



Vision

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

Motto

सत्यं वद। धर्मं चर। इष्टार्थं कुरु। तृप्तये शोभते। by the best

Mission

"To develop high calibre professionals facilitating good corporate governance"

Info Capsule

Friday, December 15, 2023

President

CS Manish Gupta

Vice President

CS B Narasimhan

❖ Ministry of Finance

Joint Statement of the Co-Chairs of the 'U.S.-India Anti-Money Laundering and Countering the Financing of Terrorism Dialogue' (December 14, 2023)

"On December 13, 2023, Shri Sanjay Malhotra, Revenue Secretary, Ministry of Finance, Government of India, and U.S. Treasury Under Secretary for Terrorism and Financial Intelligence, Mr. Brian Nelson, reconvened and co-chaired the India-U.S. Anti-Money Laundering/Countering the Financing of Terrorism (AML/CFT) Dialogue. Participants discussed each country's efforts to enhance transparency in beneficial ownership, including the implementation of beneficial ownership registries, tools to improve data quality, and verification of the information. This is a crucial step in combating money laundering and other financial crimes, as it allows authorities to track the flow of funds and identify those who are ultimately responsible for them.

For details:

<https://pib.gov.in/PressReleasePage.aspx?PRID=1986253>

❖ Ministry of Electronics & IT

Three-Day GPAI Summit concluded on December 14, 2023 at Bharat Mandapam! (December 14, 2023)

India, the Chair of the Global Partnership on Artificial Intelligence (GPAI), successfully hosted the GPAI Summit from December 12 - 14, 2023, at the Bharat Mandapam in New Delhi. Around 30 sessions were organized, which were graced by the global AI experts from GPAI, International Organisations, Industry / Startups, and Academia. Some of these sessions were held in closed door meetings having delegates and experts of GPAI. Other sessions were held in public and live streamed for the wider participation. More than 22,000 persons attended the summit and out of these 15,000+ AI enthusiasts participated in the summit virtually.

For details:

<https://pib.gov.in/PressReleasePage.aspx?PRID=1986475>

❖ Securities Laws and Capital Market

Mutual funds are not permissible investment for Category III AIFs: SEBI's informal guidance (December 14, 2023)

Mutual funds are not permissible investments for Category III Alternative Investment Funds (AIFs), reiterated the market regulator SEBI, in response to a query raised by Athena Alternative Investments Trust. The fund had asked if a Category III AIF could invest in mutual funds permanently. At present, Category III AIFs are not allowed to invest in mutual funds, other than liquid funds as temporary investments. To this, the regulator issued an informal guidance on December 14, 2023.

For details:

<https://www.moneycontrol.com/news/business/markets/mutual-funds-are-not-permissible-investment-for-cat-iii-aifs-sebis-informal-guidance-11906681.html>

❖ *Business and Economics News*

Only successor can claim shares or debentures, and not nominee, rules SC (December 14, 2023)

The claim over financial instruments such as share and debenture certificates should be with the successor by law or by will of the original owner, and not with the nominee, the Supreme Court has ruled. As per a judgment on December 14, even if a person is a nominee in a share/debenture certificate, he is not entitled to inherit it by default. The inheritance or the succession of these instruments will be determined by the contents of the deceased's will or as per the succession laws. Succession in India is determined either by a will written by the owner or by laws such as the Hindu Succession Act or the Indian Succession Act.

For details:

<https://www.moneycontrol.com/news/trends/legal/only-successor-can-claim-shares-or-debentures-and-not-nominee-rules-sc-11903751.html>

❖ *Terminology for today*

MIBOR

MIBOR is the acronym for Mumbai Interbank Offer Rate, the yardstick of the Indian call money market. It is the rate at which banks borrow unsecured funds from one another in the interbank market. At present, it is used as a reference rate for floating rate notes, corporate debentures, term deposits, interest rate swaps and forward rate agreements. The pricing of overnight indexed swaps, a type of overnight interest rate swap used for hedging interest rate risk is based on overnight MIBOR. On the recommendation of the Committee for the Development of Debt Market, the National Stock Exchange (NSE) launched the Mumbai Interbank Offer Rate (MIBOR) in June, 1998.

❖ *Market Watch*

Stock Market Indices as on 15.12.2023

| | |
|------------------|---------------------|
| S & P BSE Sensex | 71,483.75 (+969.55) |
| Nifty 50 | 21,456.65 (+273.95) |

Foreign Exchange Rates as on 15.12.2023

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

| INR / 1 USD | INR / 1 EUR | INR / 1 GBP | INR/ 1 JPY |
|-------------|-------------|-------------|------------|
| 83.18 | 91.36 | 106.12 | 0.58 |

❖ **Pronouncement**

| | | |
|------------|---|---------------|
| 01.12.2023 | <i>The Koushik Mutually Aided Cooperative Housing Society (Appellant) v. Ameena Begum & Another (Respondents)</i> | Supreme Court |
|------------|---|---------------|

When an alternative and effective appellate remedy is available to a defendant (in this matter “appeal”), against an ex-parte decree, it would not be appropriate for the defendant to resort to filing of revision under Section 115 of the CPC

In this case, the Hon’ble Supreme Court has decided that when an application or petition filed under Order IX Rule 13 CPC is dismissed, the defendant can avail a remedy by preferring an appeal in terms of Order XLIII Rule 1 CPC. Thus, Civil Revision Petition under Section 115 of the CPC would not arise when an application/petition under Order IX Rule 13 CPC is dismissed. Thus, when an alternative and effective appellate remedy is available to a defendant, against an ex-parte decree, it would not be appropriate for the defendant to resort to filing of revision under Section 115 of the CPC challenging the order refusing to set aside the order of setting the defendant ex-parte. In view of the appellate remedy under Order XLIII Rule 1(d) CPC being available, revision under Section 115 of the CPC filed in the instant case was not maintainable.

For details:

http://scourtapp.nic.in/supremecourt/2021/8060/8060_2021_13_41_48736_Judgement_01-Dec-2023.pdf

Prepared by Directorate of Academics

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

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