

## **Amita Desai & Co. Company Secretaries, Mumbai**

### **Prevention of Money Laundering Act, 2002 (PMLA)**



Notification No. S.O.2036 (E) issued by the Ministry of Finance dated May 03, 2023, ([MoF\\_1005\\_2023.pdf \(icmai.in\)](#)) covered the following activities and “Relevant Persons” (who are Professionals like CA, CS, ICWA, and their Firm) for providing the following activities under PMLA.

1. buying and selling of any immovable property;
2. managing client money, securities, or other assets;
3. management of bank, savings, or securities accounts;
4. organization of contributions for the creation, operation or management of companies;
5. creation, operation, or management of companies, limited liability partnerships or trusts, and buying and selling of business entities,



Now, on 17 July 2023 Financial Intelligence Unit - India (FIU-IND) has issued a NOTICE adding a **few more persons & activities performed by such persons under PMLA**. The activities are like,

1. Acting as formation agent of companies & LLP
2. Acting as or arranging another person to act as Director or secretary of the Company or partner of a firm to companies or LLP
3. Providing regd off, business address, admin or correspondence address for a company/LLP / Trust
4. Acting or arranging another person to act as a Trustee or equivalent
5. Acting or arranging another person to act as a nominee shareholder for another person.

**Such entities are "Trust and Company Service Providers" (TCSP) & are Reporting Entity (RE)**

Off: 1005, Solaris One, Prof N. S. Phadke Marg, Andheri East, Mumbai – 400 069

Tel: 91 22 26845919/20/21 Cell: 09820177691

Website: [www.amitadesai.com](http://www.amitadesai.com) Email: [info@amitadesai.com](mailto:info@amitadesai.com)

**Amita Desai & Co. Company Secretaries, Mumbai**

**Exception of certain entities even they provide or do activities mentioned above**

1. Giving office on lease/sub-lease, tenancy through an agreement
2. Act of employees
3. Activity of professional for declaration of compliance
4. Activity by intermediaries who are registered u/s 12 of the SEBI Act

**Such TCSP/ RE is required to comply with certain obligations under PMLA/its Rule, like**

1. Registration on FINNET 2.0 Portal with FIU-INDIA
2. Appt principal officer/ Designated Director
3. Formulating Risk Management practices
4. Performing customer due diligence
5. Record keeping
6. Training of employees
7. Implementation of an internal mechanism to detect & report suspicious transactions to FIU-IND

**The Registration by such TCSP, Principal Officer/ Designated Director with FIU-IND is immediate**

Link - <https://fiuindia.gov.in/pdfs/downloads/TCSP17072023.pdf>

Further, on July 19, 2023, the Institute of Company Secretaries of India (“ICSI”) has informed its members about the AML & CFT Guidelines to guide practising professionals in complying with the provisions of PMLA.

[PMLA RE Final.pdf \(icsi.edu\)](#)

\*\*\*\*\*