



**Vision**

"To be a global leader in promoting good corporate governance"

**Motto**

सत्यं वद। धर्मं चर। इष्टार्थं कुरु। तृप्तये शक्यते तु त्वं।

**Mission**

"To develop high calibre professionals facilitating good corporate governance"

Tuesday, January 09, 2024

# Info Capsule

*President*

**CS Manish Gupta**

*Vice President*

**CS B Narasimhan**

## ❖ ESG

### **13 Airlines Unite for CO2-Conscious Travel (January 08, 2024)**

All 13 oneworld member airlines, including Alaska Airlines, American Airlines, British Airways, and others, will share operational data with IATA's CO2 Connect emissions calculator. This collaboration aims to improve the tool's accuracy by increasing the use of airline-specific fuel burn data.

*For details:*

<https://www.knowesg.com/environment/13-airlines-unite-for-co2-conscious-travel-08012024>

## ❖ Banking

### **Corporate investment stagnation: Bank credit to industries sees sluggish growth on weak demand (January 08, 2024)**

With fresh investments by the corporate sector not taking off in a big way and demand for loans remaining lacklustre, bank credit to industries has seen a moderation in growth over the past few months. In November 2023, bank loans to industries, which consist of micro and small, medium, and large segments, registered a lower year-on-year (y-o-y) growth of 6.6 per cent to Rs. 36 lakh crore as compared to a growth of 13 per cent (Rs. 33.77 lakh crore) in the same month of last year, according to the Reserve Bank of India (RBI) data. On the other hand, the central bank has reported an overall non-food credit growth of 20.8 per cent as of November, aided by the 30.1 per cent growth in personal loans.

*For details:*

<https://indianexpress.com/article/business/banking-and-finance/corporate-investment-stagnation-bank-credit-to-industries-sees-sluggish-growth-on-weak-demand-9099309/>

## ❖ Terminology

### **Dynamic materiality**

The concept that the financial materiality of an issue may shift based on expected or unforeseen circumstances. This was popularised by the World Economic Forum's white paper on the matter in 2020 regarding the impact of the pandemic.

❖ **IFSCA****Improving processing timelines of cross border payments – Advisory (January 08, 2024)**

IFSCA vide its circular dated January 08, 2024 issued an advisory regarding improving processing timelines of cross border payments. It advises the IBUs as under:

- To consider upgrading their existing messaging solutions so as to have continuous visibility of the status of a transaction by use of services like SWIFT GPI etc.
- IBUs using SWIFT as messaging service may consider using MT 910 (Confirmation of credit message) instead of MT 940 (Customer Statement message) for crediting the accounts of its constituents after due internal approval of such change of process.

IBUs are further directed to undertake a study to document their existing method of processing cross-border transactions and how the speed of processing such transactions may be further improved. The study shall be conducted within a period of one month from the date of this circular and the findings shall be shared with the Authority by email to [banking-queries@ifsc.gov.in](mailto:banking-queries@ifsc.gov.in).

*For details:*

<https://ifsc.gov.in/Viewer?Path=Document%2FLegal%2Fimproving-processing-timelines-of-cross-border-payments-advisory08012024114759.pdf&Title=Improving%20processing%20timelines%20of%20cross%20border%20payments%20-%20Advisory&Date=08%2F01%2F2024>

❖ **Market Watch**
**Stock Market Indices as on  
09.01.2024**

S & P BSE Sensex	71,386.21 (+30.99)
Nifty 50	21,544.85 (+31.85)

**Foreign Exchange Rates as on 09.01.2024**

(<https://m.rbi.org.in/scripts/ReferenceRateArchive.aspx>)

INR / 1 USD	INR / 1 EUR	INR / 1 GBP	INR / 1 JPY
83.12	91.05	105.91	0.57

❖ **Pronouncement**

January 03, 2024	Vishal Tiwari (Petitioner) Vs. Union of India & Ors. (Respondents)	Supreme Court of India Writ Petition (C) No. 162 of 2023 With Writ Petition (Crl) No. 39 of 2023 & Other Writ Petitions
------------------	--	--

**Brief Facts**

A batch of writ petitions filed before Supreme Court under Article 32 of the Constitution in February 2023, raised concerns over the precipitate decline in investor wealth and volatility in the share market due to a fall in the share prices of the Adani Group of Companies. The situation was purportedly caused by a report which was published on 24 January 2023 by an “activist short seller”, Hindenburg Research about the financial transactions of the Adani group. The report *inter alia* alleged that the Adani group manipulated its share prices and failed to disclose transactions with related parties and other relevant information in violation of the regulations framed by SEBI and provisions of securities’ legislation. Significantly, the report expressly states that Hindenburg Research took a short position in the Adani group through US-traded bonds and non-Indian traded derivative instruments.

**Judgement**

In a nutshell, the conclusions reached by the Hon’ble Supreme Court in this judgement are summarized below:

- The power of this Court to enter the regulatory domain of SEBI in framing delegated legislation is limited. The court must refrain from substituting its own wisdom over the regulatory policies of SEBI. The scope of judicial review when examining a policy framed by a specialized regulator is to scrutinise whether it violates fundamental rights, any provision of the Constitution, any statutory provision or is manifestly arbitrary;
- No valid grounds have been raised for this Court to direct SEBI to revoke its amendments to the FPI Regulations and the LODR Regulations which were made in exercise of its delegated legislative power. The procedure followed in arriving at the current shape of the regulations does not suffer from irregularity or illegality. The FPI Regulations and LODR Regulations have been tightened by the amendments in question;
- SEBI has completed twenty-two out of the twenty-four investigations into the allegations levelled against the Adani group. Noting the assurance given by the Solicitor General on behalf of SEBI we direct SEBI to complete the two pending investigations expeditiously preferably within three months;
- This Court has not interfered with the outcome of the investigations by SEBI. SEBI should take its investigations to their logical conclusion in accordance with law;.....

XXXX

Before concluding, Hon’ble Apex Court observed that public interest jurisprudence under Article 32 of the Constitution was expanded by this Court to secure access to justice and provide ordinary citizens with the opportunity to highlight legitimate causes before this Court. It has served as a tool to secure justice and ensure accountability on many occasions, where ordinary citizens have approached the Court with well-researched petitions that highlight a clear cause of action. However, petitions that lack adequate research and rely on unverified and unrelated material tend to, in fact, be counterproductive. This word of caution must be kept in mind by lawyers and members of civil society alike.

For details:

[https://main.sci.gov.in/supremecourt/2023/5354/5354\\_2023\\_1\\_1501\\_49132\\_Judgement\\_03-Jan-2024.pdf](https://main.sci.gov.in/supremecourt/2023/5354/5354_2023_1_1501_49132_Judgement_03-Jan-2024.pdf)

**Prepared by Directorate of Academics**

For any suggestions, please write to [academics@icsi.edu](mailto:academics@icsi.edu).

Disclaimer : Although due care and diligence have been taken in preparation and uploading this info capsule, the Institute shall not be responsible for any loss or damage, resulting from any action taken on the basis of the contents of this info capsule. Anyone wishing to act on the basis of the material contained herein should do so after cross checking with the original source.