

Info Capsule

Monday
October 10, 2022

President

CS Devendra V. Deshpande

❖ **Technology and Automation**

Meta warns against Android, iOS apps that are stealing users' Facebook password: Full list (October 07, 2022)

Facebook parent Meta has identified over 400 Android and iOS apps that are stealing Facebook users' login credentials. The company has also shared the full list of these apps to warn users, since many of these applications could be available on third-party app stores. Many of the identified apps claim to offer photo editing tools, VPN services, and other utilities. Some of them are also games that require users to share their personal information. Meta says most of the identified malicious apps offer a fake 'Login with Facebook' prompt to extract user IDs and passwords.

For details:

<https://www.indiatoday.in/technology/news/story/meta-warns-against-android-ios-apps-that-are-stealing-users-facebook-password-full-list-2009487-2022-10-07>



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भारतीय कम्पनी सचिव संस्थान
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(Under the jurisdiction of Ministry of Corporate Affairs)



❖ **Latest @ ICSI**

• **Engagement of Consultant (GST) on Contract basis at ICSI for Dte. of Academics (Noida)**

The Institute of Company Secretaries of India (ICSI) invites applications for the post Consultant (GST) on contractual basis. The tenure for the position will be initially for a period of one year. The period of contract may be extended every year up to a maximum period of two more years based on the performance and the requirement. The link (<https://forms.gle/3JPWNKPvFZFGAU52A>) shall be active from 10.10.2022 to 25.10.2022.

For details:

https://www.icsi.edu/media/webmodules/06102022_EngagementofConsultantGST.pdf

• **Feedback on Company Forms in MCA21-V3**

As you are aware, 9 Company forms (DIR3-KYC, DIR3-KYC web, CHG-1,4,6,8,9, DPT-3, DPT-4) are available in V3 portal of MCA for filing purposes.

The Institute of Company Secretaries of India, in its attempt to further facilitate the stakeholders and ensure smooth transition and implementation, is sharing your feedback to the Ministry of Corporate Affairs (MCA) on regular basis. Such feedback is constantly and closely monitored by MCA at all levels for timely resolution.

We request you to share your inputs / issues / suggestions on filing of Company Forms in MCA V3 at the link given below:

For details:

<https://forms.gle/nJsPM1psPWuqnYtt6>

❖ **Securities Laws & Capital Markets**

SEBI News

SEBI's new rule on settling unused funds reveals funds mismatch (October 09, 2022)

A new rule in India's stock markets, where brokers are supposed to transfer unused funds back to the client accounts at least once each quarter, has revealed a big mismatch of funds. The accounts settlement process as mandated by market regulator SEBI kicked in on October 7, 2022, the first Friday of the current quarter. During the exercise, it was revealed that while brokers withdrew anywhere between ₹16,500 crore and ₹20,000 crore from the clearing corporation (CCs) of stock exchanges, the actual amount they returned to the clients stood somewhere around ₹25,000-30,000 crore. The mismatch has led to doubts that some large brokers were not depositing entire client money with CCs and preserving part of it as liquid float.

For details:

<https://www.thehindubusinessline.com/news/sebis-new-rule-on-settling-unused-funds-reveals-funds-mismatch/article65989131.ece>

❖ **Banking and Insurance**

• Issuance of Concept Note on Central Bank Digital Currency (October 07, 2022)

The Reserve Bank of India on October 07, 2022 released a Concept Note on Central Bank Digital Currency (CBDC) for India. The purpose behind the issue of this Concept Note is to create awareness about CBDCs in general and the planned features of the Digital Rupee (e₹), in particular. It explains the objectives, choices, benefits, and risks of issuing a CBDC in India. The Note also seeks to explain Reserve Bank's approach towards introduction of the CBDC.

For details:

https://rbi.org.in/Scripts/BS_PressReleaseDisplay.aspx?prid=54510 &
<https://rbi.org.in/Scripts/PublicationReportDetails.aspx?UrlPage=&ID=1218>

• No material impact of rate hike on demand for home loans, shows RBI data (October 09, 2022)

Interest rates do not seem to have a material bearing on people who buy their dream residential properties on borrowed funds as the home loan outstanding of banks almost doubled to Rs. 16.85 lakh crore in the last five years, Reserve Bank data showed. Home loan outstanding of banks has clocked double-digit growth in the first five months of the current fiscal, despite the Reserve Bank raising the key interest rate thrice during this period by a whopping 140 basis points (bps), led to a hike in the home loan rate.

For details:

<https://economictimes.indiatimes.com/industry/banking/finance/banking/no-material-impact-of-rate-hike-on-demand-for-home-loans-shows-rbi-data/articleshow/94741895.cms>

❖ **Pronouncement**

30/09/2022	<i>Gandhar Oil Refinery (India) Ltd (Appellant) Vs. City Oil Pvt. Ltd (Respondent)</i>	<i>National Company Law Appellate Tribunal, Principal Bench, New Delhi Company Appeal (AT) (Ins.) No. 915 of 2022</i>
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A decision without reasons is like grass without root, the requirement to record reasons is one of the principles of natural justice

The Hon'ble NCLAT while setting aside the order as passed by the Adjudicating Authority *inter-alia* observed that when judgment is pronounced without reasoning, it is not a judgment in the eye of law for the reason that the requirement of reasoning either by Original Court or Appellate Authority is to convey the mind of the judge while deciding such an issue before the Tribunal. The object of the Rule in making it incumbent upon the Tribunals to record reasons is only to afford an opportunity in understanding the ground upon which the decision is founded with a view to enabling them to know the basis of the judgment or order and if so considered appropriate and so advised, to avail the remedy of appeal.

Further, the Appellate Tribunal observed that “the requirement of recording of reasons is only to show that the Court has focused concentration on rival contentions and to provide litigant parties an opportunity of understanding the ground upon which the decision is founded. Even if it is an order under the provisions of the Act, still these basic requirements cannot be ignored by Courts and Tribunals. In such case, a judge is required to apply his mind and give focused consideration to rival contentions raised by both parties. Courts/Tribunals ought to be cautious and only on being satisfied that there is no fact which needs to be proved despite being in admission, should proceed to pass judgments vide *Balraj Taneja and another Vs. Sunil Madan and another (AIR 1999 SC 3381)*. The need for recording of reasons is greater in a case where the order is passed at the original stage, a decision without reasons is like grass without root, the requirement to record reasons is one of the principles of natural justice as well and where a statute required recording of reasons in support of the order, it must be done by the authorities concerned as held by the Apex Court in *S.M. Mukerji Vs. Union of India (1990 Crl.L.J.2148)*.”

For details:

<https://ibbi.gov.in/uploads/order/f7c90892fe3f270fd81978654bbd826f.pdf>

❖ Terminology for today

Glass Cliff

The term "glass cliff" refers to a situation in which women are promoted to higher positions during times of crisis, or during a recession when the chance of failure is more likely. Put simply, women in these situations are set up for failure. The term was coined by researchers at the University of Exeter, United Kingdom who published research on the 100 companies included in the Financial Times Stock Exchange (FTSE) 100 Index.

Market Watch

Stock Market Indices as on 10.10.2022	
S & P BSE Sensex	57991.11 (-200.18)
Nifty 50	17241.00 (-73.65)

Foreign Exchange Rates as on 07.10.2022 (https://www.geojit.com/currency-futures)			
INR / 1 USD	INR / 1 EUR	INR / 1 GBP	INR / 1 JPY
81.97	80.80	92.25	0.57

Prepared by Directorate of Academics

For any suggestions, please write to academics@icsi.edu

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Vision

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Motto

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