial Services Centres Authority which shall have its head office at Gandhinagar, Gujarat.	http://egazette.nic.in/WriteReadData/2019/214809.pdf	Mr. Pratish Kumar (pratish.kumar@jlex.com) or Mr. Sumitava Basu (sumitava.basu@jlex.com).
12	27-Apr-20	MOF Notification has also appointed 27th April 2020 as effective date on which certain section of the International Financial Services Centres Authority Act, 2019 ("IFSC Act") will come into effect. These sections inter-alia include provisions relating to establishment of authority, finance, accounts and audit, power to make rules and saving provision for existing rules/regulations issued under central act.	http://egazette.nic.in/WriteReadData/2020/219201.pdf	Mr. Pratish Kumar (pratish.kumar@jlex.com) or Mr. Sumitava Basu (sumitava.basu@jlex.com).
13	27-Apr-20	The Office of Inspector General of Registration and Controller of Stamps, Maharashtra ("IGR") vide its circular dated 27th April 2020 has provided extensions in certain cases as mentioned below: (i) Stamp duty can be paid on the first working day post removal of lockdown in a district in case of documents which do not require registration for e.g. Personal Loan, Hypothecation etc. and for which stamp paper, franking, ESBTR is not possible due to lockdown; In case anyone is not able to comply with the above, such person/company can make an application under Sec. 40 of the Maharashtra Stamp Act, within one month after removal of the lockdown. (ii) In case of Notice of Intimation which is required to be filed under Section 89B of Indian Registration Act, 1908 (as applicable in Maharashtra) for Equitable Mortgage, such intimation can be filed on the first working day post removal of lockdown in a district.	http://igrmaharashtra.gov.in/pdf/Circular_registering_stamping_of_documents_from_bank_branch_sector_and_filing_of_notice_of_intimation.pdf	Mr. Avikshit Moral (avikshit.moral@jlex.com) or Ms. Preeti Dhar (preeti.dhar@jlex.com).

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14	27-Apr-20	SRA vide a circular dated 27th April, 2020 has allowed pre-monsoon work on incomplete foundation and basement works that may cause any danger for slum rehabilitation sites. The developer through the Architect/ License Surveyor shall make necessary application/s. The permission will be granted by the concerned Executive Engineer.	https://sra.gov.in/upload/circular/premonsoon_circular.pdf	Mr. Avikshit Moral (avikshit.moral@jlex.com) or Ms. Preeti Dhar (preeti.dhar@jlex.com).
15	24-Apr-20	The Ministry of Home Affairs vide an order dated 24th April, 2020 has stated that shops which are registered under the Shops and Establishment Act of the respective state, can operate only with 50% of the workers. The prohibitions on shops in malls and market complexes within the limits of the Municipal Corporations would remain in place. It further clarifies that relaxations are not applicable in hotspots and containment zones.	https://www.mha.gov.in/sites/default/files/MHAopening_24042020.pdf	Mr. Avikshit Moral (avikshit.moral@jlex.com).
16	17-May-20	Ministry of Home Affairs ("MHA") vide its order dated 17th May 2020 has withdrawn all previous Orders passed by the National Executive Committee ("NEC") under Section 10(2)(l) of the Disaster Management Act, 2005. These orders will cease to have effect from 18th May 2020 and interalia includes Order dated 29th March 2020 which directed all employers to make payment of wages to workers during lockdown.	https://www.mha.gov.in/sites/default/files/MHAOrderextension_1752020.pdf	Mr. Avikshit Moral (avikshit.moral@jlex.com) or Ms. Preeti Dhar (preeti.dhar@jlex.com).
17	18-May-20	IGR Maharashtra vide a circular has issued the list of offices which will be working in Mumbai and Pune from 18 th May 2020 as they are not in the containment zone.	http://igrmaharashtra.gov.in/pdf/Offices_in_Mumbai_and_Pune_starting_from_18-5-2020.pdf	Mr. Avikshit Moral (avikshit.moral@jlex.com) or Ms. Preeti Dhar (preeti.dhar@jlex.com).