

## EPFO CUTS INTEREST RATE ON PF DEPOSITS TO 8.5% FOR 2019-20

The Employees Provident Fund Organisation (EPFO) on Thursday lowered the interest rate on provident fund deposits to a seven-year low of 8.5 per cent for the current financial year, down 15 basis points from 2018-19. Labour Minister Santosh Gangwar said the EPFO would have a surplus of over ₹700 crore on providing an 8.5 per cent rate of interest on EPF for this fiscal. **4**

## Dow Jones tumbles as virus fears hit California

US indices fell sharply on Thursday as the swift spread of coronavirus in the country led California to declare an emergency. At 11:35 pm (IST) the Dow Jones Industrial Average was down 941 points, or 3.48 per cent, while airline stocks were hammered by crippled travel demand. The S&P500 was down 105.25 points or 3.37 per cent, while the Nasdaq was trading 262 points or 2.91 per cent lower.

### ECONOMY & PUBLIC AFFAIRS P14

## OPEC backs biggest oil cut since 2008 crisis

OPEC agreed on Thursday to cut oil output by an extra 1.5 million barrels per day (bpd) in the second quarter of 2020 to support prices that have been hit by the coronavirus outbreak, but made its action conditional on Russia and others joining in.

### THE SMART INVESTOR P10

## SBI Cards IPO closes, subscribed 26 times

The SBI Cards initial public offering (IPO) has managed to attract bids worth ₹2 trillion, in spite of challenging market conditions. This has made it among the most subscribed offerings in absolute terms. The share offer generated close to 2.7 billion bids (26x). The high net worth individual portion of the IPO was subscribed 44x, with the retail portion being subscribed 2.5x.

### ECONOMY & PUBLIC AFFAIRS P14

## Can't cherry-pick Vivad se Vishwas issues: Govt

Picking and choosing issues under one order will not be allowed and the tax dispute will be settled under the Vivad se Vishwas scheme. Disputes relating to wealth, securities transactions, commodities transaction tax, and the equalisation levy will not be covered.

## GOYAL FACES ED HEAT



Naresh Goyal, former chairman of now-defunct Jet Airways, arrives at the Enforcement Directorate (ED) office in Mumbai for a second day of questioning. The ED has registered a case against Goyal under the Prevention of Money Laundering Act. Searches were carried out at Goyal's residence by officials on Wednesday evening.

PHOTO: KAMLESH PEDNEKAR

# Telecom firms want CAG to sign off on AGR dues

SURAJEET DAS GUPTA  
New Delhi, 5 March

Telecom operators have approached the Department of Telecommunications (DoT) to rope in the Comptroller and Auditor General (CAG) to simultaneously audit their books in order to arrive at a final resolution of the dues which they must pay on the licence fee and spectrum user charges as required by the Supreme Court. "We have requested the DoT to finalise the amounts claimed by operators and resolve the matter so there is no prolonged debate. This will mean completing any required reviews, audits, and even bringing in the CAG to complete their audits, if this is advisable for a full and final resolution," said

Cellular Operators' Association of India Director General Rajan Mathews. "The CAG has a backlog in auditing our books, so they need to be brought in on the same page. Telcos do not want any fresh demands being raised a few years later."

The demand makes sense, given the huge

## DISPUTE OVER DUES

(Figures in ₹ crore)

	Total dues (as demanded by DoT)	Payment made	Balance dues
Voda Idea	53,038	3,500	49,538
Bharti Airtel/Telenor*	37,740	18,000	19,740
Tata Tele	13,823	4,197	9,626
Reliance Jio	60	195	-

\*Telenor was acquired by Bharti Airtel

Sources: COAI, industry



gap between what the operators, based on their assessment of the dues, are paying as compared with the DoT's demand.

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## KOCHHAR PLEA AGAINST JOB TERMINATION DISMISSED

SUBRATA PANDA  
Mumbai, 5 March

The Bombay High Court on Thursday dismissed the writ petition filed by Chanda Kochhar against her termination as managing director and chief executive officer of ICICI Bank, and the clawback of her bonuses.

A division Bench of Justices N M Jamdar and M S Karnik accepted the contention of the lender that Kochhar's writ petition was not maintainable because the dispute concerned a private banking company and was over contractual terms.

"The termination of the petitioner is in the realm of a contractual relationship," the Bench said in its order.

It said courts could not exercise their writ jurisdiction when employment in a private entity was regulated by contracts.

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# YES Bank's ride ends in forced bailout

DEV CHATTERJEE  
Mumbai, 5 March

The YES Bank board has been superseded by the Reserve Bank of India (RBI) and the private lender has become the target of a forced bailout, given the huge bad debt level in its corporate and real estate portfolios. This is in contrast to a few years ago, when it was the fastest-growing bank. The lender took more risks compared to its peers, say bankers. "Even when other private sector banks would reject loans to corporate clients, it was YES Bank that came to their rescue," said a former executive.

Hence, it was not a surprise that the bank built a portfolio of bad loans to corporations. Companies that failed to repay loans include Dewan Housing Finance, Essel group, CG Power, Anil Ambani group, and Videocon.

Earlier this week, Reliance Infrastructure said it had defaulted on interest and principal payments on a ₹3,600-crore loan to YES Bank.

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Since the founder and former CEO Rana Kapoor (left) was forced to exit the bank by the RBI in January last year, new CEO Ravneet Gill — hired from Deutsche Bank — was tasked with reviving the bank. However, Gill failed to bring any respectable investor on board

Bank — was tasked with reviving the bank. However, Gill failed to bring any respectable investor on board, even as several names were linked from Microsoft and Paytm to JC Flowers and Tilden Park Capital. On the contrary, one of the potential investors turned out to be as bizarre as a man who had filed for bankruptcy in Canada.



"None of the investors saw any value even as its management went around soliciting investors," said an analyst.

The crisis in slow motion, however, helped several insiders exit the company's stock. Rana Kapoor had famously tweeted that YES Bank's shares were as good as "diamonds", and that he would never sell and bequeath the "dia-

monds" to his children. However, Kapoor's shares — a lot of which were pledged — were sold by lenders as share prices tanked.

By November 2019, Kapoor sold his remaining 0.8 per cent stake when the stock was trading at ₹64 a share. On Thursday, the stock closed at ₹37 — up 26 per cent following unconfirmed reports that State Bank of India was taking over the bank. It was at its peak of ₹383 in August 2018.

JPMorgan said that following the "forced" bailout, investors would likely want the bank to be acquired at near-zero value, to account for risks associated with the stress book and likely loss in deposits.

"In sum, we think the bank needs to be recapitalised at nominal equity value, and could test dilution of additional tier-1 (AT1s)," said JPMorgan analysts in a note on Thursday, while cutting the bank's target price to ₹1.

Analysts said YES Bank failed to get any marquee foreign investor given the uncertainties around asset quality, which had been plaguing the bank for at least a year. With a gross non-performing asset ratio of 74 per cent, YES Bank's asset quality is the weakest

among top private banks.

In its inspection report of 2019, the RBI had found ₹3,277 crore of divergence in non-performing assets, which would keep provisioning costs higher in the ensuing quarters. The lender has still not announced its December quarter (Q3) results, and a board meeting was scheduled for March 14 to consider its Q3 results, before the RBI superseded the bank's board.

In November, Moody's had warned that the bank had close to ₹31,400 crore in additional loans and investments (about 10.4 per cent of YES Bank's total loans and investments), which are rated below-investment grade. About 40 per cent of loans may turn debt, it warned.

The slowdown in commercial real estate further eroded the asset quality as the bank had a sizeable exposure to weaker companies in the sector.

As of September 2019, its exposure to housing finance companies and non-banking financial companies represented 6 per cent of its total exposure to the property sector. At the same time, the lender had 7.2 per cent direct exposure to the commercial and residential real estate sector.

# ED grills Goyal, asks him to appear today

SHRIMI CHOUDHARY  
New Delhi, 5 March

The Enforcement Directorate (ED) has asked Nareesh Goyal, former chairman of now-defunct Jet Airways, to appear before it again on Friday for further questioning in connection with a money laundering probe registered against him on Tuesday.

This will be the third consecutive day of questioning. On Wednesday, he was summoned to ED Mumbai's office, where he was interrogated for four hours and taken to his residence later in the evening. On Thursday, too, he was grilled for a few hours.

Sources in ED said the probe indicated that funds were siphoned off through entities created abroad and the money was diverted to the personal accounts of Goyal and his family.

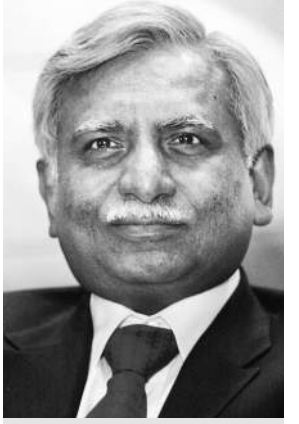
The agency has also detained Goyal's fund manager as he was allegedly in charge of the former's personal finances.

ED, which had conducted extensive search operations at Goyal's residences on Wednesday, seized several digital documents and records pertaining to alleged fictitious transactions, an official said.

ED's case is based on the first information report filed by the Mumbai police, which is necessary to probe "predicate offence" under Prevention of Money Laundering Act (PMLA).

Sources said that the probe agency could also write to lenders who did not get back their money, like State Bank of India, and nudge them to file a complaint.

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During the FEMA (Foreign Exchange Management Act) probe, the agency had alleged that Goyal's companies executed several "colourable transactions" under the guise of selling and distribution expenses.

"Commission and other fictitious expenses were booked at unrealistically high prices and, therefore, they were projecting huge losses," ED had said last year.

Further, Jet Airways had executed allegedly suspicious aircraft lease transactions with ghost entities located abroad, made payments towards lease rentals, and in exchange diverted the monies to Goyal, ED had said.

# Foreign brokerages attach ₹1 value to YES stock

SUBRATA PANDA  
Mumbai, 5 March

JP Morgan cut its target price for YES Bank on Thursday to ₹1 per share, taking into account the potential fall in the lender's net worth due to stressed assets. Macquarie Capital Securities also said if State Bank of India (SBI) decided to buy stake in the bank, they should buy it at ₹1 per share as the net worth is hugely impaired.

"We believe forced bailout investors will likely want the bank to be acquired at near-zero value to account for risks associated with the stress book and likely loss of deposits. We think the bank will need to be recapitalised at nominal equity value and could test dilution of additional tier 1 (AT1) capital. We remain underweight and cut our target price to ₹1 as we believe net worth is largely impaired," JP Morgan said.

Explaining its reasons for the meagre price for YES Bank shares, Macquarie said the bank has a net worth of ₹25,000 crore. However, its BB and below rated loan portfolio is approximately ₹30,000 crore and the BBB below book is almost ₹50,000 crore. "If we assume substantial portion of BB and below is wiped off, and say 10-15 per cent of the BBB book is to be written off, it implies the current net worth of the bank is zero (after factoring in 25 per cent of the tax benefits)," it said.

YES Bank's shares soared 26 per cent to ₹36.85 on Thursday after reports said that SBI-led consortium would buy a significant stake in the bank. But the share price may not hold at current levels if these brokerages' projections turn true.

"The quasi-sovereign bailout, we believe, is a bondholder/depositor bailout and not an equity one. Hence, today's rally in the

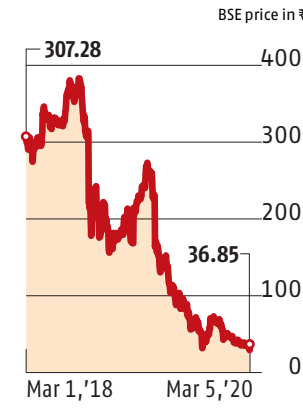


stock is unjustified. The new capital will likely come in at a steep discount to current share price," JP Morgan said.

Worse, it would send out wrong signals. Any bail out of a private sector entity by public sector undertakings (PSUs), government, or taxpayers

indeed creates a moral hazard. "The fact that the government is considering such a bail out proposal shows the risk inherent in investing in PSU banks/companies who continue to be subjected to the vagaries and compulsions of the government. The bigger casu-

## OVER THE YEARS



ality is taxpayers as their money is being used to infuse capital in PSU banks time and again. It is the taxpayers who are bailing out YES Bank indirectly," wrote analysts at Macquarie led by Suresh Ganapathy.

The acquisition of a significant stake in YES Bank may not

be good for SBI's shareholders either, say analysts. "It will be incrementally negative for its valuations, as it sets a precedent for nationalisation of any future private losses. Part of this is already captured in the sharp discount at which the stock trades versus private peers," JP Morgan said.

There could be other challenges. "One buys a bank for its liabilities franchise and not for its assets. We are unsure of YES Bank's quality of liabilities franchise, which perhaps could have further got affected due to the current solvency issues. Consolidation would have brought about a lot of integration challenges as well as legal challenges, as we believe SBI Act needs to be amended for SBI to acquire a private sector bank. Even in this case, the deal will require blessings of the regulator as well as the government," Macquarie said.













# Battling gender bias, one brand at a time

Diageo, MG Motor rework advertising guidelines, hiring protocols to break stereotypes within their sectors and influence peers

ARUNDHUTI DASGUPTA & SHALLY SETH MOHILE  
Mumbai, 5 March

Back in 2017 at the regular annual jamboree at Cannes, France, Julie Bramham, chief marketing officer of Diageo India, the British alcoholic beverages multinational found herself in a room full of marketers, all glued to a screen running the numbers on the deep and widespread misrepresentation of women in advertising.

The numbers strewn across the slides that day were scary, Bramham says. Compiled by the Geena Davis Institute on Gender in Media, it showed that in 10,000 pieces of communication, 75 per cent had male characters in the lead and 65 per cent of the dialogue in a family setting was dominated by men. The full impact of the role played by marketers in furthering gender biases hit home that day, setting the stage for a brand restructuring exercise at Diageo.

Three years later, the company has a three-point marketing framework that defines every piece of communication around the brand. Marketers across offices look at ads and other communication through three lenses:

Representation (who is being portrayed), perspective (whose point of view) and characterisation (is it a real person).

As a liquor brand and among the world's largest advertisers, Diageo knew it could make an impact. "Our aim is to use our advertising money to



(Top) New ads for McDowell's No 1 have women playing an important part in the story, unlike in the past where the protagonists were mostly men (bottom)



"We decided to offer mission-critical roles to women"

RAJEEV CHABA  
President & MD, MG Motor India

drive change because for one, it is the right thing to do and two, the old narratives (around women) are old-fashioned," Bramham points out. She believes that brands that do not change will soon find themselves alienated from customers who want them to be gender-progressive.

Bramham says, "All our marketing spends are put through the gender framework." This is evident in the advertising; for instance, in 2017, the campaign for whisky brand McDowell's showed four friends celebrating their camaraderie (all men). Now, the

campaign has a woman in a pivotal role with a say in the way the story unfolds.

Another sector that has traditionally run afoul of gender norms is auto. It is among the most poorly represented when it comes to women, as employees and, in its advertising. As per industry estimates, only 15 per cent of auto sector employees are women and they are largely confined to desk jobs or peripheral roles on the shopfloor.

At the SAIC-owned MG Motor, the challenge was to build a brand that did not carry the burden of its sector. One way to do that the company felt was to bring more women into the workplace. Rajeev Chaba, president and MD at MG Motor India says, "We decided to offer mission-critical roles to women,

and have 32 per cent of the total workforce made of female employees, across all functions, from R&D to manufacturing."

Hiring women has not just created a more equal workplace, but also one that is more quality conscious and sensitive with its advertising. In critical manufacturing areas such as paint quality testing and surface testing, MG Motor employs only women as they pay greater attention to detail, Chaba said.

Having women on board, the companies point out, has helped drive meaningful interventions. At Diageo, two gender-specific initiatives 'The Creative Comeback' and 'Free the Work' tackle issues that women have raised in the course of their engagement with the company.

Creative functions in agencies see a high percentage of women dropping out, to raise families or look after an ailing relative. The Creative Comeback, kicked off in London last year and to be launched in India in 2020, aims to support 100 women to return to creative industries after a career break. Free the Work seeks a more equal playing field for ad film makers; the company consistently invites pitches from female directors and its recent India campaigns are directed by women.

At MG Motor, the company is working with select *panchayat* committees to encourage more women graduates to join the auto industry and to ensure a better diversity mix at its showrooms, it stipulates that at least a third of its sales and service point executives are women. More women within the company mean a more gender sensitive brand, or so hopes MG Motor.

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## RBI supersedes...

The RBI said the financial position of YES Bank had undergone a steady decline "largely due to inability of the bank to raise capital to address potential loan losses and resultant downgrades, triggering invocation of bond covenants by investors, and withdrawal of deposits". Assuring depositors that their interests would be fully protected, RBI emphasised that it would draw up a scheme in a few days for YES Bank's "reconstruction or amalgamation" after seeking approval from the government before the moratorium period of 30 days ends. "There is no need to panic," the RBI added.

Earlier in the day, *Bloomberg* reported that the government had approved a plan in which an SBI-led consortium would buy a stake in the bank. While YES Bank declined receiving any such information, SBI told the stock exchanges that it would abide by all the timelines of the market regulator in disclosing all "material information".

RBI said it had been in constant engagement with the bank's management and potential investors to find ways to strengthen its balance sheet and improve liquidity. YES Bank had even informed the central bank about talks with various investors "and they were likely to be successful". It acknowledged the information made public by YES Bank about holding talks with private equity firms for capital infusion.

"These investors did hold discussions with senior officials of the Reserve Bank but for various reasons eventually did not infuse any capital. Since a bank- and market-led revival is a preferred option over a regulatory restructuring, the Reserve Bank made all

efforts to facilitate such a process and gave adequate opportunity to the bank's management to draw up a credible revival plan, which did not materialise," RBI said, adding that the bank was facing regular outflow of liquidity. The central bank also said YES Bank had experienced "serious governance issues and practices in recent years which have led to steady decline of the bank".

## SBI to consider...

The bank has registered slippages of ₹12,000 crore so far in FY20, while it has placed ₹30,000 crore of loan assets under the watch list. Agreeing with Haribhakti, Ashvin Parekh, managing partner, Ashvin Parekh Advisory Services, said regulatory intervention was highly required in the best interests of deposit holders. However, he said a lot of regulatory dispensation would have to be made to accommodate a rescue package for YES Bank. "A lot has changed since the Global Trust Bank days on the regulatory front and it may not be very easy to put a plan together," he cautioned.

The bank has delayed publishing its December quarter results by a month to March 14. Sources indicate that there could be delay in disclosing the results after Thursday's action. "The focus will first be on assessing the quantum of bad loans, without which announcing numbers is meaningless," said a banker in the know.

As for global investors including JC Flowers, Tilden Park Capital and Capital Management having evinced interest in the bank, a source said once an initial bailout was formulated, conversation may restart with these investors. "They have directly

been in talks with the RBI and when we have clarity on bad loans, it will be easier to approach these investors again," he said. It is learnt that the investors had indicated that they would not put their money into YES Bank till they were sure that it wouldn't be for another round of bad loan write-offs.

## Kochhar plea...

"Contractual duties are enforceable as matters of private law by ordinary contractual remedies such as damages, injunction, specific performance and declaration." The bank had argued that none of the reliefs sought by Kochhar — declare termination illegal, refrain from recovering and cancelling early retirement benefits and remuneration, and permit exercising stock options — complied with statutory provisions. Also, these reliefs, the bank said, were of a purely private character and sought to secure performance of contractual obligations.

Kochhar was contesting that ICICI Bank should have secured the Reserve Bank of India (RBI) permission before terminating her services. She had also challenged the RBI's ex post facto approval,

saying the move was illegal. RBI had on March 13, 2019, given its consent to the management on Kochhar's termination, after the lender fired her on January 31.

"The RBI issued the alleged approval without due and proper application of mind and in colorable exercise of powers, by mechanically accepting the mala fide request of the respondent bank (ICICI) without disclosing contents thereof to the petitioner (Kochhar) and contrary to the provisions of Section 35B (1)(b) of the Banking Regulations Act," Kochhar said in her petition. The Banking Regulation Act says prior approval of RBI is required to terminate the contract of a bank's chairman or MD.

"The requirement of prior approval is mandatory and cannot be granted post facto and the non-fulfilment thereof is incurable and an afterthought," her petition read.

The bank in its reply said that Section 35B of the Banking Regulation Act of 1949, under which Kochhar was seeking the nullification of her termination of her services, was a "regulatory provision".

The bank argued that Kochhar was aware that Section 35B was part of the RBI's regulatory and supervisory powers and the Section did not confer any right or protection on her part. Also, the Section does not cast a duty on the bank, but is just a form of regulatory oversight for protection of the banking company and its depositors. Kochhar moved the high court last year, challenging the decision to terminate her employment and claw back bonuses and stock options she received.

## Telecom firms...

Based on current data, the total amount of AGR dues which has been paid to the government is ₹25,892 crore — 17.6 per cent of total dues of ₹146,336 crore specified by the court. Currently, only Bharti Airtel, Vodafone Idea, Tatas, and Reliance Jio have paid up in part or paid the full amount. But even here, out of their total dues of ₹106,946 crore, they have paid only 18 per cent.

Telcos also have their own interpretation of a clause in the licence agreement. Under this clause, a penalty needs to be paid on a licence fee only if it falls short by more than 10 per cent of the payable licence fee.

This has been one key element of the basis on which they have calculated their dues and it could result in the matter going to the Telecommunications Dispute Settlement and Appellate Tribunal.

Speaking on the large differential between what the telecom operators have paid and the DoT's demand, Mathews points out that all telcos have paid the licence fee and SUC based on their own calculations and have disputed the DoT's assessment in various legal forums based on anomalies found in the DoT's calculations.

"However, if the difference between the amount initially filed by operators and the final amount claimed by DoT and paid by operators is less than 10 per cent, then they have to pay the difference plus interest but not penalties," said Mathews, adding this is one of the reasons for the large anomaly between what telcos are submitting as payments and the DoT's demand.



