

TBA BULLETIN

Aug 24 to Sept 06

The TBA Bulletin is a weekly summary of the most important legal news from India and around the world.

www.tagbenchassociates.com

ECONOMY

- India issues consolidated Overseas Investment Rules to promote ease of doing business

BANKING

- Amex can on-board new customers in India as RBI lifts ban
- RBI to auction state govt securities worth INR 14,000 crore

MERGERS AND ACQUISITIONS

- Adani Group is going to take over NDTV
- Bill in the works to speed up CCI approvals for M&A

CRYPTOCURRENCY

- ED searches 5 premises of coinswitch Kuber for alleged money laundering

TELE-COMMUNICATION

- DoT tweaks rules to set up 5G infra

SPORTS

- FIFA lifts suspension of Indian football federation

CUSTOMS ACT

- IBC prevails over Customs Act

WORLD

- Starbucks Names Indian-Origin Laxman Narasimhan as New CEO

BUSINESS

- Former Tata Sons chairman Cyrus Mistry dies in a road accident in Maharashtra's Palghar

ECONOMY

India issues consolidated Overseas Investment Rules to promote ease of doing business

- The Union Ministry of Finance notified the consolidated rules and regulations for overseas investment by business entities in India.
- The government in consultation with RBI undertook a comprehensive exercise to simplify overseas investment rules.
- Clarity has been brought over Overseas Direct Investment and Overseas Portfolio Investment and various other overseas investment-related transactions that were earlier under the approval route are now under the automatic route, thus enhancing the 'Ease of Doing Business'.
- The amendment states that the pricing will be on an arm's length basis.

Source: [Link](#)

BANKING

Amex can on-board new customers in India as RBI lifts ban

- RBI lifted business restrictions imposed on American Express Banking Corp after almost 16 months. Amex can now issue cards to new customers in India.
- The ban was imposed due to non-compliance on storage of payment system data.
- The RBI stated that the company's compliance with data storage norms is now "satisfactory".

- The RBI also mentioned that the supervisory action has been taken in exercise of powers vested in it under Section 17 of the PSS Act

Source: [Link](#)

RBI to auction state govt securities worth INR 14,000 crore

- The RBI will be auctioning state government securities aggregating to INR 14,000 crore on August 29.
- Both competitive and non-competitive bids for the auction are required to be submitted in electronic form via E-Kuber system.
- Through the auction, the Andhra Pradesh government plans to raise INR 2,000 crore, while Bihar to raise INR 1,000 crore, Haryana to raise INR 1,500 crore, Kerala to raise INR 3,000 crore, Punjab to raise INR 2,500 crore, and Tamil Nadu government to raise INR 4,000 crore.
- RBI stated that the new State Government Stocks will bear interest at the rates determined by RBI at the auctions.
- On August 29, the competitive bids will be submitted between 10.30 am and 11.30 am and non-competitive bids should be submitted between 10.30 am and 11.00 am.
- RBI will determine the maximum yield/minimum price at which bids will be accepted.

Source: [Link](#)

MERGERS AND ACQUISITIONS

Adani Group is going to take over NDTV

- Business tycoon Gautam Adani is taking over NDTV. People are calling it a “hostile takeover” and NDTV is seeking to block this takeover attempt.
- The news channel has claimed that 29.18% of NDTV has in fact been acquired without any “discussion, consent or notice”.
- This action makes Adani the single largest shareholder after the founders, who cumulatively hold 32.26%.
- Adani’s conglomerate now plans to buy a majority stake in NDTV, hence, marking its most high-profile media bet and eventually setting up for a face-off with fellow tycoon Ambani.
- Adani Group and Vishvapradhan Commercial Pvt Ltd (VPCL) on 23rd August announced an open offer at INR 294 per share, representing a 28% discount to NDTV’s INR 376 closing price.

Source: [Link](#)

Bill in the works to speed up CCI approvals for M&A

- Investors could get fast-tracked clearance from the CCI for mergers and acquisitions within 20 days of being informed of the deal, if the watchdog does not form an adverse first impression.
- These two proposals will change the regime for regulating corporate transactions in a big way.

- CCI will have to take a call on whether a deal will affect competition in the market.
- It is only a prima facie opinion that CCI has to make within 20 days.
- There is a green channel approval process where automatic approval is given on the same day.

Source: [Link](#)

CRYPTOCURRENCY

ED searches 5 premises of Coinswitch Kuber for alleged money laundering

- The Enforcement Directorate probed 5 premises of Coinswitch Kuber in a case pertaining to alleged flouting of the FEMA Act norms by the crypto exchange.
- Coindesk reported, that five premises tied to the Coinswitch Kuber were searched, including the residences of directors, the CEO, and the official properties.
- The ED is looking into multiple possible contraventions under FEMA and other entities that are connected to Coinswitch.
- The move is part of a larger crackdown by the ED on major cryptocurrency exchanges.

Source: [Link](#)

TELE-COMMUNICATION

DoT tweaks rules to set up 5G infra

- In a major move which will aid faster 5G rollouts, the telecom department amended right of way rules where cap has been fixed for deploying telecom infrastructure while a central government portal GatiShakti Sanchar will provide approvals required by any department or state government.
- The GatiShakti Sanchar portal will fast-track approvals
- The department also launched the 5G RoW application form on the GatiShakti Sanchar Portal, which provides a common mechanism for all stakeholders.
- Industry lauded the move saying that the clarity for all stakeholders would provide huge relief to carriers.

Source: [Link](#)

SPORTS

FIFA lifts suspension of Indian football federation

- FIFA has lifted the suspension imposed on the All India Football Federation earlier this month due to undue third-party influence.
- Lifting of the suspension also means that the Under-17 women's World Cup, which was scheduled to take place in India, will be held in the country as planned.
- The decision was taken after FIFA received confirmation that the mandate of the committee of

administrators that was set up to assume the powers of the AIFF Executive Committee had been terminated and that the AIFF administration had regained full control of the AIFF's daily affairs.

Source: [Link](#)

CUSTOMS ACT

IBC prevails over Customs Act: Supreme Court

- When there is a moratorium on recovery of dues from a bankrupt company by its creditors, customs authorities do not have the power to initiate recovery of dues under the Customs Act, according to an order by the Supreme Court.
- It was ruled in a case between the liquidator of ABG Shipyard and the Central Board of Indirect Taxes and Customs that the Insolvency and Bankruptcy Code would prevail over the Customs Act, to the extent that once moratorium is imposed on creditor's recovery action, the customs authority only has a limited jurisdiction to assess or determine the quantum of customs duty and other levies.
- The customs authority does not have the power to initiate recovery of dues by means of sale or confiscation.
- The ruling suggests that authorities can only take steps to determine the tax, interest, fines or any penalty which is due and cannot enforce a claim for recovery or levy

of interest on the tax due during the period of moratorium.

Source: [Link](#)

WORLD

Starbucks Names Indian-Origin Laxman Narasimhan as New CEO

- Starbucks Corp on Thursday named Laxman Narasimhan as its next chief executive officer.
- Mr Narasimhan was CEO of Reckitt, which also makes Durex condoms, Enfamil baby formula and Mucinex cold syrup.
- He announced his departure from that post earlier in the day, and FTSE-listed Reckitt's shares fell 4%.
- Mr Narasimhan will join Starbucks in October but will take the helm in April 2023.
- Until then, interim-CEO Howard Schultz will continue to lead the company.

Source: [Link](#)

BUSINESS

Former Tata Sons chairman Cyrus Mistry dies in a road accident in Maharashtra's Palghar

- In a shocking incident, Cyrus Mistry was killed in a road accident after his car rammed a divider in Maharashtra's Palghar on Sunday afternoon.
- The accident reportedly took place on the Surya River Charoti Bridge on the Mumbai Ahmedabad National Highway.
- Three more people were accompanying him in the car.
- Visuals showed the front side of the car completely mangled.
- The air bags did pop out but wasn't effective enough to save the lives of the two died in the accident.

Source: [Link](#)

This is only for informational purposes. Nothing contained herein is, purports to be, or is intended as legal advice and you should seek legal advice before you act on any information or view expressed herein. Endeavoured to accurately reflect the subject matter of this alert, without any representation or warranty, express or implied, in any manner whatsoever in connection with the contents of this. This isn't an attempt to solicit business in any manner.

Sources: Mint, Newslaundry, Indianexpress, Moneycontrol, NDTV, Freepressjournal