



**Vision**

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

**Motto**

सत्यं वद। धर्मं चर। इष्टं कुरु। कुरुते। कुरुते। कुरुते।

**Mission**

"To develop high calibre professionals facilitating good corporate governance"

Wednesday, October 29, 2025

# Info Capsule

**President**

**CS Dhananjay Shukla**

**Vice President**

**CS Pawan G Chandak**

❖ **Reserve Bank of India**

**Reserve Bank of India (Nomination Facility in Deposit Accounts, Safe Deposit Lockers and Articles kept in Safe Custody with the Banks) Directions, 2025 (October 28, 2025)**

RBI has issued Reserve Bank of India (Nomination Facility in Deposit Accounts, Safe Deposit Lockers and Articles kept in Safe Custody with the Banks) Directions, 2025. The nomination facility is intended to facilitate expeditious settlement of claims by banks upon death of a deceased customer and to minimise hardship faced by the family members. The Government of India has notified the Banking Laws (Amendment) Act, 2025 which inter-alia has amended the Sections 45ZA, 45ZC and 45ZE of the Banking Regulation Act, 1949 (the Act). The Banking Companies (Nomination) Rules, 2025 have also been notified which along with amended provisions of the Act shall come into force from November 1, 2025. Accordingly, in order to align the regulatory instructions with the amended provisions of the Banking Regulation Act, 1949 and corresponding Nomination Rules, it has been decided to review the extant instructions on the subject.

**For details:**

<https://www.rbi.org.in/Scripts/NotificationUser.aspx?Id=12919&Mode=0>

❖ **Ministry of Commerce & Industry**

**Commerce and Industry Minister meets with European Commissioner for Trade and Economic Security, discusses India- EU FTA (October 29, 2025)**

Union Minister of Commerce and Industry Shri Piyush Goyal visited Brussels from 26-28 October 2025 and had productive and meaningful engagements with Mr Maroš Šefčovič, European Commissioner for Trade and Economic Security and his team on outstanding issues related to the ongoing India-EU FTA negotiations. Both sides reaffirmed their shared commitment to conclude the India-EU FTA by the end of 2025. The engagement focused on achieving a mutually beneficial, balanced and equitable trade agreement, reflecting the depth of political trust and the strategic ties between India and the European Union, and at the same time respecting each other's sensitivities and priorities. India recognises the importance of ensuring that the FTA remains balanced in addressing both tariff and non-tariff barriers and creating transparent and predictable regulatory frameworks that accelerate trade for both partners in the coming years.

**For details:**

<https://www.pib.gov.in/PressReleasePage.aspx?PRID=2183603>

❖ **Ministry of Information & Broadcasting**

**Startup Accelerator WaveX Collaborates with T-Hub, the World's Largest Startup Hub, to Shape the Future of India's Media-Tech Entrepreneurs (October 28, 2025)**

WaveX, the startup accelerator initiative under Ministry of Information & Broadcasting, Government of India, signed a Memorandum of Understanding (MoU) with T-Hub, the world's largest startup hub, to boost India's creative, content, and media-technology startup ecosystem. Shri Sanjay Kumar, Special Chief Secretary, ITE&C Department, Government of Telangana, noted that the partnership between WaveX and T-Hub will help in creating a nationwide ecosystem for creative entrepreneurship. He added that it will support young creators in transitioning from individual participants to organized business units, enabling them to scale globally. The collaboration is expected to benefit Indian startups, by providing structured incubation, mentorship, and access to infrastructure and networks. Supported by T-Hub as the Anchor Institution, WaveX will establish up to 10 incubation centres across India under the Ministry of Information & Broadcasting.

**For details:**

<https://www.pib.gov.in/PressReleasePage.aspx?PRID=2183506>

❖ **Views/Comments sought by Regulator****Consultation Paper on Comprehensive Review of SEBI (Mutual Funds) Regulations, 1996 (October 28, 2025)**

SEBI has issued consultation paper on the proposed amendments to the SEBI (Mutual Funds) Regulations, 1996("MF Regulations") to seek public comments/ suggestions carried out pursuant to a comprehensive review. The proposed draft MF Regulations incorporates several requests received from the mutual fund industry to promote ease of compliance and to bring regulatory clarity. The comments/ suggestions on the draft MF Regulations should be submitted latest by November 17, 2025 through the following link:

<https://www.sebi.gov.in/sebiweb/publiccommentv2/PublicCommentAction.do?doPublicComments=yes4>

**For details:** [https://www.sebi.gov.in/reports-and-statistics/reports/oct-2025/consultation-paper-on-comprehensive-review-of-sebi-mutual-funds-regulations-1996-\\_97496.html](https://www.sebi.gov.in/reports-and-statistics/reports/oct-2025/consultation-paper-on-comprehensive-review-of-sebi-mutual-funds-regulations-1996-_97496.html)

❖ **ESG Update****Hyundai**

Innovative projects to enhance vehicle circularity, including the Car-to-Car Project, which incorporates materials recycled from end-of-life vehicles into new car production. It also details significant investments in renewable energy expansion, including Korea's largest corporate power purchase agreement (PPA) and the introduction of renewable energy initiatives at international facilities.

**Journey Towards Sustainability 2025**

- Sold 757,195 eco-friendly vehicles.
- Increasing the use of renewable energy-Signed the nation's largest-ever PPA (444MW) in 2024 for domestic operations, signed large-scale PPAs in U.S. and India in 2024, for 147MW, 118MW, respectively, 30% increase in global total renewable energy consumption in 2024 from 2023.
- Enhancing water recycling performance-Achieved a 11.3% year-on-year increase in water recycling in 2024, Increased the recycling rate to 28.7% in 2024, 5% rise from 2023.
- Established and implemented an ESG risk review process considering the environmental and social impacts of project undertakings within the investment review process related to plant construction/expansion

**For details:**

<https://www.hyundai.com/content/hyundai/ww/data/csr/data/0000000052/attach/english/hmc-2024-sustainability-report-en-v4.pdf>

❖ **Business and Economy****India's Industrial Output Rises 4% in September, Led by Manufacturing (October 28, 2025)**

India's industrial production growth, measured by the Index of Industrial Production (IIP) grew 4 percent on an annual basis in September this year, led by manufacturing sector. According to the data released by the Ministry of Statistics and Programme Implementation, among the three major components of IIP, manufacturing advanced by 4.8 per cent, and Electricity logged rise of 3.1 per cent. However, Mining output remained in contraction, declining by 0.4 per cent.

Meanwhile, the IIP growth rate has been upwardly revised to 4.1 per cent for August this year. The corresponding growth rates of IIP as per Use-based classification in September 2025 over September 2024 stood at 10.5 percent in Infrastructure, 10.2 percent in Consumer durables, 5.3 percent in Intermediate goods, 4.7 percent in Capital goods, 1.4 percent in Primary goods. Meanwhile, Consumer non-durables saw a deceleration of 2.9 per cent.

**For details:** <https://www.newsonair.gov.in/indias-industrial-output-rises-4-in-september-led-by-manufacturing/>

❖ **Pronouncement**

|                             |                                                                                                                                                                                                |                                                                                                         |
|-----------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|
| <b>October 28,<br/>2025</b> | <b>EPC Constructions India Limited Through Its Liquidator - Abhijit<br/>Guhathakurta {Appellant(s)}</b><br><b>Versus</b><br><b>M/s Matix Fertilizers and Chemicals Limited {Respondent(s)}</b> | <b>Supreme Court of<br/>India</b><br><b>Civil Appeal No. 11077<br/>of 2025</b><br><b>2025 INSC 1259</b> |
|-----------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|

***Redeemable Preference Shareholder is Not a Financial Creditor under IBC*****Brief Facts**

The Appellant, EPC Constructions India Limited was entered into an engineering and construction contract with the Respondent. According to the Appellant, under the above-mentioned contracts, a sum of INR 572.72 crores became due and payable by Respondent to the Appellant. Further, Respondent requested Appellant to convert the outstanding amounts up to Rs. 400 crores into Non-Cumulative Redeemable Preference Shares (NCRPS). Appellant agreed to convert a portion of the receivables into Cumulative Redeemable Preference Shares ('CRPS') and was communicated to the Respondent. When matters stood thus, Corporate Insolvency Resolution Process (CIRP) under the IBC was initiated against the Appellant.

Both the NCLT and the NCLAT held that the 'CRPS' held by the Appellant is in the nature of an investment and not a debt. It further held that since payment against the CRPS is not due, no liability can be said to arise. The question that arises for consideration before Supreme Court is whether the NCLT and NCLAT were justified in dismissing the application of the appellant under Section 7 of the IBC, after holding that the appellant was not a financial creditor?

**Judgement**

Hon'ble Apex Court inter alia observed that it is well settled in Company Law that preference shares are part of the company's share capital and the amounts paid up on them are not loans. Dividends are paid on the preference shares when company earns a profit. This is for the reason that if the dividends were paid without profits or in excess of profits made, it would amount to an illegal return of the capital. Amount paid up on preference shares not being loans, they do not qualify as a debt. Section 3(37) of the IBC provides that words and expressions used but not defined in the Code but defined in the Companies Act, 2013 (18 of 2013), shall have the meanings respectively assigned to them in the said Act. Section 2(84) of the Companies Act defines share as: - "*Share*" means a share in the share capital of a company and includes stock.

It will be noticed that preference share capital is a kind of share capital. Further, for the purpose of Section 43, preference share capital (and consequently preference shareholder) carry a preferential right with respect to the payment of dividend and in the case of winding up or repayment of capital, a preferential right on the repayment of the amount of the share capital.

Supreme Court referred to the following passage from "A Ramaiya's Guide to the Companies Act" (18th Edition, Volume 1 Page 879), pithily explains the distinguishing features between a preference shareholder and a creditor in the following words: - "***It must be remembered that a preference shareholder is only a shareholder and cannot as a matter of course claim to exercise the rights of a creditor. Preference shareholders are only shareholders and not in the position of creditors.*** .....

Court said that another important Section in the IBC to be noticed is Section 5(8) which prescribes that to be a financial debt there needs to be disbursement against consideration for the time value of money. Section 5(8)(c) does not talk of preference shares while it talks of note purchase facility, bonds, notes, debentures, loan stock, or any other similar instrument to the categories mentioned thereunder. The paid-up money on shares being "share capital" they do not constitute debt. As far as 5(8)(f) is concerned before we deal with the term commercial effect of borrowing the opening clause of 5(8) cannot be lost sight of. It has to be first a debt and such debt would be a financial debt if it is raised under any other transaction including any forward sale or purchase agreement having the commercial effect of borrowing. As already explained the paid-up amounts towards shares do not have the character of debt. The further argument that redemption was due, is also not meritorious. As required under Section 55 of the Companies Act, 2013, the shares could be redeemed only out of the profits or with any amount kept apart for dividends which is not the situation in the present case.

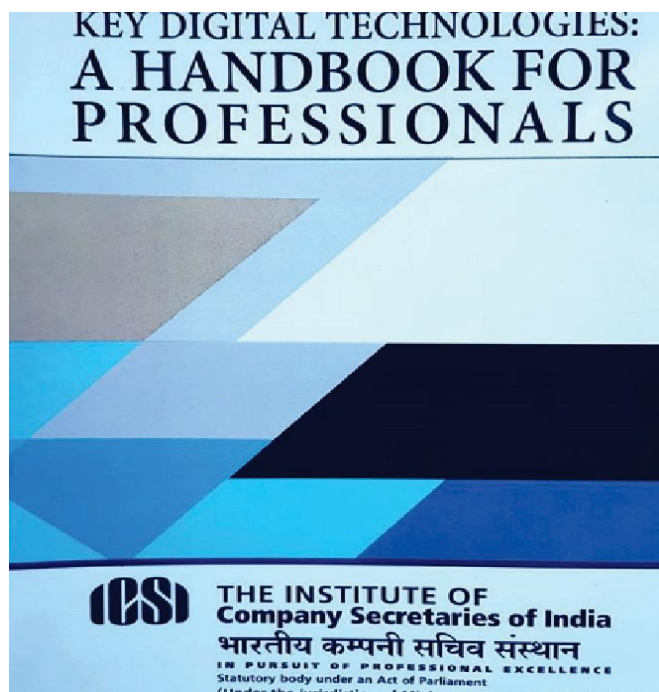
**For Details:** [https://www.sci.gov.in/view-pdf/?diary\\_no=296842025&type=j&order\\_date=2025-10-28&from=latest\\_judgements\\_order](https://www.sci.gov.in/view-pdf/?diary_no=296842025&type=j&order_date=2025-10-28&from=latest_judgements_order)

❖ **Market Watch**

| <b>Stock Market Indices as on<br/>29.10.2025</b> |                  | <b>Foreign Exchange Rates as on 29.10.2025</b><br>( <a href="https://m.rbi.org.in/scripts/ReferenceRateArchive.aspx">https://m.rbi.org.in/scripts/ReferenceRateArchive.aspx</a> ) |                    |                    |                    |
|--------------------------------------------------|------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|--------------------|--------------------|
| <b>S &amp; P BSE<br/>Sensex</b>                  | 85040.28(+0.49%) | <b>INR / 1 USD</b>                                                                                                                                                                | <b>INR / 1 EUR</b> | <b>INR / 1 GBP</b> | <b>INR / 1 JPY</b> |
| <b>Nifty 50</b>                                  | 26069.60(+0.51%) | 88.28                                                                                                                                                                             | 102.67             | 116.87             | .57                |



## KEY DIGITAL TECHNOLOGIES: A HANDBOOK FOR PROFESSIONALS



### About the Book

The Institute with a view to equip members with necessary know-how on the emerging technologies has released publication titled 'Key Digital Technologies: A Handbook for Professionals'. It gives an overview about the growing trend towards emerging technologies like Artificial Intelligence, Blockchain, Big Data, Internet of Things, etc. to enable members to embrace these digital technologies in their work to remain ahead in the digital age.

**Year of Publication: 2021**

**Price: Rs. 150/-**



**Weblink for Purchase:**

<https://smash.icsi.edu/Scripts/ECart/Default/ItemWiseECartSearchOnlineBooks.aspx?ItemId=260>

## REFERENCER ON SEBI (DELISTING OF EQUITY SHARES) REGULATIONS, 2021



### About the Book

The Securities Exchange Board of India (SEBI) has issued the SEBI (Delisting of Equity Shares) Regulations, 2021 on June 10, 2021, superseding the erstwhile SEBI (Delisting of Equity Shares) Regulations, 2009. Under Delisting Regulations, 2021, SEBI has accorded recognition to the profession of Company Secretaries by exclusively authorizing a "Peer Review Company Secretary" to conduct due diligence and certify shares held by inactive shareholders. This publication contains the comparative analysis of the erstwhile and the Delisting Regulations, 2021, suggestive formats, checklists, etc. which could be used as a ready reference by members while issuing the Due Diligence Report and Certification for shares held

**Year of Publication: 2021**

**Price: Rs. 150/-**

**Weblink for Purchase:**

<https://smash.icsi.edu/Scripts/ECart/Default/ItemWiseECartSearchOnlineBooks.aspx?ItemId=258>



**Prepared by Directorate of Academics**

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