

MOEF Tightens Pollution Norms For Infrastructure Projects

Companies (Name Availability) Rules, 2011

Simplification Of The Process For Obtaining Din

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MOEF Tightens Pollution Norms for Infrastructure Projects

The Ministry of Environment and Forests ("MoEF") has tightened pollution monitoring norms for power projects with a generation capacity of 500 MW and above, integrated steel plants with a capacity of one (1) million tonne per annum and cement plants with a capacity of three (3) million tonnes per annum which have already been granted environmental clearance.

In addition, the existing quantum of penalty prescribed under the Environment (Protection) Act, 1986, ("EPA") would be increased without any ceiling on the quantum of penalty amount for serious offences, vide an amendment to be made to the EPA. It is likely that with an amendment to the EPA, serious offences would be made non-bailable and cognizable by the police.

Thermal, steel and cement project operators would also have to put on their respective websites, the biannual monitoring report and the monitored data on various parameters as per conditions of their environment clearances/approval. Such data would have to be regularly updated and submitted to the respective state pollution control board, the union territory pollution control committees, and the regional offices of MoEF.

These companies would also be required to display the updated ambient air quality data and stack emission data at some prominent place near their main gate to keep such data in the public domain for general awareness of the public.

Companies (Name Availability) Rules, 2011

In exercise of the powers conferred by the Companies Act, 1956, the Government of India has enacted the Companies (Name Availability) Rules, 2011 ("Rules"). Pursuant to the notification of the Rules, every applicant, along with the prescribed e-form 1A, shall be required to furnish a declaration to the effect that:

- i. the applicant has used the search facilities available on the MCA (Ministry of Corporate Affairs) portal for checking the resemblance of the proposed name(s) with the companies and LLPs already registered or already approved names;
- ii. the proposed name(s) is/are not infringing the registered trademarks or a trademark which is subject of an application for registration, or any other person under the Trade Marks Act, 1999;
- iii. the proposed name(s) is/are not in violation of the provisions of Emblems and Names (Prevention of Improper Use) Act, 1950;
- iv. the proposed name(s) is/are not offensive to any section of people;
- v. the applicant has gone through the prescribed guidelines, given in the Rules, understood the meaning thereof and the proposed name(s) is/are in conformity thereof; and
- vi. the applicant undertakes to be fully responsible for the consequences, in case the name is subsequently found to be in contravention of the prescribed guidelines.

In case the proposed name(s) would consist of more than one word, the pre-

scribed e-form 1A would also have an option for certification by practising chartered accountants, company secretaries and cost accountants. Upon requisite certification, the name would immediately be made available to the applicant by the online system without any backend processing by the Registrar of Companies.

The Rules further lay down the criteria for determining whether the proposed name(s) is/are identical or similar to the already approved/registered names.

Simplification of the Process for Obtaining DIN

MCA vide its circular dated March 4, 2011 has simplified the process of obtaining the Director Identification Number ("DIN").

Under the simplified procedure, application for obtaining DIN would be made in an e-form along with online payment. Physical submission of documents shall no longer be permitted. The online application can also be submitted by the applicant himself using his digital signatures.

The simplified process also seeks to allot DIN on the same day of filing of the application therefor.