



Vision

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

Motto

सत्यं वद। धर्मं चर। इष्टार्थं कुरु। तृप्तये। अस्मिन्।
इष्टार्थं कुरु। तृप्तये। अस्मिन्।

Mission

"To develop high calibre professionals facilitating good corporate governance"

Info Capsule

Thursday, January 11, 2024

President

CS Manish Gupta

Vice President

CS B Narasimhan

❖ ESG

Retrofitting Indian office spaces for ESG compliance: A transformative opportunity (January 10, 2024)

Indian offices, totalling 300-350 million sq ft, are set to undergo a makeover as companies prioritise compliance with ESG (Environmental, Social, and Governance) norms and eco-friendly operations, according to Colliers.

For details:

<https://economictimes.indiatimes.com/industry/services/property/-cstruction/retrofitting-indian-office-spaces-for-esg-compliance-a-transformative-opportunity/articleshow/106690398.cms?from=mdr>

❖ **Capital Market and Securities Laws**

Consultation Paper on Additional Proposals Regarding Framework for Issuance of Subordinate Units – REITs and InvITs (January 10, 2024)

SEBI has issued the consultation paper to seek comments from the public on the following additional proposals pertaining to the framework for issuance of subordinate units by REITs and InvITs:

- (a) Specification of a ceiling on the extent of subordinate units that can be issued;
- (b) Bringing uniformity in the nature of rights conferred on subordinate units;
- (c) Dealing with changes in terms and conditions of the subordinate units post issuance.

The comments may be submitted through Online web-based form latest by January 31, 2024.

For details:

https://www.sebi.gov.in/reports-and-statistics/reports/jan-2024/consultation-paper-on-additional-proposals-regarding-framework-for-issuance-of-subordinate-units-reits-and-invits_80548.html

❖ **Terminology for Today**

Malcolm Baldrige

Established by the U.S. Congress in 1987, the Malcolm Baldrige performance framework is a rating tool that assesses management systems and helps identify major areas for improvement in seven categories of performance criteria: Leadership; Strategic Planning; Customer and Market Focus; Measurement, Analysis, Knowledge Management; Human Resource Focus; Process Management; and Business Results.

❖ **Indirect Tax**

Import duty cut may boost India's phone exports to \$39 billion by 2027: ICEA (January 11, 2024)

Reiterating the demand for a reduction in tariffs and duties on components and subassemblies imported for making smartphones in India, the India Cellular and Electronics Association (ICEA) on January 10, 2024 said such a reduction in input tariffs could increase the country's smartphone exports by nearly four times to \$39 billion (around Rs. 3.2 trillion) by FY27, from \$11 billion (Rs. 90,000 crore) in FY23. Similarly, the tariff rationalisation could also increase the domestic production of mobile phones to \$82 billion (Rs. 6.8 trillion) by FY27 from \$44 billion (Rs 3.5 trillion) in FY23, thereby creating 3 million jobs.

For details:

<https://www.financialexpress.com/business/industry-import-duty-cut-may-boost-indias-phone-exports-to-39-billion-by-2027-icea-3361352/>

❖ **Direct Tax**

- **'Chennai Metropolitan Water Supply and Sewerage Board' notify u/s 10(46) [Notification No. 10 Dated Jan 8, 2024]**

The Central Government notifies 'Chennai Metropolitan Water Supply and Sewerage Board' (PAN: AAALM0037B), a Board constituted by the Government of Tamil Nadu, for the purposes of the clause (46) of section 10 of the Income-tax Act, 1961, in respect of certain specified income arising to that Board, subject to fulfilment of certain conditions.

For details:

<https://incometaxindia.gov.in/communications/notification/notification-10-2024.pdf>

- **'Punjab State Faculty of Ayurvedic and Unani Systems of Medicine' notify u/s 10(46) [Notification No. 11 Dated Jan 8, 2024]**

The Central Government notifies 'Punjab State Faculty of Ayurvedic and Unani Systems of Medicine' (PAN: AAALT1669E), a body constituted by the Punjab Government for the purposes of the clause (46) of section 10 of the Income-tax Act, 1961, in respect of certain specified income arising to that Body, subject to fulfilment of certain conditions.

For details:

<https://incometaxindia.gov.in/communications/notification/notification-11-2024.pdf>

❖ **Market Watch**

Stock Market Indices as on 11.01.2024	
S & P BSE Sensex	71,721.18 (+63.47)
Nifty 50	21,647.20 (+28.50)

Foreign Exchange Rates as on 11.01.2024 <i>(https://m.rbi.org.in/scripts/ReferenceRateArchive.aspx)</i>			
INR / 1 USD	INR / 1 EUR	INR / 1 GBP	INR / 1 JPY
82.94	91.11	105.92	0.57

❖ Insurance

Govt. appoints Rajay Kumar Sinha as IRDAI's member for three years (January 10, 2024)

The Government has appointed Rajay Kumar Sinha as the Whole-Time Member (Finance and Investment) of the Insurance Regulatory and Development Authority of India (IRDAI) for a period of three years. Sinha is currently serving as the Managing Director and Chief Executive Officer of SBI Capital Markets, the investment banking arm of the State Bank of India. He also holds the position of Deputy Managing Director at SBI, Corporate Centre, Mumbai.

For details:

https://www.business-standard.com/finance/news/rajay-kumar-sinha-appointed-as-irdai-member-finance-investment-for-3-yrs-124011000508_1.html

❖ Business & Economy

Industry leaders pledge investments worth over 2.38 lakh crore rupees at Vibrant Gujarat Global Summit (January 11, 2024)

Industry leaders attending the Vibrant Gujarat Global Summit have pledged investments of over 2.38 lakh crore rupees in Gujarat. Suzuki Motor Corporation has promised to set up a second car manufacturing in Gujarat with an investment of 35,000 crore rupees.

Reliance Industries chairman Mukesh Ambani said that his company will set up India's first carbon fiber facility at Hazira in South Gujarat. Mr Ambani said, Reliance has invested 12 lakh crore rupees in India during the last 10 years, of which one-third have flowed to Gujarat. The RIL chairman also pointed out that Gujarat was "fully 5G enabled" under Reliance Jio.

Adani Group chairman Gautam Adani promised to invest 2 lakh crore rupees in Gujarat which will create one lakh direct and indirect jobs in the next five years. He said 50,000 crore of the promised investment of 55,000 crore, made during the 2019 edition of Vibrant Gujarat, has already been invested. Mr Adani said his company is constructing the world's largest green energy park in Khavda, Kutch, generating 30 GW of renewable energy.

N Chandrasekaran, chairman of Tata Sons said the Tata Group will set up a semiconductor fab facility at Dholera in 2024 and will extend the production of C295 Defence Aircraft to Dholera from the present venue of Vadodara. He said Tata Group is about the launch the building of a 20 GW Lithium Ion battery unit at Sanand. The construction for the project should start in the next couple of months," Chandrasekaran said.

Lakshmi Mittal, executive chairman of Arcelor Mittal said the company's investments at Hazira will take the steel production capacity to 24 million tonnes per annum by 2029.

For details:

<https://newsonair.gov.in/News?title=Industry-leaders-pledge-investments-worth-over-2.38-lakh-crore-rupees-at-Vibrant-Gujarat-Global-Summit&id=474962>

❖ **Department for Promotion of Industry and Internal Trade**

Draft Trade Marks (1st Amendment) Rules, 2024 (January 10, 2024)

Draft Trade Marks (1st Amendment) Rules, 2024 issued the Central Government to further amend the Trade Marks Rules, 2017, in exercise of the powers conferred by section 157 of The Trademarks Act, 1999, are hereby published as required by sub-section (1) of the said section for the information of all persons likely to be affected thereby, and notice is hereby given that the said draft rules will be taken into consideration after the expiry of a period of thirty days from the date on which copies of the Gazette of India, in which this notification is published, are made available to the public.

Objections or suggestions, if any, may be addressed to the Secretary, Department for Promotion of Industry and Internal Trade, Ministry of Commerce and Industry, Government of India, Vanijya Bhawan, New Delhi- 110001 or by e-mail at ipr4-dipp@nic.in.

The objections and suggestions, which may be received from any person with respect to the said draft rules before the expiry of the period so specified, will be considered by the Central Government. After careful consideration, it was determined that Section 107-G of the Draft Patents (2nd Amendment) Rules, 2024 will also incorporate the same provisions as outlined in Section 105-G of the draft Trade Marks (1st Amendment) Rules, 2024.

In the draft Trade Marks (1st Amendment) Rules, 2024 a new Chapter, Chapter VII A contains provision pertaining to “Adjudication of Certain Penalties under Jan Vishwas Act” inserted in the Trade Marks Rules, 2017.

For details:

[https://egazette.gov.in/\(S\(yryhqrifu3rxhvx2yj4endbqy\)\)/ViewPDF.aspx](https://egazette.gov.in/(S(yryhqrifu3rxhvx2yj4endbqy))/ViewPDF.aspx)

❖ **IFSCA**

FAQs on IFSC Insurance Intermediary Offices (IIIOs) (January 10, 2024)

International Financial Services Centres Authority (IFSCA) has uploaded Frequently Asked Questions (FAQs) on IFSC Insurance Intermediary Offices (IIIOs) updated till January 10, 2024, on its website.

These FAQs are not the interpretation of law but intend to provide a clarity on the concepts related to the IFSCA (Insurance Intermediary) Regulations, 2021 (IIIO Regulations). Any queries about the IIIO Regulations may be addressed to IFSCA. In case of any disparity between these FAQs and the provisions of relevant Acts/regulations/rules, the later shall prevail.

For details:

<https://ifsc.gov.in/Viewer?Path=Document%2FLegal%2Ffaqs-on-iiios10012024111725.pdf&Title=FAQs%20on%20IFSC%20Insurance%20Intermediary%20ffices%20%28IIIOs%29&Date=10%2F01%2F2024>

❖ **Pronouncement**

12.12.2023	<i>MBL Infrastructures Limited(Petitioner) v. Delhi Metro Rail Corporation(Respondent)</i>	<i>High Court of Delhi</i>
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Courts may partially set aside the Awards under section 34 of Arbitration and Conciliation Act, 1996

This petition is filed under Section 34 of the Arbitration and Conciliation Act, 1996 (hereinafter the Act) *inter alia* seeking partial Setting aside of the award.

The Hon'ble High Court of Delhi said that it is a settled principle of law that various claims of the award can be severed and the court by way of entertaining an application under section 34 can set aside certain claims of the award which in the opinion of the court is perverse and illegal. Such piece-mealing of award would not affect the claims which have been upheld by the court.

Modification of the award is when, the court makes certain changes/modification in the claim example by way of modifying the amount of damages awarded, modifying the interest rate, etc., instead of setting aside claim. The purpose of ensuring that there is no modification of the award passed by the tribunal is that the modification requires that there should be appreciation of evidence and pleadings on record. Under section 34 of the Act, this court cannot re appreciate the pleadings and evidence on record to arrive at conclusion and accordingly make changes in the award passed by the tribunal. This Court under section 34 can therefore set aside certain claims on the grounds mentioned in section 34 of the Act.

Such claims which are set aside by the court does not amount to modification of the award. It merely infers that the court has partially set aside the award.

In view of the law laid down in the judgments referred, the Court was of the view that the under section 34 of the Act, the Court is vested with the jurisdiction to set aside certain problematic portion of the Award which are patently illegal and shocks the conscience of this Court.

Prepared by Directorate of Academics

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

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