



Directorate of Student Services

Part-I

Important Information for the months of July, August & September 2013

Important cut-off dates:

Declaration of result of June 2013 session examination : **Sunday, 25th August 2013**
Result will be available at institute's website www.icsi.edu

1. Last date of submission of response sheets under Postal Tuition Scheme for students of Executive / Professional Program appearing in December 2013 Examination. : **Saturday, 31st August 2013**
(Students are advised not to wait up to last date. They should submit their response sheets at the earliest well in advance for timely processing & issuance of suggested answers)
3. Last date of registration for Executive Program (if student wishes to appear in both modules of Executive Program in June 2014 exam) : **Saturday, 31st August 2013 (For online Mode)**
Monday, 2nd September 2013 (For Offline Mode)
4. Last date of registration for Professional Program (if student wishes to appear in all four modules of Professional Program in June 2014 exam) : **Saturday, 31st August 2013 (For online Mode)**
Monday, 2nd September 2013 (For offline Mode)
5. **Introduction of new syllabus of Professional Program** :: All students admitted in Professional Program on or after 1st September 2013 through online mode shall under new syllabus, whereas all students admitted in Professional Program through offline mode on or after 3rd September 2013 shall be under new syllabus
6. Last date for submission of examination form for appearing in December 2013 exam : **Wednesday, 25th September 2013**
(without late fees)
7. Last date of admission to Foundation Program (if student wishes to appear in June 2014 exam) : **Monday, 30th September 2013**
8. Last date for submission of examination form for appearing in December 2013 exam : **Thursday, 10th October 2013**
(with late fees of Rs 250/-)

MOST IMPORTANT

All correspondence related with student's matter should be sent to:
The Director (Student Services)
The Institute of Company Secretaries of India,
C-37, Sector-62,
Noida-201309

Registration Letter – to be downloaded from institute's website

On completion of registration as a student, the admission number is intimated to the student through e-mail and / or SMS. Students can download the Registration Letter, Fee Receipt (*online registered students only*), Important Instructions, etc. through Institute's website www.icsi.edu by entering the Admission Number received through E-Mail / SMS.

Important points to be noted:

1. Recently two more examination centers [i.e. Belgaum (Code no. 320) & Gwalior (Code no. 421)] have been opened, which will be operative from December 2013 examination onwards on experimental basis. Students residing in & around these places may avail the opportunity.
2. If any student wishes to apply for claiming exemption from any subject of Executive/ Professional Program on the basis of qualification, he/she is advised to submit his/her application for exemption (along with a demand draft @ Rs 1000/- per subject and attested photocopies of mark sheets of all parts of relevant qualification) at the earliest to avoid last minutes complications. Last date for applying for paper-wise exemption on the basis of qualification (For December 2013 exam) is 31st July 2013.
3. If any student wishes to apply for extension of registration / or registration de-novo, he/she is advised to submit his/her application for extension of registration / or registration de-novo at the earliest. Last date for applying for extension of registration / or registration de-novo (For December 2013 exam) is 20th August 2013.
4. Subject-wise Exemption fees / De-novo / extension fees should never be clubbed with examination fees. Students are advised to apply for the same separately. They should also mention about the same in examination form at appropriate place.
5. Cancellation of Registration
Registration of students registered up to and including July 2008 stands terminated on expiry of five-year period on 30th June 2013 leading to the following immediate consequences :
 - (a) Supply of "Student Company Secretary" bulletin will be discontinued from July 2013 onwards.
 - (b) Response sheets will not be accepted even if submitted and coaching completion certificates will not be issued (after the expiry of registration period).

Important:

Students whose registration is valid up to August 2013 (i.e. students registered in September 2008) are eligible to appear in December 2013 examination without seeking extension of registration / registration de-novo subject to fulfilling other requirements as laid down in the regulations.

**Online Services for Students at institute's website www.icsi.edu
Students of ICSI may avail following online services:
(students may avail the same by clicking on "login" button)**

- i) Students can view the status of his / her registration application form already submitted for registration as student.
- ii) Students can take printout of Admit Card (i.e. Roll No. of exam), Registration letter, De-novo letter, Extension letter, Professional Program enrolment letter etc.
- iii) New Students can submit their online registration form for registration in Foundation / Executive Programme.
- iv) Students who have passed both modules of Executive Program, can submit their enrolment form for admission in Professional Programme.
- v) Students can take printout of "e-Student Identity Card".
- vi) Students can change their address, Mobile Number, e-mail ID etc. instantly.
- vii) Students can submit the "On-line Examination Form" for appearing in institute's examination to be held in June / December.
- viii) Students who have already submitted their examination form and subsequently wish to apply for any change in Exam Centre / or Module / or Medium of examination, they can also submit such requests through on-line services.

Last date for applying for Denovo/ Extension of Registration / paper-wise exemption (on the basis of qualification) for June / December exam of the institute

All concerned students are hereby informed that henceforth the following cut-off dates shall be applicable for availing Paper-wise Exemption and Registration Denovo / Extension :-

For claiming Paper-wise Exemption (on the basis of qualification)	31 st January (For June Session of Examinations)
	31 st July (For December Session of Examinations)
For seeking Registration Denovo/ Extension of Registration	20 th February (For June Session of Examinations)
	20 th August (For December Session of Examinations)
(Students whose status can be ascertained only after declaration of the results in February/ August may apply for Denovo/ Extension alongwith examination application for the June/ December session of examination.)	

The above cut-off dates shall be effective for December, 2013 examination Session and onwards.

Schedule for various Cut-Off Dates for Online and Offline Services pertaining to the Students

Particulars of Cut-off Dates	Actual Cut-off Date	Online Cut-off Date	Offline Cut-off Date	
			Revised Cut-off Date	Reason for Extension
Acceptance of Applications for Admission to Executive/ Professional Programmes	31.08.2013	No Change	02.09.2013	31 st Aug & 01 st Sep 2013 are being Saturday & Sunday respectively
Receipt of Enrollment application for appearing in Dec, 2013 examination	25.09.2013	No Change	No Change	
Acceptance of Applications for Admission to Foundation Programme	30.09.2013	No Change	No Change	
Receipt of Enrollment application for appearing in Dec, 2013 examination (with late fee)	10.10.2013	No Change	No Change	
Acceptance of Applications for Admission to Executive/ Professional Programmes	30.11.2013	No Change	02.12.2013	30 th Nov & 01 st Dec 2013 are being Saturday & Sunday respectively

Note – Please note that in Online mode there is no change in Cut-off dates. It is open for 24 hours and upto 12:00 midnight of the respective Cut-off dates.

Online Services for students

(1) Online Registration for Foundation Program / Executive Program

1. Click the “ Online Services” button on top of the ICSI website (www.icsi.edu)
2. Then click on “Student” option and click on “Student Registration” option.
3. A webpage shall open. Click on the documents mentioned on that page, if students are having the softcopy of the same (otherwise they will not be able to Register)
4. Please keep in mind the following factors also :
 - File format should be jpg, jpeg, png, gif, bmp
 - File sizes of documents should not exceed 5 MB
 - Size of Student Photo should be between 20KB – 50KB
 - Size of Student Signature should be between 10KB – 20KB
5. Now Click on Proceed to Registration
6. Select the Course type as applicable to them (Foundation / Executive)
7. If CPT passed students of ICAI / or Foundation passed students of ICAI-CMA are taking admission in CS Executive Program, they are required to select the radio button of “Commerce Graduate” and proceed further.
8. Fill other fields and click on “Register”.
9. After this students shall get their “Request ID and Payment ID” with their personal details. Also the copy of same details shall be mailed to them on their registered e-mail ID.
10. After this “Click” on Make Payment.
11. Payment can be made through Debit Card / Credit Card / net banking.
12. They shall get “Username” and “Password” at their e-mail ID within 24 hours of payment.
13. In fact “Username” is the student’s Registration Number, which is to be noted for future use. It should be quoted invariably in future for all correspondence with ICSI.
14. After that they are required to upload scanned copy their requisite documents at the link sent at their e-mail. They can also “login” using their Username & password and can upload their documents under “My Account” and then “Manage Account” option.

(II) Process of accessing student’s account after registering to ICSI for uploading documents

Students are advised to follow the following steps to access their registered account:

1. Click the login button on top of the ICSI website (<http://www.icsi.edu/>)
2. Enter your Username and Password
3. Then Click on “Login”.
4. After Login, Go to Students and then click “My Account”
5. Click on “Manage Account”
6. Upload documents at various tabs given under manage account option as applicable to you.

In case of any technical problems while submitting the Registration and Examination Forms through “online services”, students may contact the Help Desk at pooja.juyal@icsi.edu (Tel.No. 0120-4522069).

Once all required documents have been uploaded, the applications are being checked at Directorate of Student Services and if found OK, it is approved. If any discrepancies are found, then student concerned is informed by e-mail to complete the requirement.

(III) Supply of Study materials:

If any student has taken registration through “Online Services”, then he/she shall be supplied study materials directly by post from institute’s main stores Noida. Concerned Regional Councils / Chapters are not required to give study materials to such students.

(IV) Process of downloading registration letter / Identity card through online services :

Students can download their Identity card and registration letter from Institute’s website www.icsi.edu by following the given below simple procedure:

1. Click on log in option at www.icsi.edu
2. Enter your “Username” & “Password”
3. Click on “student” option
4. Open “my account”
5. Go to “others” option at student’s account
6. Students can download registration letter / Identity card at others option at their account

After downloading the Identity card, students are compulsorily required to get it attested by any of the following authorities with his/her seal carrying name, professional membership No., designation and complete official address:

1. Member of the Institute, with ACS/FCS No.
2. Gazetted Officer of the Central or State Government.
3. Manager of a Nationalised Bank.
4. Principal of a recognized School/College.
5. Officers of ICSI

Unattested Identity Cards are not valid and the students are advised to carry duly attested Identity Card for various services during their visits to the offices of the Institute, Examination Centres, etc.

Please note that Institute do not send hard copy of the identity card and Registration letter to the student by post.

In case you need any further clarification/ information on the matter, please contact Shri A K Srivastava, Deputy Director (Student Services) OR Ms. Geetanjali S. Rathore, Desk Officer (Student Services) at E-Mail Id ashvini.srivastava@icsi.edu (Tel.No. 0120-4522083) OR at geetanjali.rathore@icsi.edu (Tel.No. 0120-4522065).

Introduction of New Syllabus and Revision in Registration Fee and other Fees Payable by the Students w.e.f. 1st February, 2013

New Syllabus of Executive Programme has been implemented with effect from 1st February, 2013 and the New Syllabus of Professional Programme is being implemented with effect from 1st September, 2013.

The subjects/ papers covered under the Executive Programme and Professional Programme under the new syllabus are as under : -

EXECUTIVE PROGRAMME	PROFESSIONAL PROGRAMME
MODULE 1	MODULE 1
1. Company Law	1. Advanced Company Law and Practice
2. Cost and Management Accounting	2. Secretarial Audit, Compliance Management and Due Diligence
3. Economic and Commercial Laws	3. Corporate Restructuring, Valuation and Insolvency
4. Tax Laws and Practice	MODULE 2
MODULE 2	4. Information Technology and Systems Audit
5. Company Accounts and Auditing Practices	5. Financial, Treasury and Forex Management
6. Capital Markets and Securities Laws	6. Ethics, Governance and Sustainability
7. Industrial, Labour and General Laws	MODULE 3
	7. Advanced Tax Laws and Practice
	8. Drafting, Appearances and Pleadings
	9. Electives – Any One out of below Five Subjects
	9.1. Banking Law and Practice
	9.2. Capital, Commodity and Money Market
	9.3. Insurance Law and Practice
	9.4. Intellectual Property Rights - Law and Practice
	9.5. International Business-Laws and Practices

For detailed contents of the syllabus, please visit the website of the Institute www.icsi.edu

Besides, it has also been decided to revise the various fee payable by the students. The revision of fee is applicable for all students (i.e. Old Syllabus/ New Syllabus) with effect from 1st February, 2013. The details of revised fee are given hereunder:-

F E E S	REVISED FEE wef 01.02.2013
	(Rs.)
A. FOUNDATION PROGRAMME	
(i) Admission Fee	1500
(ii) Education Fee	3000
Total	4500
B. EXECUTIVE PROGRAMME	
(i) Foundation Examination Exemption Fee	500
(ii) Registration Fee	2000
(iii) Education Fee for Executive Programme	6500
(iv) Education fee for Foundation Programme payable by non-commerce graduates who are seeking exemption from passing the Foundation Programme examination under clause (iii) of Regulation 38	1000
Total	8500 / 9000* / 10000**
C. PROFESSIONAL PROGRAMME	
Education Fee	12000
D. OTHER FEES	
Registration De-novo Fee	2000
Exemption from Foundation Examination Fee (Lumpsum)	500
Exemption from Intermediate/Executive Examination Fee (Lumpsum)	750
Extension of Registration Fee	750
Service Charges for Extension of Registration(Per Module)	250
Paper-wise Exemption Fee Per Paper	1000
Issue of Duplicate Pass Certificate Fee	200
Verification of Marks Fee (Per Paper)	250
Issue of Transcripts	250
Duplicate Result-cum-Marks Statement	100
E. Examination Fees	
Foundation Programme (Lumpsum)	1200
Executive Programme(Per Module)	1200
Professional Programme (Per Module)	1200
Surcharge for appearing in Examinations from Overseas Centre (Dubai) (over and above normal Examination Fee)	US\$ 100 (or equivalent amount in Indian Rupees)
Late Receipt of Enrollment Application	250
Change of Examination Centre/ Medium/ Module	250
Prospectus of Foundation Programme	500

Handbook/Prospectus of Executive Programme	500
Examination Application Form	500

(*) Payable by Commerce graduates seeking direct admission into Executive Programme.

(**) Payable by Non-Commerce graduates seeking direct admission into Executive Programme.

In connection with the above, the Regional Councils & Chapters are requested to take note of the following important points for dissemination among the student community as well as the staff members: -

1. All Foundation Programme students (Old Syllabus 2007 & New Syllabus 2012) passed in December, 2012 Session are required to be registered under Executive Programme (New Syllabus 2013) only.
2. The last examination under Foundation Programme (Old Syllabus 2007) will be held in June, 2013. From December, 2013 Session, all Foundation Programme (Old Syllabus 2007) students will be automatically switched over the New Syllabus 2013 (OMR Pattern).
3. The First Examination under Executive Programme (New Syllabus 2013) will be held in December, 2013.
4. The Last Examination under Executive Programme (Old Syllabus 2007) will be held in December, 2014 Session. From June, 2015 Session, all students will be automatically switched over to the Executive Programme (New Syllabus 2013).
5. Students getting registered to Executive Programme (New Syllabus 2013) during the period from 1st March, 2013 to 31st May, 2013, will be eligible for appearing in One Module (out of Two Modules) during December, 2013 Session. Similar system will be continued in subsequent sessions of examinations.
6. Executive Programme (Old Syllabus 2007) students may also seek switchover to Executive Programme (New Syllabus 2013). On switchover to the New Syllabus, they will be eligible for corresponding paper-wise exemptions as per the following details : -

EXISTING / OLD SYLLABUS		REVISED/ NEW SYLLABUS	
PAPER	CODE	PAPER	CODE
General and Commercial Laws(*)	221	See Note below(*)	323
Company Accounts and Cost & Management Accounting	222	Cost and Management Accounting	322
Tax Laws	223	Tax Laws and Practice	324
Company Law	224	Company Law	321
Economic and Labour Laws(*)	225	See Note below(*)	327
Securities Laws and Compliances	226	Capital Markets and Securities Laws	326

(*) Note: In case the student has obtained 60 or more marks in paper 221 and 225 under old syllabus and has obtained the exemption as per rules, then, he shall be exempted to appear in paper 323 (Economic and Commercial Laws) and 327 (Industrial, Labour and General Laws) under new syllabus.

The option of switchover to New Syllabus is required to be exercised at the time of seeking enrollment to examinations and the study materials of New Syllabus, if any, required to be purchased by the students by paying the requisite amount.

7. The Professional Programme (New Syllabus 2013) will be implemented with effect from 1st September, 2013. The First Examination under the Professional Programme (New Syllabus 2013) will be held in June, 2014 and the Last Examination under the Professional Programme (Old Syllabus 2007) will be held in June, 2015. From December, 2015 Session, all students will be automatically switched over to the Professional Programme (New Syllabus 2013).
8. Executive Programme (Old Syllabus 2007) students passing the examinations in June, 2013 session and submitting their registration application upto 31st August, 2013 will be registered under Professional Programme (Old Syllabus 2007). All students getting registered to Professional Programme from 1st September, 2013 onwards will be registered under Professional Programme (New Syllabus 2013).
9. Students getting registered to Professional Programme (New Syllabus 2013) during the period from 1st September, 2013 to 30th November, 2013, will be eligible for appearing in One Module (out of Three Modules) during June, 2014 Session. Similar system will be continued in subsequent sessions of examinations.
10. Professional Programme (Old Syllabus 2007) students may also seek switchover to Professional Programme (New Syllabus 2013). On switchover to the New Syllabus, they will be eligible for corresponding paper-wise exemptions as per the following details : -

EXISTING / OLD SYLLABUS		REVISED/ NEW SYLLABUS	
PAPER	CODE	PAPER	CODE
Company Secretarial Practice	231	Advanced Company Law and Practice	331
Drafting, Appearances and Pleadings	232	Drafting, Appearances and Pleadings	338
Financial, Treasury and Forex Management	233	Financial, Treasury and Forex Management	335
Corporate Restructuring & Insolvency	234	Corporate Restructuring, Valuation and Insolvency	333
Strategic Management, Alliances & International Trade	235	NIL	
Advanced Tax Laws and Practice	236	Advanced Tax Laws and Practice	337

Due Diligence and Corporate Compliance Management	237	Secretarial Audit, Compliance Management and Due Diligence	332
Governance, Business Ethics and Sustainability	238	Ethics, Governance and Sustainability	336

The option of switchover to new syllabus is required to be exercised at the time of seeking enrollment to the examinations and the study materials of New Syllabus, if any, required to be purchased by the students by paying the requisite amount.

11. In line with the continuing emphasis on Online Services and discouraging the use of physical forms (hard copies), the price of the Prospectus-cum-Registration Application Form of Foundation & Executive Programmes and Examination Forms have been revised as per details given below : -

PARTICULARS	Amount (Rs.)
Foundation Programme Prospectus	500
Executive Programme Prospectus	500
Examination Application Form (common for all stages)	500

In case of any technical problems while submitting the Registration and Examination Forms online, students may please contact the Help Desk at pooja.juyal@icsi.edu (Tel.No. 0120-4522069).

It is further clarified that the Registration Forms will not be sold in loose form.

Students using the downloaded copies / photocopies of the registration forms are required to remit an additional amount of Rs.500/- over and above the registration fee. Students will be required to remit additional amount of Rs.500/- in all cases wherein the incorrect (but identical) Registration Applications and / or Old Registration Applications are used by the students with effect from 1st February, 2013.

In case you need any further clarification/ information on the matter, please feel free to contact Shri A K Srivastava, Deputy Director (Student Services) OR Ms. Geetanjali S. Rathore, Desk Officer (Student Services) at E-Mail Id ashvini.srivastava@icsi.edu (Tel.No. 0120-4522083) OR at geetanjali.rathore@icsi.edu (Tel.No. 0120-4522065).

In case of academic / syllabus related queries, students may please contact Mr. Jai Prakash Agarwal, Assistant Director(Academics) at E-Mail id jai.agarwal@icsi.edu (Tel.No. 011-45341074).

Syllabus & New Pattern for Foundation Programme Examinations

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Salient features of the syllabus and the changed pattern of conducting the examinations for the same is summarized below :-

1. Effective date for Syllabus

- (i) The syllabus of Foundation Programme is already effective from 1st February, 2012.
- (ii) There are four subjects under the new syllabus viz.
 - Business Environment and Entrepreneurship;
 - Business Management, Ethics and Communication;
 - Business Economics;
 - Fundamentals of Accounting and Auditing.

2. New Pattern of Examination

Examination would be conducted in OMR System comprising objective type multiple-choice questions. There would be two parts in a paper consisting of two subjects of 100 marks each as per the following structure:

Morning Session: 10.00 A.M. to 11.30 A.M. (90 minutes)

After-noon Session: 1.30 P.M. to 3.00 P.M. (90 minutes)

Morning Session (10.00 A.M. to 11.30 A.M.)				
<i>Part</i>	<i>Subjects Name</i>	<i>Maximum Marks</i>	<i>Total No. of Qns.</i>	<i>Allotment of Marks</i>
1	Business Environment and Entrepreneurship	100	50	2 Marks for each Correct Answer
2	Business Management, Ethics and Communication	100	50	2 Marks for each Correct Answer
Afternoon Session (1.30 P.M. to 3.00 P.M.)				
3	Business Economics	100	50	2 Marks for each Correct Answer
4	Fundamentals of Accounting and Auditing	100	50	2 Marks for each Correct Answer

3. Qualifying Marks

A candidate shall be declared to have passed in the Foundation Programme examination if he/she obtains at one sitting a minimum of forty per cent marks in each subject and fifty per cent marks in the aggregate of all subjects.

4. Eligibility for appearing in the Examinations

Students shall be eligible for appearing in Foundation Programme examinations under new syllabus on the basis of self study on completion of a minimum **period of 8 months** from the date of admission (excluding the month of admission and the month of examination). The requirement of coaching completion certificate has been discontinued and no suggested answers will be provided to students of Foundation Programme under new syllabus. The cut-off dates stipulated for submission of examination form will remain the same.

5. Option to students under existing syllabus

- (i) Students who have registered prior to 1st February, 2012 (subject to the validity of their registration) will have option to continue with the existing syllabus till June, 2013 Session.
- (ii) From December, 2013 session, all students will be automatically switched over to the new syllabus.
- (iii) In other words, from December, 2012 to June, 2013 session of examination both syllabi (existing syllabus as well as new syllabus) will run parallel.

6. Switchover to new syllabus

- (i) Students under the old syllabus may switch over to the new syllabus. They may exercise their option to switch over to the new syllabus while filling up the examination form for June, 2013 session and no other formal request is required to be sent to the Institute for the purpose.
- (ii) Students switching over to new syllabus will not have to pay any charges other than the cost of Study Materials under new syllabus, if any, to be purchased by them.
- (iii) Students of old syllabus are NOT eligible for any paper-wise exemptions on switching over to the new syllabus and they will have to appear in all the papers under the new syllabus irrespective of their performance in previous sessions of examinations or any other qualifications.

6. Other features

- (i) Study material will have two test papers containing multiple questions, the key answers and the specimen OMR Sheet appended at the end of the study material for self study.
- (ii) There will be no negative marking under OMR for Foundation Programme under new syllabus.

ON-LINE EXEMPTION TEST For compulsory computer training

The Institute of Company Secretaries of India (ICSI) has signed an agreement with M/s Sify Software Limited. As per the revised arrangement the online test for compulsory computer training of the students, which is being presently conducted by M/s Aptech Ltd. will be henceforth conducted by M/s Sify Software Ltd.

To facilitate the mandatory requirement for students having computer knowledge to pass the online test, M/s Sify Software has developed an online testing portal where students can appear for online test and will be able to download their certificates after 15 days of passing of online test. This will ensure that there is no delay in receiving the certificate after clearing the online test. Students can go to the online portal, register for the test and block a centre for appearing in the test. Payment for the online test can be done both in online or offline mode (through branches of SBI using Powerjyoti scheme). Students can register them for the said online test in <http://icsi.sifyitest.com>.

All concerned students may note that M/s Sify Software Ltd is the sole testing authority for ICSI. As part of the endeavor to provide better support to students, M/s Sify Software Ltd. has opened help line for students. Students can mail to icsi_hlpdesk@sifyitest.com for any query or clarifications with a copy to asit.rath@icsi.edu.

All concerned students may also note that Sify Test Centers are meant for conducting online exemption test only. Students are advised not to visit the Sify Test Centres directly without registering themselves with the Sify Online Registration Portal viz. <http://icsi.sifyitest.com> for allotment of centre.

Waiver of Transaction Charges for Online Payments to the Institute

As students are aware, various Online Services are being introduced by the Institute from time to time for the benefit of students. While availing these services by the students, they are bearing the additional charges i.e. transaction charges of 2% in addition to the applicable fee.

ICSI is pleased to inform that the Institute has decided to bear all additional charges which are till date borne by the students while making the payments online. It means the 2% transaction charges which are borne by the students will now be borne by the Institute. It will be appreciated, if students may take advantage of this initiative and use the online services on all occasions which will help them to get prompt response and real time service.

The initiative has been taken to encourage the students to use more and more online services keeping in view the 'Go Green' initiatives of the Institute. It will also bring more accuracy in maintaining the student data.

Part-II

General Information students must know

Important e-mail ID's of Dealing Officials for Various Services of Students

S.NO.	TYPE OF QUERY	QUERY TO BE FORWARDED TO THE E-MAIL ID
1.	• REGISTRATION LETTER	ankur.aggarwal@icsi.edu
2.	• NON-RECEIPT OF STUDY MATERIALS	anju.gupta@icsi.edu
3.	• PAPER-WISE EXEMPTION	exemption@icsi.edu
4.	• NON-RECEIPT OF STUDENT COMPANY SECRETARY / FOUNDATION COURSE BULLETIN	ankur.aggarwal@icsi.edu
5.	• CHANGE OF ADDRESS, E-MAIL ID, PHONE NUMBER AND OTHER PARTICULARS	ankur.aggarwal@icsi.edu
6.	• RESPONSE SHEET STATUS	yk.ratra@icsi.edu
7.	• COACHING COMPLETION CERTIFICATE/ SUGGESTED ANSWERS	yk.ratra@icsi.edu
8.	• ORAL COACHING	ashvini.srivastava@icsi.edu
9.	• PUBLIC PRIVATE PARTNERSHIP SCHEME (FOR ORAL COACHING)	ashvini.srivastava@icsi.edu
10.	• COMPUTER TRAINING	vinny.mehta@icsi.edu
11.	• ADMIT CARD/ ROLL NUMBER FOR EXAMINATIONS	enroll@icsi.edu
12.	• ISSUE OF PASS CERTIFICATES	siyaram@icsi.edu
13.	• ISSUE OF TRANSCRIPTS	siyaram@icsi.edu
14.	• EXEMPTION FROM TRAINING	anita.mehra@icsi.edu
15.	• ANY MANAGEMENT TRAINING / APPRENTICESHIP TRAINING RELATED QUERY	amit.sircar@icsi.edu
16.	• 15 DAYS' SPECIALISED TRAINING	anita.mehra@icsi.edu
17.	• STATUS OF ACS MEMBERSHIP APPLICATION	monika.arora@icsi.edu
18.	• NON-RECEIPT OF MEMBERSHIP NUMBER	monika.arora@icsi.edu
19.	• SIP/ EDP/ PDP/ MSOP, ETC.	training@icsi.edu
20.	• OUT OF STOCK POSITION OF STUDY MATERIALS	store@icsi.edu
21.	• REFUND OF FOUNDATION/ EXECUTIVE/ PROFESSIONAL EXAMINATION FEE	niranjan.sarkar@icsi.edu
22.	• REFUND OF FOUNDATION / EXECUTIVE REGISTRATION FEE	yk.ratra@icsi.edu
23.	• REFUND OF PROFESSIONAL PROGRAMME REGISTRATION FEE	archana.goel@icsi.edu
24.	• MARK SHEETS	exam@icsi.edu
25.	• VERIFICATION OF MARKS	exam@icsi.edu
26.	• VERIFICATION OF QUALIFICATION	siyaram@icsi.edu
27.	• MERIT-CUM-MEANS ASSISTANCE & MERIT SCHOLARSHIPS	exam@icsi.edu
28.	• ICSI STUDENT EDUCATION FUND TRUST	ashvini.srivastava@icsi.edu
29.	• ENROLLMENT TO PROFESSIONAL PROGRAMME	archana.goel@icsi.edu
30.	• TECHNICAL PROBLEMS AT THE WEBSITE	dit@icsi.edu
31.	• REGISTRATION DENOVO/ EXTENSION	archana.goel@icsi.edu
32.	• ANY OTHER QUERY (SPECIFY)	ashvini.srivastava@icsi.edu

1. Concession in Registration Fees / Examination Fees for Physically Handicapped Students:

As a social welfare measure, the Council of The Institute has decided to grant concession in Registration Fee/Examination Fee to physically handicapped students, as per details given below:

(a) Registration Fee for Physically Handicapped Students

Stage	Registration Fee to be paid by Physically handicapped students:
Foundation Program	Only Registration Fee will be charged (At present, Registration Fee is Rs 1500/-)
Executive Programme	Only Registration Fee will be charged (At present, Registration Fee is Rs 2,000)
Professional Programme	Only Registration Fee will be charged (At present, Registration Fee is NIL)

(b) Examination Fee for Physically Handicapped Students

Stage	Examination Fee to be paid by Physically handicapped students:
Executive and Professional Programme	25% of the fee applicable to general candidate

The above concession would be granted subject to the following guidelines:-

(i) The concerned students should submit a certificate issued by a Physician/ Surgeon/Oculist working in a State/Central Government to the effect of permanent physical disability (including blindness).

(ii) The following shall be regarded as permanent physical disability:-

- (a) permanent physical disability of more than 50% in one limb; or
- (b) permanent physical disability of more than 60% in two or more limbs; or
- (c) permanent deafness with hearing impairment of 70 decibels and above; or
- (d) permanent and total loss of voice.

(iii) Blindness shall be regarded as permanent physical disability, if it is incurable and falls in any of the categories specified, namely:-

- /60 to 1/60 or field vision 110/2
- 3/60 to 1/60 or field vision 100
- FC at 1 foot to Nil or field of vision 100
- Total absence of sight

It is clarified that all other services shall be available **on full payment basis** as applicable to general category students.

2. Change of Address

Students are advised to update their addresses instantly through online services at students' portal www.icsi.edu Their Registration Number shall be their user Id and they can create their password of their own.

3. E-Mail Address of the Students

Students are advised to update their e-mail ID/ Mobile Number instantly through online services at students' portal www.icsi.edu Their Registration Number shall be their user Id and they can create their password of their own.

4. Students Identity Card

All the students appearing in the examination must hold Identity Card in the manner prescribed by the Institute, if not already obtained at the time of seeking registration.

Students may also download their “**On-line Student Identity Card**” from institute's website www.icsi.edu institute's on-line services, after creating login credentials (password, etc.). The admission number will be the User Id for all students.

After downloading the Identity card, students are compulsorily required to get it attested by any of the following authorities with his/her seal carrying name, professional membership No., designation and complete official address:

1. Member of the Institute, with ACS/FCS No.
2. Gazetted Officer of the Central or State Government
3. Manager of a Nationalised Bank
4. Principal of a recognized School/College.
5. Officers of ICSI

Unattested Identity Cards are not valid and the students are advised to carry duly attested Identity Card for various services during their visits to the offices of the Institute, Examinations centers, etc.

5. Compulsory Enrolment for Professional Programme.

Students who have passed/completed both modules of Executive examination are advised to seek compulsory enrolment for undergoing coaching for the Professional Programme on payment of Rs. 12000/- towards postal tuition fee.

Candidates will be admitted to the Professional Program examination, if : -

- i) He/She has registered himself/herself as a student for the Professional Programme at least nine calendar months prior to the month in which the examination commences. In other words, candidate registered as student up to and including the month of February in a year are eligible to appear in all the modules of the Professional Program examination to be held in December of that year, and those registered between March to August during a year are eligible to appear in all the four modules of the Professional Program examination to be held in the month of June next year subject to satisfactory completion of compulsory coaching.

- ii) However, a candidate registered as a student at least six calendar months prior to the month in which the examination commences may be allowed to appear in any one or two module(s) of the Professional Program examination, that is to say, a candidate registered as a student up to and including the month of May in a year will be eligible for appearing in any one or two module(s) in December examination and those who are registered from June onwards and upto and including the month of November in a year will be eligible to appear in any one or two module(s) of Professional Program examination to be held in the month of June next year subject to satisfactory completion of compulsory coaching.

6. Uniformity in Signatures

It has been observed that some of the enrollment applications / letters received from the students are either unsigned or bear different signatures from time to time.

All the students are, therefore, advised to maintain uniformity in their signatures on all the correspondence with the Institute including students identity card, enrollment application and attendance sheet provided in the examination hall at the time of writing examinations.

7. Clarification Regarding Paperwise Exemption

- (a) The paperwise exemption is granted only on the basis of specific request received in writing from a registered student along with the attested photocopies of marks sheets for all parts of the Degree/examination (on the basis of which the paperwise exemption is sought) and the exemption fee @ Rs. 1000/- per paper. It is one time payment and not to be remitted for availing of paper wise exemption in every session of examination during the validity of registration period.
- (b) The application for claiming paperwise exemption must reach the Institute on or before the last date for submission of enrolment application i.e. 25th March and 25th September for June and December examinations respectively and with a late fee of Rs 250/-, the application can be accepted upto 9th April and 10th October respectively.
- (c) The paperwise exemption once granted holds good during the validity of registration period or passing/completing the examination, whichever is earlier.
- d) The paperwise exemption is cancelled only on receipt of a specific request in writing from the student concerned on or before the last date for submission of the enrolment application. If any candidate appears in the exempted paper(s) of examination without receiving the written confirmation from the Institute, but by making personal representation, appeal, request, etc., at the Examination Centre at the last moment, his/her appearance in such paper(s) shall automatically be treated as cancelled.
- (e) It may be noted that candidates who apply for grant of paper wise exemption or seek cancellation of paper wise exemption already granted, before the last date of submission of enrolment applications for a particular examination, must see and ensure that they receive written confirmation from the Institute at least 15-20 days prior to the commencement of the examination. Candidates who would

presume automatic grant or cancellation of paper wise exemption without obtaining written confirmation on time and absent themselves in any paper(s) of examination and/or appear in the exempted paper(s) would do so at their own risk and responsibility and the matter will be dealt with as per the above guidelines.

- (f) Exemption once cancelled on request in writing shall not be granted again under any circumstances.
- (g) The candidates who have passed either group of the Intermediate/Final examination under the old syllabus, may claim the paperwise exemption in the corresponding subject(s) of new syllabus indicating the basis of exemption as “APO” in the appropriate column of the enrolment application.
- (h) In case the paperwise exemption has already been granted on the basis of qualification or the candidates is eligible for grant of exemption on the basis of securing 60% or more marks, a photocopy of the letter/marks-sheet issued by the Institute should be enclosed with the enrolment application while claiming such exemption, failing which the same may not be granted for the ensuing examination.
- (i) No exemption fee is payable for availing paperwise exemption on the basis of “APO” or on the basis of securing 60% or more marks in the Institute’s examination.
- (j) Paperwise exemption fee is payable only when the exemption is to be availed on the basis of qualification(s) specified for the purpose.

Exemption from individual paper(s) of the Executive Programme Examination

A candidate shall be exempted from the following paper(s) of the Executive Programme examination if he/she possesses the qualification(s) specified against each paper, having secured 50% or more marks in the aggregate and applies for exemption on or before last date for enrolment for the examination paying requisite exemption fee which at present is Rs 1,000/- per paper :

1. **Industrial, Labour and General Laws:** M.A./M.B.A. (Corporate Secretaryship) / or a Degree in Law (three years or five years integrated) from a recognised University/Institute either constituted under an Act of Parliament or approved by AICTE/AIU.

2. **Cost and Management Accounting:** M.A. (Corporate Secretaryship)/ M.Com./M.B.A. (with Advanced Accountancy as one of the subjects at B.Com/B.B.A./B.A. (Corporate Secretaryship) level and with full paper in Cost Accounting/Management Accounting/Financial Management at M.A. (Corporate Secretaryship)/M.Com./M.B.A. level having secured 50% marks in the subject concerned) from a recognised University/Institute either constituted under an Act of Parliament or approved by AICTE/AIU.

A candidate who has done Post Graduate Diploma in Management will be considered for exemption from the paper (CA & CMA) only if he/she submits documentary evidence from AICTE/AIU to the effect that PGDBM issued is equivalent to MBA.

3. **Tax Laws and Practice:** M.A./M.B.A. (Corporate Secretaryship) from a recognised University/Institute either constituted under an Act of Parliament or approved by AICTE/AIU.

Paperwise Exemption to Cost Accountants

A candidate who has passed the Final examination of the Institute of Cost Accountants of India, shall be exempted from the following papers of the Executive Programme examination & Professional Programme examination on making an application together with attested copy of the Final Pass certificate and the requisite exemption fee @ Rs 1,000/- per paper on or before the last date of submission of enrolment application for the examination:

(a) *Subjects pertaining to Executive Programme:*

1. Cost and Management Accounting (Module I, Paper 2)
2. Tax Laws and Practice (Module I, Paper 4)
3. Company Accounts and Auditing Practices (Module 2, Paper 5).

(b) *Subjects pertaining to Professional Programme :*

1. Advanced Company Law and Practice (Module 1, Paper 1).
2. Financial, Treasury and Forex Management (Module 2, Paper 5).
3. Advanced Tax Laws and Practice (Module 3, Paper 7).

8. Compulsory Computer Training

In terms of Company Secretaries Regulations, 1982 (as amended), all students are required to successfully undergo a compulsory Computer Training Programme for becoming eligible to seek enrolment to appear in CS Executive Programme examination.

The Institute, in compliance of the above said requirements, has tied up with

- M/s APTECH Limited for imparting computer training to the students of the Institute at subsidized rates. However the students may also undergo computer training from any other Institute or training center all over India at his/her convenience. For details about computer training course being conducted by M/s APTECH LIMITED for the students of the Institute; the options under Students→Miscellaneous on the Institute's website i.e. www.icsi.edu may be referred to. The students may also directly refer to the portal <http://icsi.aptechtrainingsolutions.com> for this purpose.

- M/s Sify Software Limited for conducting online exemption test for the students, who claim to have adequate knowledge on computer operation. The students who will pursue the computer training from M/s. APTECH LIMITED will also have to enroll for and appear this online exemption test to fulfil the computer training requirement of the Institute. For details about online exemption test being conducted by M/s Sify Software Limited for the students of the Institute; the options under Students→Miscellaneous on the Institute's website i.e. www.icsi.edu may be referred to. The students may also directly refer to the portal <http://icsi.sifyitest.com> for this purpose.

9. Grant of Total Exemption in Undergoing Compulsory Computer Training Programme:

(a) To Physically Handicapped Students

The Institute has decided to grant total exemption from undergoing the compulsory Computer Training Programme to the students belonging to the following based handicapped categories on scrutinizing and conducting assessment/ evaluation of the documents submitted in this regard.

- Physically Handicapped Students:
 - permanent physical disability of more than 50% in one limb; or
 - permanent physical disability of more than 60% in two or more limbs.
- Visually Disabled Students:
 - 6/60 to 1/60 or field vision 110/2
 - 3/60 to 1/60 or field vision 100
 - FC at 1 foot to Nil or field of vision 100
 - Total absence of sight

The above said category shall be regarded as permanent physical disability in order to be eligible for concessions/benefits in granting total exemption from undergoing the Compulsory Computer Training Programme.

For availing the aforesaid benefit, such applicant/students will be required to submit a certificate issued by the Medical Superintendent of State/Central Government Hospital to this effect.

(b) Total Exemption on the basis of working experience

In exceptional cases Director of IT could grant total exemption from Compulsory Computer Training to deserving students with the approval of the Chief Executive/Secretary. The criteria for considering such cases of total exemption is as under:

“A student may be considered for granting total exemption from Compulsory Computer Training if, he/she possesses not less than 3 years working experience on the computer in any organization and has acquired sufficient computer knowledge and operational skills to the satisfaction of Director of IT particularly on MS Office, Internet, E-mail or any other package which is deemed relevant for the course.”

(c) Reciprocal Arrangement between ICSI and ICAI-CMA on exemption from Computer Training

Under the reciprocal arrangement between the ICSI and ICAI-CMA on exemption from Computer Training, the students of ICAI-CMA who have already undergone the computer training to comply with the requirements of that course will be fully exempted from the compulsory computer training requirements of the ICSI. The interested students have to however submit to the ICSI the related computer training certificate issued by the ICAI-CMA in this regard.

ATTENTION STUDENTS!

ONLINE EXEMPTION TEST ON COMPUTER KNOWLEDGE PROFICIENCY

In terms of Company Secretaries Regulations, 1982 (as amended), all students are required to successfully undergo a compulsory Computer Training Programme to be eligible for enrolment to appear in CS Executive Programme examinations.

A student can be exempted from undergoing the computer training only on the basis of their present computer knowledge. Such students have to however pass an online exemption test.

The Institute, in compliance to the above said requirements, has tied up with **M/s Sify Software Limited** to conduct the **ONLINE EXEMPTION TEST** through its test centres spread across India.

- Student should enrol for an online exemption test (to be conducted by Sify) with their registration ID and Date of Birth
- Link for online registration for the exemption test : <http://icsi.sifyitest.com>
- The test will be conducted at any of the recognized Sify Centre throughout India
- The list of Sify Centres including detailed process is given in the website <http://icsi/sifyitest.com>
- Students can pay offline/online to appear for the test

Details about Online exemption test being conducted by M/s Sify

Duration of the Test : 80 Minutes

Fees payable online - Examination charges Rs. 440/-+ bank charges as applicable

Fees payable offline - Examination charges Rs. 440/-

Bank charges Rs. 50/-

Total Rs. 490/-

Students will be allowed TWO attempts to clear the online exemption test within a period of 30 (thirty) days against the fees mentioned above.

Students can also contact Sify for any query by sending mail to icsi_hlpdesk@sifyitest.com

Registered students with Sify can log in and give their feedback/complaint through the portal.

Students may please note that M/s Aptech shall continue to provide for the computer training ONLY to the students of the Institute.

10. Student Induction Program (SIP)

Every candidate registered for the Executive Programme w.e.f. 01.09.2009 are compulsorily required to undergo seven days Student Induction Programme (SIP) within 6 months of registration. Regarding any query about SIP, students are advised to contact office of their respective Regional Council / Chapter. Alternatively, they may also call to Directorate of Training of institute on telephone no. 011-45341045.

11. Exemption from undergoing SIP :

The Council of the Institute has approved the eligibility criteria for grant of exemption from undergoing Student Induction Programme (SIP).The following candidates are exempted from under going SIP:

- (i) Candidates having one year of working experience as assistant or any other post equivalent thereto by whatever name called or any other higher grade thereto in the field of Finance, Secretarial, Human Resource, Marketing, General Administration, Teaching, Research etc. in any body corporate, government body, statutory or autonomous body, public undertaking, financial institution, banks, consultancy firms, Law firms or any other organization/institution which in the opinion of the Council provides scope for adequate exposure for exemption from Students Induction Programme (SIP), or
- (ii) Candidates possessing professional qualification e.g CA, CWA, LL.B, BE/B.Tech/B.Arch, MBBS, Post Graduate Degree/Diploma in Businesses Administration/ Management, MCA or any other qualification as approved by the Council from time to time.

Students seeking exemption may apply within six months from the date of registration in the Executive Programme.

The students who were enrolled on or after 1st September 2009 and yet not undergone the SIP may also apply for the exemption.

The format of application for exemption is available under 'Training' section on the website (www.icsi.edu)

12. ICSI Students Education Fund Trust :

With a view to encourage and motivate economically backward and academically bright students to pursue the Company Secretaryship Course, the Institute has created a Trust viz. ICSI Students Education Fund Trust.

STAGE	CATEGORIES OF STUDENTS / ELIGIBILITY CRITERIA	
		Economically backward students with good academic records with Family Income up to Rs.1,00,000 per annum
Foundation Programme	Minimum 65% Marks (or equivalent CGPA) in both Matriculation (Class X) & Senior Secondary (Class XII) Stages	Minimum 85% Marks (or equivalent CGPA) in both Matriculation (Class X) & Senior Secondary (Class XII) Stages
Executive Programme	Minimum 65% Marks (or equivalent CGPA) in both Matriculation (Class X) & Senior Secondary (Class XII) Stages and 60% Marks in Bachelor's Degree Stage / or 65% marks in aggregate in CPT of ICAI / or 65% marks in aggregate in Foundation exam of ICAI-CMA.	Minimum 85% Marks) or equivalent CGPA) in both Matriculation (Class X) & Senior Secondary (Class XII) Stages and 70% Marks in Bachelor's Degree Stage / or 75% marks in aggregate in CPT of ICAI / or 75% marks in aggregate in Foundation exam of ICAI-CMA.

The above revised provisions shall be applicable to the students who had taken admission in CS Foundation Program / or Executive Program on or after 1st September, 2012. (*Students admitted in CS Foundation Program / or Executive Program before 01.09.12, shall be under the provisions of old criteria*)

NATURE AND EXTENT OF FINANCIAL ASSISTANCE

Eligible Students shall be refunded the full amount of the Registration/ Admission Fee, Postal Tuition Fee, Exemption Fee and other fees normally paid by the students at the time of admission to Foundation/ Executive Programmes. Eligible Students shall also be refunded the Examination Fees paid by them subject to the condition that such student should seek enrollment to the respective examination at the first available opportunity vis-à-vis their admission date and pass it at the first attempt.

Please note that under all above mentioned provisions, student concerned is firstly required to make the full payment of the requisite fees and then submit his/her claim for refund in the prescribed application form. If found eligible, his/her fees will be refunded.

Students desirous of availing the financial assistance may submit their application in the prescribed format along with all supporting documents to **Director (Student Services), The Institute of Company Secretaries of India , C-37, Sector – 62, Noida – 201 309.**

**13. List of institutes empanelled for imparting Oral Coaching Classes to CS students Under Public Private Partnership Scheme of ICSI:
(as on 01.07.13)**

S.No.	Name & Address of Empanelled Institutions.	Validity for CS Session of Exam	Tel nos	Email id.
	EASTERN INDIA REGIONAL COUNCIL			
	Nil			
	NORTHERN INDIA REGIONAL COUNCIL			
1	M/s Springdale College of Management Studies Madhotanda Road Pilibhit-262 001 (U.P)	December 2013 & June 2014 Session of CS Examinations.	05882259917/31 6790 09219401731	info@scmspbt.org hemantjagota@yahoo.com
2	AIMES 5/485, Vikas Nagar Lucknow – 226022	June 2013 & December 2013 Session of CS Examinations	09415007422	csatrivedi@gmail.com
3	Rudram Institute Gangapur City Dist : Sawai Madhopur (Rajasthan)	December 2013 & June 2014 session of CS Examinations	09602322241	rudruminstitute@yahoo.in
4	Professional Commercial Academy B-B/57-E, Janak Puri New Delhi- 110058	June 2013 and December 2013 sessions of CS Examinations	9818829677 9899541972	eishtaneja@yahoo.com
5	ATM-Global Executive College 20/1, Old Sher Shah Suri Marg Sector-37 Faridabad – 121003	December 2013 & June 2014 session of CS Examinations	9810084417	director@atm.edu.in
	WESTERN INDIA REGIONAL COUNCIL			
1	The Director M/s Geetanjali Education Systems Private Limited Geetanjali College of Computer Science & Commerce Indian Red Cross Building Suchak Road Opp. Shastri Medan RAJKOT-360 001	June` 2013 and December` 2013 session of CS Examinations.	0281 2587550 0281-2464377 09726184584	Gespl09@gmail.com
2	Global Classes C-31, Ravi Nagar Near- Bhatiya Nursing Home Raja Talab Raipur (Chattisgarh)	June 2013 and December 2013 session of CS Examinations	0771 4075158 09827108633	Globalclasses101@gmail.com
3	Study Circle B 2 106, Greenland Society J B Nagar Andheri (East) Mumbai – 59	December 2013 and June 2014 session of CS Examinations	028272829 028262829	jineshkirishah@gmail.com

4	Agarwal Professional Academy 204, MSB-II B Poddar Plaza New Siyaganj Indore-456010	June 2013 and December 2013 sessions of CS Examinations	9827545475 07312515475	Atinharbhajanka.ca@gmail.com
5	Lt. Meenaben Jayantilal Kundaliya English Medium Mahila Commerce & B B A College, Chaudhary Highschool Campus, Kasturba Road, Opp: Jain Derasar Rajkot- 360001	June 2013 and December 2013 sessions of CS Examinations	0281-2448315	sadgurumjk@yahoo.in
6	Darak Tutorials Shette Building, 2 nd Floor Near Pharmacy College Indraprastha Nagar Nanded – 431605	June 2013 and December 2013 sessions of CS Examinations	9422189298 9767893929	khdarak@gmail.com
7	Arora Tutorial Devendra Nagar, Sector-4 Near Bank of Baroda Raipur (Chattisgarh)	June 2013 and December 2013 sessions of CS Examinations	9907400020 07714280110	aroratutorial@gmail.com
8	Professional Study Group 867, Patel Nagar City Center Gwalior- 474011	June 2013 and December 2013 sessions of CS Examinations	9981202069 07512343435	Ca.jatin.singh@gmail.com
9	M R Study Center for Company Secretaries, Medhauli, Morwa, Shukla More, Singrauli – 486869 (MP)	June 2013 and December 2013 sessions of CS Examinations	09839431179 09993304763	College.mrhc@gmail.com
10	Maple Classes Proprietor Prudential Educom Pvt. Ltd. 310 A, B Block, Silver Mall 8, RNT Marg Indore-452001 (MP)	December 2013 and June 2014 sessions of CS Examinations	9425060686 0731-4069983	info@caclass.co.in
11	Shantaben Adani Institute of Professional Courses The Banskantha District Mandal C/o G D Modi Vidya Sankul Opp: S T Workshop, Hoghway Palanpur Distt: Banaskantha -385001 (Gujrat)	December 2013 and June 2014 sessions of CS Examinations	9825391536 9428847734	call_bba@yahoo.com
12	Catalyst Professional Academy IIIrd Floor Gomtesh Market New Gulmandi Road Aurangabad-431005	December 2013 and June 2014 sessions of CS Examinations	9595255656 9021903030	Catalyst.academy@hotmail.com
SOUTHERN INDIA REGIONAL COUNCIL				
1.	Mohans Institute of Corporate Studies [MICS] 'Sreyas; 39, Chettiparambil Lane Choorakkadu, Tripunithura P.O. Ernakulam Dist., Kerala- 682301	December 2013 & June 2014 Session of CS Examinations.	0484 2776089 09447790689	mics@mohans.in mohansinstitute@gmail.com

2	Dr D G Shetty Educational Society Jhana Degla, 25/B-4, Near K M F Dharwad – 580004	June 2013 & December 2013 session of CS Examination	0836-2465327	drdgshetty@yahoo.in shetty_dg@yahoo.co.in
3	M/s Bright Academy of Excellence Baba Foundation, Plot No.46 Door No.102, Flat No.6,1 st Floor, South West Boag Road, T. Nagar Chennai-600 017	December 2013 and June 2014 Session of CS Examination	044 24341116	Brightacademy2008@yahoo.co.in
4	The Principal M/s P.S.G.R. Krishnammal College For Women Peelamedu <u>COIMBATORE-641 004</u>	December 2013 & June 2014 Session of CS Examinations.	0422 2572222 0422 2591255(f)	principal@psgrkc.com
5	The Director M/S Blue Dot Academy N0.4, Balaji Avenue, Ist Street T.Nagar CHENNAI – 600017	December 2013 & June 2014 Sessions of CS examinations.	044 42123501/42123 502 044 42123503(f) 044 28344816	sreesri@mscindia.org
6	Divine Education and Charitable Trust Gurukul Building, Gurukul Road Gurukul Nagar, Near- Munsif Court Karkala-574104 Udupi District (Karnatka)	June 2013 and December 2013 Session of CS Examinations	09964475417 08258233757	alohakarkala@gmail.com
7	Padmarajam College of Management 10, Kalpalam Road Goripalayam Madurai – 625002 (Tamilnadu)	June 2013 & December 2013 session of CS Examinations	9344108771, 8144408771	padmarajam@gmail.com
8	Academy for Professional Studies Azhar Complex Near North Malabar Chamber of Commerce Thayatheru Road Kannur – 670002 (Kerala)	June 2013 & December 2013 session of CS Examinations	9746103633 0497-2763646	apskannur@gmail.com
9	Alliance College of Commerce Alliance University 2 nd Cross, 36 th main, Dollars Scheme, BTM I stage Bangalore- 560 068	June 2013 & December 2013 session of CS Examinations	9986200605 9900084432	rekha.us@alliance.edu.in
10	S S Mahita Degree College, D No. 40-26/1-15, Beside Sweet Magic Street, Near D V Manor Vijayawada-520010 Dist: Krishna (Andhra Pradesh)	December 2013 & June 2014 session of CS Examinations	9912341815 0866-2487452	Principal.mahita@gmail.com
11	Sri Rachapudy Nagabhushanam Degree & P G College Nellore Road Badvel Kadapa (Dist) A P – 516227	December 2013 & June 2014 session of CS Examinations	9440261908 08569-283509	Sai.srn@gmail.com

12	Seshadripuram First Grade College CA Site No. 26, Yelahanka New Town Bangalore – 560064	December 2013 & June 2014 session of CS Examinations	9480435554 080- 22855369/70	info@sfdc.ac.in
13	Dr N G P Arts & Science College Dr N G P – Kalapatti Road Coimbatore – 641 048	December 2013 & June 2014 session of CS Examinations	9442852222 0422-2369100	drngparts@kmch.ac.in
14	SNVM College of Arts and Science Shri Gambhirmal Bafna Nagar Malumachampatti Coimbatore- 641050	December 2013 & June 2014 session of CS Examinations	0422-2610894	Nil

Directorate of Academic & Professional Development

CORPORATE LAWS

BHAGWATI DEVELOPERS PVT LTD v. PEERLESS GENERAL FINANCE & INVESTMENT COMPANY LTD & ANR [SC]

Civil Appeal No.7445 Of 2004

Chandramauli Kr. Prasad & V.Gopala Gowda, JJ. [Decided on 15/07/2013]

Securities Contracts (Regulation) Act, 1956 - Sections 2(h)(i), 13 & 16- sale of shares by borrower to lender- sale of shares of unlisted public company- sale was not spot delivery- place of sale was a notified area- seller and buyer were not members of stock exchange- company refusing to register – whether correct- Held, Yes. Whether shares of unlisted companies are marketable securities-Held, Yes.

Brief facts: Tuhin Kanti Ghose, hereinafter referred to as 'Tuhin', Respondent No.2 herein, approached the appellant, Bhagwati Developers Private Limited, hereinafter referred to as 'Bhagwati' for a loan of Rs.38, 83,000/- for purchasing 3530 equity shares of Respondent No.1, Peerless General Finance & Investment Company Limited, hereinafter referred to as 'Peerless'. Bhagwati advanced the loan in 1986 and Tuhin agreed to transfer 3530 shares of Peerless to Bhagwati by way of repayment of the aforesaid loan. In the light thereof, Tuhin handed over the original share scrips as also the transfer deeds for doing the needful by Bhagwati. Thereafter, Peerless issued bonus shares and the total number of shares of Tuhin with Bhagwati became 14120 shares in 1991.

When Tuhin did not accede to the request of Bhagwati for transferring the entire shares, it filed a suit in the Court of Civil Judge at Allahabad and also settled the issues by compromise whereunder, Tuhin acknowledged the sale of 14210 shares to Bhagwati and Bhagwati paid additional sum of Rs.10 lakhs to Tuhin. Trial Court passed consent decree in terms of the above settlement, in 1994.

Armed with the decree, Bhagwati lodged the transfer deeds in respect of 14120 shares with Peerless for their transfer. Peerless, however, did not accede to the prayer of Bhagwati and refused to register the said shares, inter alia, on the ground that the said transfer of shares by Tuhin in favour of Bhagwati was in violation of the provisions of Securities Contracts (Regulation) Act, 1956; hereinafter to be referred to as 'the Regulation Act'. According to Peerless, the contract for sale of shares was not a spot delivery contract. Bhagwati, aggrieved by that, approached the Company Law Board, which also dismissed the application filed by Bhagwati holding that transfer of shares in favour of Bhagwati was against the provisions of Sections 13 and 16 of the Regulation Act and as such, illegal. In the opinion of the Company Law Board Peerless rightly refused registration of transfer.

Assailing the aforesaid judgment and order of the CLB, Bhagwati preferred an appeal before the High Court, which upheld the decision of the CLB. That is the reason for the appellant to come before the Supreme Court.

Decision: Appeal dismissed.

Reason: From a plain reading of the aforesaid provision [i.e.sec.13], it is evident that contract in relation to securities in notified areas is illegal if made otherwise than between the members of recognized stock exchange. It is not in dispute that the place where the contract for sale of shares in question has been entered is a notified area for the purpose of Section 13 of the Regulation Act. Further, the contract is not between the members of a recognized stock exchange.

The first question which falls for our determination is as to whether the provisions of Regulation Act will apply to the shares of a public limited company which are admittedly not listed on any stock exchange?

Admittedly, the shares of Peerless, a public limited company in respect of which the appellant had sought rectification are not listed in the stock exchange. In our opinion, notwithstanding that if shares come within the definition of "securities" as defined under Section 2(h)(i) of the Regulation Act, the indictments contained in Section 13 would apply.

From a plain reading of the aforesaid provision [i.e.Sec.2 (h)(i)], it is evident that for shares of a public limited company to come within the definition of securities they have to satisfy that they are marketable. The word, 'marketable' has not been defined in the Regulation Act and hence to understand it, we have to revert to its dictionary meaning.

As is evident from the dictionary meaning set out above, the expression "marketable" has been equated with the word saleable. In other words, whatever is capable of being bought and sold in a market is marketable. The size of the market is of no consequence. In other words, the number of persons willing to purchase such shares would not be decisive. One cannot lose sight of the fact that there may not be any purchaser even for the listed shares. In such a case can it be said that even listed shares are not marketable? In our opinion what is required is free transferability. Subject to certain limited statutory restrictions, the shareholders possess the right to transfer their shares, when and to whom they desire. It is this right which satisfies the requirement of free transferability. However, when the statute prohibits or limits transfer of shares to a specified category of people with onerous conditions or restrictions, right of shareholders to transfer or the free transferability is jeopardized and in that case those shares with these limitations cannot be said to be marketable. In our opinion, therefore, shares of public limited company though not listed in the stock exchange come within the definition of securities and hence, the provisions of Regulation Act apply.

We are fortified in our view from a judgment of this Court in the case of Naresh K. Aggarwala & Co. vs. Canbank Financial Services Ltd. and Another (2010) 6 SCC 178, wherein this Court considered the term "securities" as defined under Section 2(h)(i) of the Regulation Act, with reference to the notification issued under Section 16(2) and held that the definition does not make any distinction between listed securities and unlisted securities.

When the word 'Securities' has been defined under the Regulation Act, its meaning would not vary when the same word is used at more than one place in the same Statute, otherwise it will defeat the very object of the definition Section. Accordingly, our answer to the first question set out earlier is that the provisions of the Regulation Act would cover unlisted Securities of Public Limited Company. In other words, shares of Public Limited Company not listed in the stock exchange is covered within the ambit of Regulation Act.

As stated in the preceding paragraph of the judgment, the Company Law Board has held that transfer of shares in favour of Bhagwati was also against the provisions of Section 16 of the Regulation Act. Section 16(1) of the Act confers power on the Central government to prohibit contracts in certain cases.

From a plain reading of the aforesaid provision it is evident that in order to prevent undesirable stipulation in specified securities in any State or area the Central Government by notification is competent to declare that no person in any State or area specified in the notification shall, save with the permission of the Central Government, enter into any contract for the sale or purchase of any security specified in the notification. The Central Government in exercise of the aforesaid power issued notification dated 27th of June, 1969 and declared that in the whole of India "no person" shall "save with the permission of the Central Government enter into any contract for the sale or purchase of securities other than such spot delivery contract" as is permissible under the Act, the Rules, bye-laws and the Regulations of a recognized stock exchange. The appellant, therefore, can come out of the rigors of Section 16 of the Act only when it satisfies that the transaction comes within the definition of "spot delivery contract".

The second question, therefore, which falls for our determination is as to whether the contract in question is a spot delivery contract. This expression is defined under Section 2(i) of the Regulation Act.

According to the definition, a contract providing for actual delivery of securities and the payment of price thereof either on the same day as the date of contract or on the next day means a spot delivery contract. When we consider the facts of the present case bearing in mind the definition aforesaid, we find that the contract in question is not a spot delivery contract. True it is that by letter dated 30th of October, 1987 written by Tuhin to Bhagwati, he had stated that the formal agreement had been executed between them on 10th November, 1986 and as per the agreement he is transferring the entire 3530 shares of Peerless purchased from the loan amount and the transfer is in its repayment. However, the agreement dated 21st November, 1994 between Bhagwati and Tuhin which formed part of the compromise decree provides that the sale of shares took place on 30th October, 1987 and in consideration thereof Bhagwati paid a sum of Rs. 10 lakhs on 21st November, 1994 and further the dividend on the entire shares up to the accounting year 1989-90 amounting to Rs.8,64,850 to be retained by Tuhin. In the face of it, the plea of Bhagwati that the payment of Rs. 10 lakh was made to buy peace, is not fit to be accepted and, in fact, that forms part of the consideration for the sale of shares. Once we take this view, the plea of the appellant that it is a spot delivery contract is fit to be rejected. We agree with the reasoning and conclusion of the Company Law Board and the High Court on this issue.

Both the contentions of the appellant having no substance, we do not find any merit in this appeal and it is dismissed accordingly but without any order as to costs.

MAHAK VYAPAAR PVT LTD v. REGISTRAR OF COMPANIES [CAL]

A.P.O. No. 119 of 2013, A.P.O. No. 164 of 2013, A.P.O. No. 165 of 2013, A.P.O. No. 172 of 2013, C.A. No. 250 of 2013.

Ashim Kumar Banerjee & Dr. Mrinal Kanti Chaudhuri, JJ. [Decided on 19/06/2013]

Companies Act, 1956- sections 391 and 394- amalgamation- court's power- whether court has power to direct investigation of money trail by RBI and DRI- Held, No.

Brief facts: The appellant filed an application before the learned Single Judge proposing a scheme of amalgamation with Magic Tradelink Pvt. Ltd. and Moonlite Technochem Pvt. Ltd. both having registered office at New Delhi. We were told, Delhi High Court already directed meetings to be held to ascertain the wishes of the shareholders. The application before this Court was on behalf of the first transferor company who would intend to amalgamate itself with Moonlite. The learned Judge initially directed the Registrar of Companies to conduct an investigation and file a report. Accordingly, the Registrar filed a report on April 3, 2012. The report would reveal, the company had issued share premium to large number of companies mostly private companies on the same day and used funds for investments to a small extent and made advances to others. There were crores of investments involving a large number of private companies. His Lordship directed the Director, Revenue Intelligence to conduct an enquiry as to whether there was any money trail. The company preferred an appeal. On August 8, 2012 we disposed of the appeal by observing, "in case His Lordship would pass any order on the basis of the report His Lordship should give opportunity to the appellant to deal with the same before any order was passed against them.

On August 31, 2012 His Lordship expressed displeasure as the Director, Revenue Intelligence did not carry out the order of this Court. His Lordship directed the Ministry of Corporate Affairs to do so. Accordingly, the Ministry of Corporate Affairs asked the SFIO to conduct such investigation. SFIO submitted a report inter alia pointing out irregularity in the affairs of the company. The matter came up before His Lordship on March 21, 2013 when the said report was placed. His Lordship directed the reports to be kept in a safe custody. The company preferred an appeal. We did not intervene at the initial stage and directed paper book to be filed. His Lordship passed subsequent orders on April 26, 2013 and May 10, 2013. By the order dated April 26, 2013 His Lordship directed the Regional Director to indicate the steps to be taken in terms of the report. By the order dated May 10, 2013, Reserve Bank was asked to submit a preliminary report. Reserve Bank submitted a preliminary report observing, "the company may have carried on business of non-banking financial company without any registration. His Lordship passed an order on May 16, 2013, directing Reserve Bank to take further steps in the matter and directed matter to appear on June 4, 2013.

The Company preferred four appeals against the orders dated February 11, 2013; March 21, 2013; April 26, 2013 and May 10, 2013. We heard all the four appeals on the abovementioned dates and intend to dispose of the same by this common judgment and order.

Decision: Appeals dismissed.

Reason: From the backdrop as discussed above, it would be clear, we did not interfere with the exercise that His Lordship undertook to conduct an investigation into the affairs of the company that raised doubt in the mind of His Lordship.

We have considered the rival contentions. Section 391 imposed wide discretion upon the learned Judge. Learned Judge expressed doubt as to the function of the company. Such doubt ultimately came true as we find from the reports particularly of the SFIO. Hence, before the company was permitted to go ahead with the scheme, the Court was duty bound to remove doubt if any, in its mind as to whether such scheme was being propounded for an oblique purpose. The Court was not a mere Rubber Stamp as observed by the Bombay High Court in the case of Bedrock Ltd. reported in 1998 Volume-IV Company Law Journal page-475. We are in full agreement with such observation.

In the present case we find, His Lordship passed series of orders directing various agencies to carry out investigations. Looking to the facts we are in full agreement with His Lordship, there would certainly be a justification to carry on investigation. If we look to the Income Tax Assessment order appearing at pages 298-299 we would find, for the assessment year 2007-2008 the Company earned net profit for Rs.290/-. They suffered penalty. The total income that was assessed was Rs.3,400/- only and the company paid tax for Rs.1,046/-. Such an insignificant company proposed scheme of amalgamation involving crores through allotment of shares at a huge premium.

However, His Lordship was perhaps not correct in either directing Director, Revenue Intelligence or the Reserve Bank of India. His Lordship was competent to issue direction under Section 237(a)(ii). His Lordship was right in sending the issue to the Ministry of Corporate Affairs being the appropriate authority of the Central Government. However, it is for the Central Government to decide which authority would investigate. Be that as it may, the report of SFIO would clearly show, despite being informed, the company did not appear. We do not wish to make any comment on the irregularity. It is a fit and proper case for the Central Government to consider as to whether an investigation should be carried out by appropriate agency having authority in law followed by action that is permitted in law.

Considering the backdrop, we do not feel it inclined to permit the appellant to proceed with the proposed scheme of amalgamation.

Hence, we dismiss the application for convening meeting of the shareholders treating the same as on the day's list. The reports referred to above, so filed before His Lordship, would always be available to the Central Government for appropriate consideration so that they could take the issue to a logical conclusion in accordance with law. The Central Government would be free to take any decision that may be appropriate in the facts and circumstances of this case.

COMPETITION LAW

ADVERTISING AGENCIES GUILD v. INDIAN BROADCASTING FOUNDATION & ITS MEMBERS [CCI]

Case No. 35 of 2013

Ashok Chawla (Chairperson), Dr. Geeta Gouri, Anurag Goel, M. L. Tayal, Justice (Retd.)
S. N. Dhingra & S.L.Bunker (Members) [Decided on 01/07/2013]

Competition Act, 2002 – Section 26(2)- abuse of dominance-formation of cartel- respondent shifted to net billing basis from gross billing basis- advertising agencies were asked to agree to the same- Agency that has not agreed denied broadcasting- whether abuse of dominance- Held, No.

Brief facts: Informant was an association of small and medium sized advertising agencies set up to look after the interest of small and medium sized agencies besides interacting with professional bodies such as the Indian Newspaper Society (INS), Government, advertising agencies and associations. Indian Broadcasting Foundation (IBF) (OP 1) was a section 25 company, claimed to be India's premium apex organization of television broadcasters. OP 1 was stated to consist of major broadcasters with more than 250 TV Channels enjoying a unique position as the accredited spokesman of the broadcasting industry.

Informant alleged formation of a cartel by the members of IBF through the medium of OP 1. It further alleged that OP 1 and its members had been acting as a cartel for a long time and even during the MRTP regime OP 1 was suspected of acting as a cartel. The informant association averred that the members of OP 1 wanted to shift from the time tested and industry wide practice of gross billing basis to a net billing to the advertising agencies and were forcing the advertising agencies to agree to the new mechanism. They collectively boycotted and did not broadcast advertisements on their Channels for two days viz. 01.05.2013 & 02.05.2013.

The informant stated that the Advertising agencies had no other option but to agree to the demands of OP 1 as it directed all its members to stop screening advertisements during the aforementioned period and thereby forced the advertising agencies to shift to the new billing system. This act of OP 1 was described in the information as a classic case of a group boycott/ cartel where all the channels boycotted the advertisement agencies.

Decision: Case closed.

Reason: The informant highlighted two grievances against the opposite party association of broadcasters. Firstly, the agreement amongst the members of IBF and the decision taken by IBF to switch to a net billing method and; secondly, the decision taken by IBF to drop advertisements from TV on 01.05.2013& 02.05.2013-both of which were alleged to be anti-competitive agreements having appreciable adverse effect on competition

Undoubtedly, there has been a collective action by OP 1 and its members but primarily the trade associations are for building consensus among the members on policy/other issues affecting the industry and to promote these policy interests with the government and with other public/private players. Such activities may not necessarily lead to competition law violation. To perceive

otherwise will render the trade association bodies as completely redundant, being opposed to competition law. The trade association provide a forum for entities working in the same industry to meet and to discuss common issues. They carry out many valuable and lawful functions which provide a public benefit e.g. setting common technical standards for products or interfaces; setting the standards for admission to membership of a profession; arranging education and training for those wishing to join the industry; paying for and encouraging research into new techniques or developing a common response to changing government policy. Therefore, membership and participation in the collective activities of a trade association cannot by itself amount to violation of competition law as such. However, when these trade associations transgress their legal contours and facilitate collusive or collective decision making with the intention of limiting or controlling the production, distribution, sale or price of or trade in goods or provision of services as defined in section 2(c) of the Act, by its members, it will amount to violation of the provisions of the Act.

In the present case the OPs collectively took the decision to shift from the gross billing method to net billing method. The reason given by the OPs (as stated in the information) related to the Income Tax department's mandate which requires the members of OP 1 to deduct TDS on the 15% Discount (which amounts to commission to the advertising agencies) given to the advertising agencies (which include members of the informant association). Since OPs were not deducting TDS on the 15% discount/commission, they decided to start billing at net 85% instead of showing gross bill as 100% reduced to 85% after showing discount on the invoice.

The Commission does not find any competition issue involved in the change of this billing system. In the net billing method, only the net bill or the charges of the broadcaster are to be indicated and the trade discount which was reflected in the bills is no longer to be mentioned in the invoices. The informant alleged that this decision would significantly affect the members of the advertising agencies industry and the advertisers as it would result in a sudden stoppage of a practice that was well established and running without any problem. This contention seems to be without any logical basis and lacks existence of any competition issue involved in which the Commission should interfere.

The informant alleged violation of section 3(1) read with 3(3) of the Act. At this juncture, it may be stated that section 3(3) of the Act is applicable when there is a horizontal agreement between players operating at the same level in a particular market. Such agreement may be in the form of price fixation, market sharing, collusive bidding etc. which will have an appreciable adverse effect on competition within the market in which they are operating. Collective action of the members of a trade association per se does not fall in the categories of agreements contravening section 3(3) of the Act. Simply, a collective action taken at the level of the trade association to change the billing system prima facie does not amount to any contravention under the Act.

On the basis of aforesaid, the Commission is of the view that there is no prima facie case for directing DG to investigate the matter. The case deserves to be closed under section 26 (2) of the Act and is accordingly hereby closed.

INDUSTRIAL & LABOUR LAWS

MAHESH CHAND & ORS v. M/S.LE MERIDIEN [DEL]

W.P.(C) 5311/2000 and C.M.A. No. 19796/2012 (Arising out of I.D. No.725/91 decided by the Labour Court on 07.10.1999) W.P.(C) 5312/2000 and C.M.A. No. 314/2013 (Arising out of I.D. No.726/91 decided by the Labour Court on 07.10.1999) W.P.(C) 5345/2000 and C.M.A. No. 318/2013 (Arising out of I.D. No.727/91 decided by the Labour Court on 07.10.1999)

Vipin Sanghi, J.[Decided on 01/07/2013]

Industrial Disputes Act, 1947 - Section 2(oo) - termination of probationers- whether retrenchment-Held, No.

Brief facts: This batch of writ petitions has been preferred to assail the awards passed by the Labour Court in respect of each of the petitioners, the details whereof have been mentioned hereinabove. By the impugned awards, the references made in respect of each of the workmen-with regard to termination of their services, have been answered against the petitioner workmen. The basis of the impugned awards is that the services of the petitioners, who were admittedly on probation, have been terminated in terms of the appointment condition; during the period of probation, and; that their discharge simplicitor is not stigmatic, or by way of punishment. It has been held that the termination of the services of the petitioners does not tantamount to retrenchment as defined in Section 2(oo) of the Industrial Disputes Act, 1947 (the Act), since it is covered by clause (bb) of the said provision.

Decision: Petitions dismissed.

Reason: The cornerstone of the submission of the learned counsel for the petitioner is the Constitution Bench judgment (Five Judges) of the Supreme Court in Punjab Land Development and Reclamation Corporation Limited, Chandigarh Vs. Presiding Officer, Labour Court, Chandigarh & Others, (1990) 3 SCC 682. He submits, by placing reliance on the said decision, that the termination of the services of a probationer also tantamount to retrenchment within the meaning of section 2(oo) of the Act. He submits that this Constitution Bench judgment not having been considered in the aforesaid subsequent decisions of the Supreme Court, the said decisions would be of no avail, and they are per incuriam.

At the cost of repetition, I may observe that the Constitution Bench was not called upon to examine the issue whether the termination of the services of a probationer, in terms of a stipulation contained in the contract of employment, tantamount to retrenchment within the meaning of section 2(oo) of the Act in the face of clause (bb) thereof. The decision in Punjab Land Development (supra), therefore, does not advance the petitioners case in any way. The said issue, namely, whether the termination of the services of a probationer amounts to retrenchment, or not, in the light of the definition of the expression "retrenchment" as is now contained in the Act, has squarely been considered and answered in Kalyani Sharp India Ltd v. Labour Court No.1 Gwalior & Anr., (2002) 9 SCC 655, Escorts Limited v. Presiding Officer & Anr., (1997) 11 SCC 521, M. Venugopal v. Divisional Manager, Life Insurance Corporation of India, Machilipatnam, A.P. and Anr., (1994) 2 SCC 323, and a Division Bench decision of this

Court in Management of Apparel Export Promotion Council v. Surya Prakash, (2011) III LLJ 335 (Delhi).

Since the judgment in Punjab Land Development (supra) is not an authority for the proposition decided in Kalyani Sharp India Ltd (supra) , Escorts Limited (supra), M. Venugopal (supra), Management of Apparel Export Promotion Council (supra), the ratio of the judgment in Punjab Land Development (supra) does not render the subsequent decisions referred to above, per incuriam.

What is of relevance is the stipulation for termination contained in the contract of employment and not the capacity in which the workman is employed, i.e., whether as a trainee, apprentice, on casual basis or against a temporary or permanent post. Even an apprentice could be appointed on probation.

The submission that clause (bb) of Section 2(oo) can be invoked only when the work is of a temporary nature, i.e., where the workman is employed in a project or a scheme of temporary nature - also has no merit.

There can be no quarrel with the proposition that where the employer resorts to repeated extension of the probation period only with a view to exploit the workman, it may tantamount to an unfair labour practice. However, that is a matter to be examined in the facts of each case and that exercise shall be undertaken a little later. But mere extension of the probationary period would not raise a presumption against the employer - that the employer has resorted to an unfair labour practice.

I now proceed to consider the submission of the petitioner that the continuation of the services of the petitioners on probation amounted to an unfair labour practice in the light of the facts of each of these cases.

The last pay drawn by each of the petitioners was Rs.750/- per month. The aforesaid tabulation clearly shows that each of the petitioners was initially appointed as casual Houseman. These appointments were on casual basis. Not long after the said initial appointment on casual basis, the petitioners were appointed as Room Attendants on probation on 01.09.1988. These appointments were made between 6 to less than 8 months of the initial appointment on casual basis. Therefore, it cannot be said that the appointment as Room Attendant on probation was done so as to defeat any right that the petitioners may have got vested with - as casual Houseman. Within less than 11 months of the said appointment on probation, and during continuation of the probation, the services of the petitioners have been terminated. Their terminations have not been claimed by the petitioners to be stigmatic. The letters of appointment clearly state that the petitioners would be treated as under probation until such time the petitioners have been confirmed by a special order confirming them in service, irrespective of the expiry of the period of probation stipulated in the offer of appointment. The period of probation in the letters of appointment of each of the petitioners was stated to be one year. The termination of the petitioners has taken place within the initial period of probation itself. Consequently, there is no basis for the petitioners to claim that the respondent resorted to adoption of an unfair labour practice in the aforesaid factual background.

For all the aforesaid reasons, I find no merit in these writ petitions and dismiss the same leaving the parties to bear their respective costs.

TAX LAWS

BECHTEL INDIA PVT LTD v. CCE, DELHI [CESTAT]

ST/45-48/2009

Justice G. Raghuram(P) & Sahab Singh (MT). [Decided on 17/07/2013]

Cenvat Credit Rules - Rule 5- Export of service- refund claim made within one year of realisation of proceeds in foreign exchange- rejection on the ground of limitation on the ground that claims were made after one year of export-whether rejection tenable-Held,No.

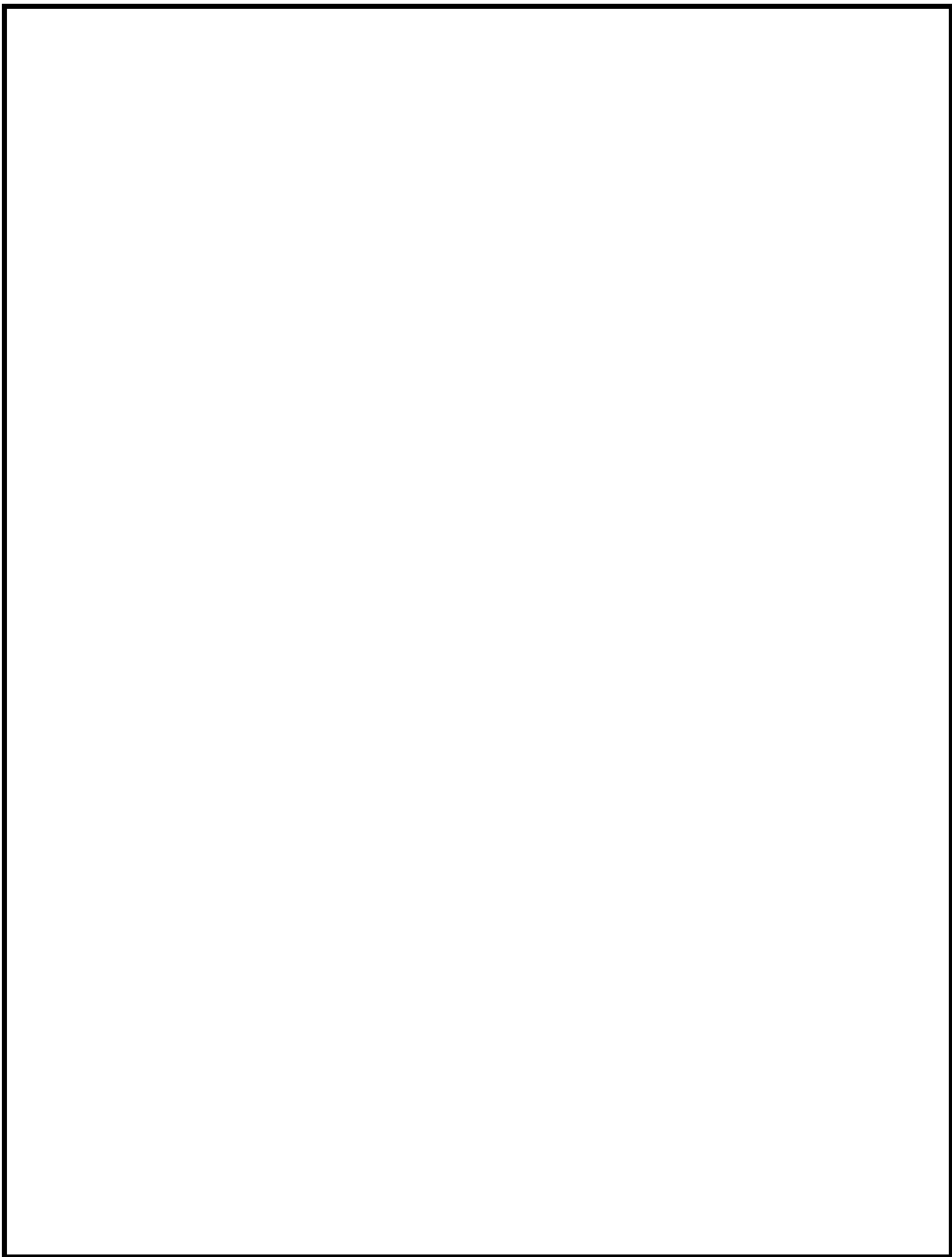
Brief facts: The appellants are provider of Consulting Engineers Service and they are exporting majority of services under provisions of Export of Service Rules, 2005. They filed four refund claims for the period July 2005 to September 2005, October 2005, November 2005 and December 2005 on 29.09.2006, 31.10.2006, 30.11.2006 and 29.12.2006 respectively under Rules 5 of the Cenvat Credit Rules read with notification No. 5/2006 dated 14.03.2006. These claims were rejected by the original adjudicated authority on the ground of time bar as claims were filed beyond period of 1 year as stipulated under Section 11B of the Act and also on the ground that Rules 5 was applicable only to manufactures and only with effect from 14.03.2006 service provides become entitled for refund as appellant claims were pertaining to period July 2005 to December 2005, they are not entitled for refund. Original authority has also observed that there is no need to examine whether assessee have fulfilled the requirements of Notification 5/2006 dated 14.03.2006. Appellants challenged the Orders in Original before Commissioner (Appeal), who held that appellants would have been entitled to refund of unutilized credit even prior to date of amendment i.e. 14.03.2006 but he rejected their claim on ground of time bar under Section 11B of Central Excise taking relevant date as date of export of service. Appellants have field these appeals against the impugned order.

Decision: Appeal allowed.

Reason: Issue involved in these appeals is whether claims filed by the appellants are time barred as held by lower authorities or in time as claimed by the appellants.

On going through the provisions for claiming refund under Rule 5 of the Cenvat Credit Rule 2004, output service is required to be exported in accordance with procedure laid down in Export of Service Rule 2005 (as per condition 1 of the Appendix to Notification 5/2006). Once service is exported refund claim can be filed subject to limitation as prescribed under Section 11B of the Act.

In the instant case export of service is complete only when foreign exchange is received in India as per Export of Service Rule 2005 (i). In Section 11B, relevant date for refund of export of goods is date of export. Section 11B is made applicable for claiming refund under Rule 5 of the Cenvat Credit Rules as per condition 6 of Notification 5/2006. In case of export of Services, export is complete only when foreign exchange is received in India. Therefore relevant date of export of services is date of receipt of foreign exchange. In the present case all the four claims have been filed with 1 year from the date of receipt of foreign exchange and are therefore filed in time and cannot be held as time barred.



General Instruction :

In case of any specific problem / complaint regarding:

1. Registration, post registration, students services and postal / oral coaching, students may contact personally or write to

Mr Sohan Lal
Director (Student Services)
The Institute of Company Secretaries of India
C-37, Sector-62,
Noida-201309,
Tel : 0120-4522014 (D)
e-mail : sohan.lal@icsi.edu.

2. Academic guidance and suggestions, if any, students may write to

Dr S K Dixit
Director (Academics)
The Institute of Company Secretaries of India
22, Institutional Area
Lodi Road
New Delhi-110003
Tel : 011-45341016 (D)
e-mail : sudhir.dixit@icsi.edu.