THE INSTITUTE OF
Company Secretaries of India
भारतीय कम्पनी सचिव संस्थान
IN PURSUIT OF PROFESSIONAL EXCELLENCE
Statutory body under an Act of Parliament
(Under the jurisdiction of Ministry of Corporate Affairs)

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

Motto
सत्यं वद। धर्मं चर। speak the truth. abide by the law.

Mission
"To develop high calibre professionals facilitating good corporate governance"

Info Capsule

Thursday, June 26, 2025

President
CS Dhananjay Shukla
Vice President
CS Pawan G Chandak

❖ *Foreign Direct Investment*

India's FDI Inflows Jump to 8.8 billion dollars in April (June 26, 2024)

FDI inflows into India surged to 8.8 billion dollars in April this year, higher than 5.9 billion dollars in March and 7.2 billion dollars in April 2024. According to the RBI's monthly bulletin, manufacturing and business services accounted for nearly half of the gross FDI inflows in April this year. India ranked 16th globally in FDI inflows and recorded 114 billion dollars in greenfield investment in digital economy sectors over the last five years (2020-2024), the highest among all countries in the Global South. Foreign portfolio investment (FPI) recorded net inflows of 1.7 billion dollars in May 2025, driven by the equity segment. Equities gained for the third consecutive month as India-Pakistan ceasefire, US-China trade truce, and better-than-expected corporate earnings results in 4th Quarter 2024-25 fiscal lifted investor sentiment and spurred portfolio rebalancing towards Indian assets.

For details:
https://www.newsonair.gov.in/indias-fdi-inflows-jump-to-8-8-billion-dollars-in-april/

❖ *Reserve Bank of India*

- **India's economy holds its ground amid global crosswinds (June 26, 2024)**

The Indian economy remains resilient despite global economic, trade, and geopolitical uncertainties, according to an article "State of the economy" in the Reserve Bank of India's June bulletin.
The global economy is in a state of flux, reeling from the twin shocks of trade policy uncertainties and a spike in geo-political tensions, the article said. "In this state of elevated global uncertainty, various high-frequency indicators for May 2025 point towards resilient economic activity in India across the industrial and services sectors." "The Indian economy registered the highest growth among the world's major economies, with the latest estimates for Q4:2024-25 indicating a sharp pick-up in momentum."

For details:
https://economictimes.indiatimes.com/news/economy/indicators/indias-economy-holds-its-ground-amid-global-crosswinds-rbi-bulletin/articleshow/122069649.cms

- **The Depositor Education and Awareness (DEA) Fund Scheme, 2014 – Revised Operational Guidelines (June 25, 2024)**

1. The Depositor Education and Awareness (DEA) Fund Scheme, 2014, prescribes the process to be followed by the banks for transfer to and claim of the amounts transferred to DEA Fund, including submission of various returns.
2. Instructions have been issued to banks from time to time in the form of operational guidelines since 2014. A review has recently been carried out to consolidate and rationalise the extant instructions.
3. These instructions are issued in exercise of powers conferred under Sections 26A and 35A of the Banking Regulation Act, 1949, and are applicable to all the banks covered under the DEA Fund Scheme, viz., Commercial Banks (including RRBs, LABs, SFBs and PBs) and all Co-operative Banks.
4. The instructions shall come into effect from October 01, 2025.

For details:
https://rbi.org.in/Scripts/NotificationUser.aspx?Id=12876&Mode=0

❖ *ESG Update*

Equinix, Inc.

ESG Compensation Metrics

Tied short-term incentive performance metrics for VP-level and above to environmental and social progress. The Nominating and Governance Committee is responsible for ESG oversight at Equinix and reviews strategies, policies, practices, performance and reporting related to corporate ESG matters. The Nominating and Governance Committee provides periodic updates to the full Board. The Nominating and Governance Committee is responsible for oversight of ESG compensation incentives. This Committee receives updates, including an overview of ESG, from the Sustainability Program Office (SPO) on behalf of the Sustainability Executive Steering Committee, as needed, as well as a focused environmental metrics review at least once a year

For details: *https://sustainability.equinix.com/wp-content/uploads/2024/07/Equinix-Inc_2023-Sustainability-Report.pdf*

❖ *Competition Commission of India*

Commission approves the acquisition of certain issued and paid-up equity share capital of Haldiram Snacks Food Private Limited (Target) by Alpha Wave Ventures II LP and Alpha Wave IHC CI, LP (Acquirers) (June 24, 2024)

The proposed transaction entails the acquisition of less than 10% of the issued and paid-up equity share capital of the Target by the Acquirers. The Acquirers are private equity funds. The Target (including its affiliates) is engaged in the manufacture and sale of packaged food products in India, such as snacks, sweets, ready-to-eat products, dairy products, bakery products, chocolates, and non-carbonated ready-to-drink beverages.

For Details: *https://www.cci.gov.in/media-gallery/press-release/details/542/0*

❖ *Business & Economy*

SEPC, IAMAI sign MoU to promote digital services exports (June 25, 2024)

The Services Export Promotion Council (SEPC) and the Internet and Mobile Association of India have signed an MoU to promote India's digital services exports and strengthen the global presence of Indian digital businesses. The partnership will promote international market access, address trade-related policy challenges, and build export readiness for India's emerging digital sectors, the statement said. The collaboration aims to align institutional efforts in shaping India's leadership in global digital trade, it added. SEPC has been set up by the Ministry of Commerce and Industry. The MoU envisions the establishment of joint working groups with government ministries and regulators concerned to address trade-related bottlenecks faced by digital services exporters. SEPC Director General Abhay Sinha said, "India's digital sector holds immense potential in the global services economy. Through this partnership with IAMAI, we aim to create meaningful opportunities for digital enterprises to grow their international footprint and benefit from structured policy and trade support."

For Details: *https://economictimes.indiatimes.com/news/economy/foreign-trade/sepc-iamai-sign-mou-to-promote-digital-services-exports/articleshow/122071802.cms*

❖ *Pronouncement*

19.05.2025	Lata Yadav v. Shivakriti Agro Pvt. Ltd & Ors.	Delhi High Court

The proceedings before the arbitral tribunal operate in a different sphere than the one before the authorities under the PMLA. Therefore, jurisdiction Of Arbitral Tribunal may continue despite the Provisional Attachment under PMLA

Facts

In this case, Arbitrator rejected the petitioner's application under Section 16(3) read with Section 32(2)(c) of the Arbitration and Conciliation Act, 1996 ('Act'), seeking termination of the arbitral proceedings on the ground that the disputes are non-arbitrable for the reason that the contract entered into between the parties was void ab initio, and that the assets which are subject matter of the proceedings have been provisionally attached by the Enforcement Directorate under Section 5 of the Prevention of Money Laundering Act, 2002.

Scope of Section 16 and 32(2)(c)

Section 16 of the Act empowers the arbitral tribunal to rule on its own jurisdiction so as to decide whether the tribunal is competent to preside over a particular dispute referred to it or not. Section 16(3) of the Act, in turn, provides that a plea that the tribunal is exceeding the scope of its authority ought to be raised as soon as the matter alleged to be beyond the scope of the authority is raised during the proceedings
Section 32(2)(c) of the Act provides that in the event that the arbitral tribunal finds that the continuation of the proceedings has become unnecessary or impossible, then the arbitral proceedings can be terminated.

Differentiation between Fraud and Allegation of Fraud

It is the case of the petitioner that the facility agreement is marred with serious allegations of fraud thereby making the disputes between the parties non-arbitrable. The Hon'ble High Court has laid down that it is pertinent to note that merely alleging fraud does not translate to the disputes between the parties being non-arbitrable.

Conclusion

The Hon'ble High Court also laid down that the proceedings before the arbitral tribunal operate in a different sphere than the one in consideration before the authorities under the PMLA. In any case while some assets that form part of the present proceedings have been provisionally attached, in case the findings recorded by the learned Arbitrator overlap with those in the criminal proceedings, then the proceedings under PMLA will take precedence as the learned Arbitrator is confined to determination of issues which would not fall foul of Section 41 of the PMLA.

As pointed out by the parties during the course of the arguments, the arbitral proceedings have almost come to an end. In case of overreach of jurisdiction by the learned Arbitrator, the petitioner will have the remedy of challenging the final award under Section 16 read with Section 34 of the Act. However, at this stage, when the arbitral proceedings are at the fag end, in the opinion of this Court, the arbitral proceedings cannot be terminated pre-emptively.

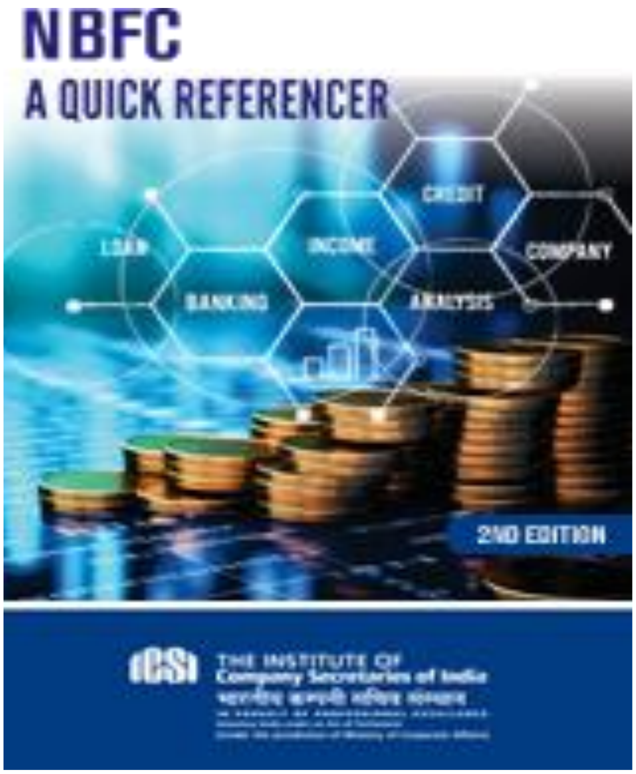
For details: *https://delhihighcourt.nic.in/app/showFileJudgment/59519052025CMM532025_214959.pdf*

❖ *Market Watch*

Stock Market Indices as on 26.06.2025	
S & P BSE Sensex	83755.87(+1.21%)
Nifty 50	25549.00(+1.21%)

Foreign Exchange Rates as on 26.06.2025 *(https://m.rbi.org.in//scripts/ReferenceRateArchive.aspx)*			
INR / 1 USD	**INR / 1 EUR**	**INR / 1 GBP**	**INR/ 1 JPY**
85.75	100.13	117.50	.59

NBFC – A QUICK REFERENCER



About the Book

NBFCs supplement banks in providing financial services to individuals and firms as well as company and provide multiple alternatives to transform an economy's savings into capital investment. NBFC sector to drive innovation, enhance financial accessibility, and contribute to a robust economic framework.

To dig deeper into the nuances of these financial institutions & to explore the myriad opportunities and challenges that lie ahead for NBFCs in this rapidly changing landscape, ICSI launched the revised version of the publication titled "NBFC - A Quick Referencer".

Year of Publication: 2024

Price: Rs. 275/-

Weblink for Purchase:
https://smash.icsi.edu/Scripts/ECart/Default/ItemWiseECartSearchOnlineBooks.aspx?ItemId=348

GUIDANCE NOTE ON LOAN TO DIRECTORS AND LOAN, INVESTMENT, ISSUE OF GUARANTEE AND SECURITY BY COMPANIES (SECTIONS 185 & 186 OF THE COMPANIES ACT, 2013)

About the Book

This Guidance Note aims to make the provisions of Sections 185 and 186 more accessible and comprehensible to professionals and stakeholders. It transcends basic statutory interpretation by providing relevant illustrations that clarify complex legal principles. Additionally, a practical Q&A format addresses common scenarios and queries, equipping professionals with insights to navigate these provisions effectively.

Year of Publication: 2024

Price: Rs. 90/-

Weblink for Purchase:
https://smash.icsi.edu/Scripts/ECart/Default/ItemWiseECartSearchOnlineBooks.aspx?ItemId=347