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RBI & FEMA

- *DBOD.AML.BC.No.44/14.01.001/2013-14, dated 2nd September, 2013* : RBI has directed banks to revise their KYC policy by accepting the e-KYC service launched by UIDAI as a valid process for KYC verification under the Prevention of Money Laundering (Maintenance of Records) Rules, 2005. Further, the information containing demographic details and photographs made available from UIDAI as a result of e-KYC process may be treated as an 'Officially Valid Document' under PML Rules.
- *DBOD.BP.BC.No. 51/08.12.015/2013-14, dated 3rd September, 2013* : In view to protect the interests of buyers and contain the fallout of "innovative" housing financing schemes, banks are advised that disbursement of housing loans sanctioned to individuals should be closely linked to the stages of construction of the housing project/houses and upfront disbursement should not be made in cases of incomplete/under-construction/green field housing projects.
- *A.P. (DIR Series) Circular No.30, dated 4th September, 2013* : RBI has issued certain clarifications w.r.t. the applicability of the revised guidelines in respect of overseas direct investment notified on August 14, 2013 to facilitate genuine outward investment requirements of the Indian companies. Among others, it has been clarified that in respect of funding of overseas direct investments by way of ECB, instead of limit of 100 per cent of the net worth, the earlier limit of 400 per cent of the net worth will continue to apply.
- *A.P. (DIR Series) Circular No.31, dated 4th September, 2013* : RBI has eased the ECB norms and decided to permit (subject to certain conditions) eligible borrowers to avail of ECB under the approval route from their foreign equity holder company with minimum average maturity of 7 years for general corporate purposes.
- *A.P. (DIR Series) Circular No. 36, dated 4th September, 2013* : RBI has doubled the re-booking amount limit allowed to exporters on cancelled forward contracts to 50% from 25%. The facility is also extended to importers who are currently not allowed to re-book their cancelled forwards contracts.
- *A.P. (DIR Series) Circular No.37, dated 5th September, 2013* : In order to provide operational flexibility and ease the procedures, RBI has decided to permit (subject to certain conditions) bank to issue bank guarantee, without prior approval of the Reserve Bank, on behalf of a non-resident acquiring shares or convertible debentures of an Indian company through open offers/ delisting/exit offers.
- *A.P. (DIR Series) Circular No.38, dated 6th September, 2013* : The issue of acquisition of shares under the FDI Scheme by a non-resident on a recognised stock exchange has been reviewed and as a further measure of liberalization, RBI has decided that (subject to certain conditions) a non-resident including a Non Resident Indian may acquire shares of a listed Indian company on the stock exchange through a registered broker under FDI scheme.
- *A.P. (DIR Series) Circular No.39, dated 6th September, 2013* : Providing greater flexibility to resident individuals travelling abroad, RBI allowed them to carry Indian currency of up to Rs.10,000 per person. The limit has been increased from the existing Rs.7,500 per person.

- *UBD CO BPD (PCB) Cir. No.13/09.22.010/2013-14, dated 10th September, 2013* : RBI has decided to enhance the ceiling on loans to individuals for house repairs (carrying out repairs / additions / alterations to their dwelling units) to Rs 2 lakh in rural and semi-urban areas and Rs 5 lakh in urban areas from Rs 1 lakh in rural and semi-urban areas and Rs 2 lakh in urban areas.
- *A.P. (DIR Series) Circular No.43, dated 13th September, 2013* : In order to simplify the existing form used for declaration of exports of Goods/Softwares, a common form called “Export Declaration Form” (EDF - Annex I) has been devised to declare all types of export of goods from Non-EDI ports and a common “SOFTEX Form (Annex II)” to declare single as well as bulk software exports. The EDF will replace the existing GR/PP form used for declaration of export of Goods.
- *A.P. (DIR Series) Circular No. 53, dated 24th September, 2013* : Relaxing norms to raise funds from abroad, RBI has decided to allow companies in all sectors to avail of trade credit not exceeding USD 20 million up to a maximum period of five years for import of capital goods as classified by DGFT. Earlier, only companies in the infrastructure sector were allowed to raise such trade credits. It has also been decided to relax the ab-initio contract period of 15 months for all trade credits to 6 months.
- *DBS.CO.PPD No. 3578 /11.01.005/2013-14, dated 25th September, 2013* : RBI banned 0% interest schemes for purchase of consumer goods through credit cards. According to RBI, in the 0% EMI schemes offered on credit card outstanding, the interest element is often camouflaged and passed on to customer in the form of processing fee.

FOREIGN TRADE

- *Public Notice No.24/(RE 2013)/2009-14, dated 5th September, 2013* : In addition to sea ports/ICDs, export of finished leather, Wet Blue and EI Tanned Leather would also be permitted through Air Ports.
- *Policy Circular No 06 (RE-2013/2009-14), dated 16th September, 2013* : As per the Section 7 of The Foreign Trade (Development and Regulation) Act, 1992, read along with Rule 12 of Foreign Trade (Regulation) Rules, 1993 every person should make import or export only with Importer-exporter Code Number allotted to him. The IEC Number cannot be used by anyone other the IEC holder himself/herself. Non-compliance would attract action under S. 8 and 11 FT (DR) Act.
- *Public Notice No.26/(RE 2013)/2009-14, dated 20th September, 2013* : Public Notice No. 27 dated 19.10.2012 and Public Notice No. 38 dated 18.12.2012 had listed certain agencies as Pre Shipment Inspection Agency (for all the notified countries as mentioned in these public notices). From these lists, the name of M/s. Geo Chem Far East Pvt. Ltd., stands deleted with immediate effect.
- *Notification No 44 (RE-2013) / 2009-2014, dated 25th September, 2013* : Few amendments have been made in Notification No. 27 dated 28.12.2012 for claiming benefit of Incremental Export Incentivisation Scheme. (i) Benefit of Incremental Export Incentivisation Scheme for the last quarter of 2012-13 will be limited to 25% growth or Incremental growth of Rs. 10 crores in value, whichever is less. (ii) Claims in excess of this value will be subjected to greater scrutiny by Regional Authority.

CORPORATE LAW

- *S. P. Gupta v. Packwell Manufacturer (Delhi) Pvt Ltd* reported as *MANU/DE/2937/2013* : The Hon'ble High Court of Delhi held that the u/s 402 of the Companies Act, the CLB has power to pass an order for the removal of statutory auditor and there would be no need to seek the permission of Central Government u/s 224(7). It was further observed that such power must be exercised only if it has a nexus with the object sought to be achieved by the ultimate order passed for prevention of oppression or mismanagement.
- *Grandeur Collection v. Shabi Fashions Pvt. Ltd.* reported as *MANU/DE/2752/2013* : The Ho'ble High Court of Delhi held that there is no requirement that the statutory winding-up notice should be served on the company; it was only necessary to send the notices to the registered office of the company. It was further noted that the non-receipt of notice by the company would be of no consequence.
- *Innovatherm GmbH v. Sesa Goa Ltd* reported as *MANU/MH/1345/2013* : The Hon'ble Bombay High court held that the creditors of the transferee Company would have no right to intervene in the petition filed by the transferor Company under Section 391 of the Companies Act.
- *Yash Deep Trexim Private Ltd v. Namokar Vinimay Pvt. Ltd. & Ors, dated 23rd September, 2013 (SC)* : The company can no longer fall within the ambit of 'sick industrial company' taking under consideration the present financial health of company. Therefore the question that whether the provision of SICA, 1985 are applicable to the "foreign companies" registered in India under the provisions of Section 591 of the Companies Act, 1956 becomes redundant to be taken up.
- *Uniglobal Papers Pvt. Ltd. & Universal Paper Mills v. Appellate Authority for Industrial and Financial Reconstruction & Ors., dated 23rd September, 2013 (High Court of Calcutta)* : A Company declared to be sick in terms of the provisions of SICA, 1985, continues to be sick unless it is to be wound up. Till the Company remains a sick Company having regard to the provisions of sub section (4) of Section 20, BIFR alone shall have jurisdiction as regards sale of its assets till an order of winding up is passed by a Company Court. So long as the scheme is under consideration before BIFR, it is the legislative intent that such scheme should not be frustrated by the impediments created by third parties and even by management of sick industrial company, in relation to the assets of the company.

CAPITAL MARKET

- *CIR/MIRSD/ 07 /2013, dated 12th September, 2013* : SEBI vide circular No CIR/MIRSD/ 11 /2012 dated September 5, 2012 issued certain clarifications on 'Know Your Client' requirements in case of foreign investors viz. Foreign Institutional Investors, Sub Accounts and Qualified Foreign Investors. This circular is issued in partial modification to the provisions of circular dated September 5, 2012. Eligible foreign investors investing under Portfolio Investment Scheme ('PIS') route shall be classified as Category I, II and III as provided in Annexure A (of present circular). Eligible foreign investors investing under PIS route shall be subject to KYC review as and when there is any change in material information disclosure.
- *CIR/CFD/POLICYCELL/10/2013, dated 17th September, 2013* : Regulation 15(i) of Buy Back Regulations, 1998, requires companies to upload information regarding shares or other specified securities bought back on its website as may be specified by SEBI and submit the same to the respective Stock Exchanges. Regulation 20(j) mandates Merchant Bankers to file a post offer report with SEBI. The necessary formats to enable the

listed companies and the merchant bankers to make disclosures and ensure compliance with the extant regulatory requirements, are specified in Annexure 1 and 2 of the present circular.

- *Amit Bhagvatprasad Barot v. SEBI & Ors.*, dated 3rd September, 2013 (SAT) : Where a complaint filed by an investor (for fraudulent misrepresentation made by Acquirer, contravening SAST Regulations) is rejected without considering allegations in complaint, then, it would be open to investor to file an appeal under Section 15T of SEBI Act alleging that SEBI has failed to protect interests of investor.
- *Vitro Commodities Pvt. Ltd. v. SEBI*, dated 4th September, 2013 (SAT) : Regarding quantum of penalty under Section 15(J) of SEBI Act, 1992 and Rule 5 of Rules require that while adjudicating quantum of penalty, adjudicating officer shall have due regard to following factors: (a) the amount of disproportionate gain or unfair advantage wherever quantifiable, made as a result of the default; (b) the amount of loss caused to an investor or group of investors as a result of the default; (c) the repetitive nature of the default.
- *S.P.J Stock Brokers Pvt. Ltd. v. SEBI*, dated 4th September, 2013 (SAT) : Synchronized trade is per se not illegal. Synchronized transaction would be illegal if it is executed with a view to manipulate the market, is dubious in nature and is executed with a view to avoid regulatory detection, does not involve change of beneficial ownership or is executed to create false volumes resulting in upsetting market equilibrium etc. In absence of this, it cannot be inferred that appellant was guilty of violating PFUTP Regulations or Broker Regulations.

COMPETITION

- *Lt. Col Anjali Kumar Singh v. City Corporation Ltd.*, dated 4th September, 2013 (CCI) : In order to attract the provisions of Section 4 of the Act, first the relevant market needs to be defined. The presence of other well-known developers in the relevant market prima facie negates the possibility of the informant being dependent on OP or OP being dominant. Since OP does not appear to be in a dominant position in the relevant market, the issue of abuse of dominant position in the market by OP does not arise under Section 4.
- *Om Prakash v. Central Bureau of Narcotics & Ors.*, dated 16th September, 2013 (CCI) : First, it has to be ascertained that OPs are enterprises within meaning of Section 2(h) or the group as defined under clause (b) of explanation to Section 5 of the Act. Thereafter, relevant market has to be delineated keeping in view the relevant product market and the relevant geographic market, followed by determination of position of strength (dominance) of the enterprise/group in the relevant market. Ultimately, if dominance of enterprise/group is established, the abuse can be examined in light of provisions of Section 4 of the Act. Owing to the nature of activities of OPs, they cannot be compared to a commercial organization and do not qualify to be an enterprise within the meaning of Section 2(h) of the Act.
- *All Odisha Steel Federation v. Odisha Mining Corporation*, dated 19th September, 2013 (CCI) : To protect its business interest a company may adopt any methodology of price setting depending on the market conditions and set conditions in Price Setting Tenders (PSTs). On unfair pricing the Commission is of the view that since chrome ore is a non-renewable natural resource, it's pricing and supply cannot be determined by the market forces. Chrome ore is not like any other commodity, which can be supplied to any extent, whose price can be determined on the free market economy principle. Even though the Opposite Party is in a dominant position in the relevant market its alleged conduct is not abusive in terms of the provisions of Section 4 (2) (a) (i) and 4 (2) (a) (ii) of the Act.

INDIRECT TAXES**CUSTOMS**

- *Notification No. 44 / 2013 - Customs, dated 17th September, 2013* : To protect the interests of small artisans, the BCD on import of articles of jewellery and of goldsmiths' or silversmiths' wares and parts thereof is being increased from 10% to 15%.
- *Notification No. 45 / 2013 - Customs, dated 17th September, 2013*: Duty Free Import Authorisation (DFIA) Notification No. 98/2009 amended and it has been notified that the importer shall pay an amount equal to the safeguard duty and anti-dumping duty exempted at the time of import under DFIA along with interest at the rate of 15% p.a., if such material is transferred with the permission of the regional authority.
- *Notification No. 46 / 2013 - Customs, dated 26th September, 2013* : In a case of default in export obligation, when the duty on goods is paid to regularise the default along with interest on such customs duty, it is notified that the amount of interest so paid by the importer shall not exceed the amount of duty payable for this default.
- *Notification No. 97 / 2013 - Customs (N.T.), dated 14th September, 2013* : The Central Excise Duties and Service Tax Drawback Rules, 1995 amended w.e.f September 21, 2013 so as to allow drawback on some dairy products not hitherto covered by drawback scheme.
- *Notification No. 98 / 2013 - Customs (N.T.), dated 14th September, 2013* : The revised All India Rates of Duty Drawback under the Drawback Rules are notified which are effective from 21 September 2013.
- *Circular No. 34 / 2013 - Customs, dated 4th September, 2013* : In order to operationalize the RBI's fresh guidelines for import of gold and gold dore bars, revised procedure and guidelines has been notified to be followed by the Nominated Agencies for import of gold.
- *Circular No. 35 / 2013 - Customs, dated 5th September, 2013* : It has been clarified that speaking orders, after following the principles of natural justice, has to be issued in case of sanction or rejection of drawback claims for re-export of goods.
- *Circular No. 36 / 2013 - Customs, dated 5th September, 2013* : It has been clarified that Bluetooth Wireless Headset for mobile phones/ cell phones are classifiable under Custom Tariff Heading (CTH) 8517/subheading 8517 62, as the communication function for mobile telephone is the principal function of the product.
- *Circular No. 38 / 2013 - Customs, dated 17th September, 2013* : Detailed guidelines has been issued as to imperative conditions and procedure to be followed when exercising the power to arrest and post-arrest formalities in relation to offences punishable under the Customs Act, 1962.
- *Pioneer India Electronics (P) Ltd v. UOI & Anr, dated September 13, 2013 (High Court Of Delhi)* : Where the goods are released on provisional assessments, claim for SAD refunds can be made within the period of one year or six months, as the case may be of finalisation of assessment.

CENTRAL EXCISE

- *Notification No. 27 / 2013 - Central Excise, dated 12th September, 2013* : Notification No. 12/2012-CE dated March 17, 2012 amended, to provide for exemption from payment of excise duty (subject to certain conditions) to specified goods used in manufacture of rotor blades and intermediates, and parts thereof for wind operated electricity generators.
- *Circular No. 973 / 07 / 2013 - Central Excise, dated 4th September, 2013* : It has been clarified that clearance of goods by debiting duty credit scrips in terms of exemption Notifications No. 29/2012-CE, 30/2012-CE and 31/2012-CE, 32/2012-CE and 33/2012-CE all dated July 9, 2012 shall not be treated as clearance of exempted goods. Instead, it is to be treated as payment of duty for the purpose of applicability of Rule 6 of the Cenvat Credit Rules, 2004.
- *Circular No. 974 / 08 / 2013 - Central Excise, dated 17th September, 2013* : Detailed guidelines have been issued as to imperative conditions and procedure to be followed when exercising the power to arrest and post-arrest formalities in relation to offences punishable under the Central Excise Act, 1944.
- *M/s KCP Ltd v. CCE, Chennai, September 03, 2013 (Supreme Court of India)* : Held that to avail the MODVAT credit, the input on which excise duty is paid must be used in the manufacture of the final product in the factory of the assessee. In the instant case, the machinery purchased by the appellant had not even been tested or was not even unwrapped in his factory. In fact the appellant had only acted as a trader or as an exporter in relation to the machinery purchased by it, which had been exported and used for setting up a sugar plant in a foreign country. Therefore MODVAT credit denied.

SERVICE TAX

- *Notification No. 13 / 2013 - Service Tax, dated 10th September, 2013* : The National Skill Development Corporation (NSDC) and its approved council/agencies/training has been exempted from payment of service tax on various skill development programs/courses etc. offered by NSDC.
- *Order No. 1 / 1 / 2013 - Service Tax, dated 17th September, 2013* : Ad hoc exemption has been granted in the state of Uttarakhand from payment of service tax on services by way of accommodation in a hotel/inn/guest house/ club/ campsite and serving of food and beverages by hotels, guest houses, restaurants etc. for the period from 17 Sep, 2013 to 31 Mar, 2014.
- *Circular No. 171 / 6 / 2013 - Service Tax, dated 17th September, 2013* : Detailed guidelines have been issued as to imperative conditions and procedure to be followed when exercising the power to arrest and post-arrest formalities in relation to offences punishable under the Finance Act, 1994.
- *Circular No. 172 / 7 / 2013 - Service Tax, dated 19th September, 2013* : It has been clarified that certain 'auxiliary educational services' like hostels, housekeeping, security services, etc. provided to an educational institution would be exempt from levy of service tax.
- *M/s K Anand Caterers v. UOI, dated September 16, 2013 (High Court Of Allahabad)* : The Department initiated recovery proceedings under Section 87 (recovery), even as the petitioner's application under the Service Tax Voluntary Compliance Encouragement Scheme, 2013 (VCES) was pending. High court held that unless VCES

application is considered and decided, no proceedings under Section 87 may be allowed to continue. The object of the VCES may be defeated, if the recovery is allowed to proceed.

- *M/s Bhayana Builders (P) Ltd & Ors. v. CST, Delhi and Ors., dated September 06, 2013 (CESTAT)* : A larger bench of CESTAT held that the value of goods and materials supplied free of cost by a service recipient to the provider of the taxable construction service, being neither monetary or non-monetary consideration paid by or flowing from the service recipient, accruing to the benefit of service provider, would be outside the taxable value or the gross amount charged.

INTELLECTUAL PROPERTY RIGHTS

PATENTS

- *Business Today, dated September 16, 2013* : The US Food and Drug Administration (FDA) has issued an import alert on drugs produced by the Ranbaxy Laboratories at its Mohali plant in Punjab, for violation of current good manufacturing practices. According to the company's website, the Mohali plant produces oral solids in dosage form.

TRADEMARKS

- *CIPLA Limited, Mumbai v. (1) Registrar of Trade Marks, Mumbai; (2) Union of India, dated 23rd September, 2013 (Bombay HC)* : Mandatory requirement of notice u/s 25(3) of the Act (notifying the date of expiration and the conditions as to payment of fees) was not fulfilled by the respondent and petitioner's mark was removed from the register due to non-renewal. High court directed the respondents to grant restoration and renewal of the trade mark registration to the petitioner paying the requisite charges and complying with the requisite formalities.
- *M/s. Anuj Textiles Pvt. Limited v. M/s. Anushree Textiles Pvt. Ltd, September 20, 2013 (IPAB)* : In an application for recertification of a registered trade mark, the main issue would be to decide if the applicant is an aggrieved person and if the applicant is a person aggrieved, the applicant can file and maintain an application for rectification.
- *M/s. Dejamus Assets Ltd. v. M/s. Casio Keisanki Kabushiki Kaisha and Anr., September 13, 2013 (IPAB)* : The rival marks in this case were CASIO Vs. KADIO for similar goods. In opposition proceedings, the onus is always on the applicant for registration to prove that the registration if granted, will not cause any confusion or deception. Only there after the burden shifts on to the respondent. In the present case applicant failed to satisfy the same and tribunal held that the rival marks are deceptively similar and there is possibility of confusion being caused.
- *Gulf Gate Hair Care Hair Fixing Pvt. Ltd v. M/s. Brothers Gulf Gate Hair Care Centre, September 10, 2013 (IPAB)* : It is obligatory on the part of the applicant for registration of the trade mark to seek a request of search in order to find out any similar trade mark having been registered/pending in the Registry. On receipt of such search request the Registrar is, mandatorily required to cause a search amongst the registered trademarks and the pending applications for the purpose of ascertaining whether there are on record in respect of the same goods

or services or similar goods or services any mark identical with or deceptively similar to the mark sought to be registered.

CONSUMER

- *Subbra Bose v. ICICI Lombard General Insurance Co. Ltd., dated 2nd September, 2013 (NCDRC)* : The owner of the vehicle took all possible steps to lodge his claim with the Opposite Party (OP), through the toll free number and even personally at their regional branch. Considering all these circumstances it appears that the OPs instead of settling the rightful claim of the insured resorted to unfair trade practices of denying the claim to the insured/owner of the vehicle. OPs behaviour is evasive; it is deficiency in service.
- *M/s Moran Plantation Pvt. Ltd. v. M/s Ambience Pvt. Ltd., dated 2nd September, 2013 (NCDRC)* : The word “Commercial purposes” would cover an undertaking the object of which is to make a profit out of the undertakings. Flats were purchased by the complainants for earning profits and transaction is thus relatable to commercial purpose and complainants not being the “consumers” within the meaning of Section 2(1)(d) of Consumer Protection Act, 1986, the complaint itself is not maintainable under the Act.
- *Saurav Minor & Ors. v. New India Assurance Co. Ltd., dated 2nd September, 2013 (NCDRC)* : The facts and circumstances of the case clearly show that the consumer complaint was barred by limitation under section 24(A) of the Consumer Protection Act, 1986, so much so, that application for condonation of delay was also not filed before the District Forum. The inordinate delay in filing the appeal before the State Commission has also not been properly explained by the complainant. Unless there are cogent and convincing reasons for condoning the delay in filing a petition, the same should not be condoned.
- *Delhi Assam Roadways Corporation v. United India Assurance Co. Ltd., dated 3rd September, 2013 (NCDRC)* : Respondent / opposite party had repudiated the claim on the ground of excessive over-loading which in view of Commission had a direct causal link with the accident resulting in damage to the vehicle. Claim was dismissed on the ground of violation of terms of the policy.
- *M/s Tida Riceland Pvt. Ltd. v. M/s United India Insurance Co. Ltd., dated 4th September, 2013 (NCDRC)* : Mere fact that the default or deficiency on the part of the carrier may also amount to a breach of contract under the general law will not in any way affect the jurisdiction of the forums set up under the special law namely the Consumer Protection Act, 1986 and once it is found that there is hiring of service for consideration and that loss has been caused to the complainant on account of any deficiency in rendering the service, the aggrieved consumer is entitled to seek his remedy under the Consumer Protection Act.
- *Delhi Development Authority v. Dinesh Kumar Gupta, dated 9th September, 2013 (NCDRC)* : The matter remained under examination at various levels in the office of the DDA without any justifiable reason. It appears that there was no sense of urgency on the part of any official of the DDA to ensure that the appeal was filed within the prescribed time of 30 days. It has been clearly stated in the section 15 of the Consumer Protection Act, 1986 that an appeal against the order of the District Forum can be preferred before the State Commission within a period of 30 days from the date of the order. It has been laid down in the proviso to this section that if the State Commission is satisfied that there was sufficient cause for not filing the appeal within time, it may entertain the appeal even after the limitation. However, the court did not condone delay in filing appeal even

by Government department and further observed that condonation of delay is an exception and should not be used as an anticipated benefit for the Government departments.

- *M/s Muthoot Leasing and Finance Ltd., v. Sabu K., dated 12th September, 2013 (NCDRC)* : Under Section 21 (b) of the Consumer Protection Act, 1986, the scope of revisionary jurisdiction is very limited. Under Section 21, this Commission can interfere with the order of the State Commission where such State Commission has exercised a jurisdiction not vested in it by law, or has failed to exercise a jurisdiction so vested, or has acted in the exercise of its jurisdiction illegally or with material irregularity.
- *Bajaj Allianz General Insurance Co. Ltd. v. R. Saguna , dated 16th September, 2013 (NCDRC)* : In the case in hand, complainant is claiming personal accident benefits under the package policy which are admissible only when insured was possessing valid driving licence at the time of accident. As insured was not possessing valid driving licence at the time of accident, petitioner has not committed any deficiency in repudiating claim.
- *M/s Mandovi Motors Pvt. Ltd. v. Pravenchandra Shetty, dated 18th September, 2013 (NCDRC)* : The Commission or the Forum in the Act is entitled to award not only value of the goods or services but also to compensate a consumer for injustice suffered by him. Ops were directed to replace the vehicle with a new car along with a fresh warranty.
- *Devendra Singh v. Oriental Insurance Co. Ltd., dated 19th September, 2013 (NCDRC)* : As a matter of law, the consumer forum must deal with the complaint on merits only if the complaint has been filed within two years from the date of accrual of cause of action and if beyond the said period, the sufficient cause has been shown and delay condoned for the reasons recorded in writing. In other words, it is the duty of the consumer forum to take notice of Section 24A and give effect to it.
- *Sher Singh Shobta v. National Insurance Co. Ltd., dated 23rd September, 2013 (NCDRC)* : The insurance Company after having accepted the value of a particular vehicle could not disown that very figure on one pretext or other when they are called upon to pay compensation. This 'take it or leave it' attitude was clearly unwarranted not only as being bad in law but ethically indefensible. The Insurance Company was bound by the value put on the vehicle while taking the insurance policy.
- *Tata Motors Ltd. v. Hazoor Maharaj Baba, dated 25th September, 2013 (NCDRC)* : One who does not come to the Court with clean hands and withholds vital documents in order to get advantage on the other side, he would be guilty of playing fraud on the Court and has no right to approach the Court and he should be summarily thrown out at any stage of the litigation.

ENVIRONMENT

- *Hindustan Times, dated 30th September, 2013* : The National Green Tribunal had allowed 25 of the 34 restaurants in Hauz Khas Village to reopen if they installed waste water treatment plants within a month. These restaurants were shut down earlier for operating without the necessary pollution permits and were throwing oil and kitchen waste directly into the drains. They were also illegally extracting groundwater for commercial operations.

- *Hindustan Times, dated 30th September, 2013* : The Delhi government assured the National Green Tribunal that no construction will be done in Asola Bhatti Wildlife Sanctuary. The tribunal on September 4 had ordered an interim stay on a road stretch proposed to be constructed in the sanctuary in Delhi's southern ridge and said that no construction can take place inside a wildlife sanctuary without permission from the national board for wildlife.
- *The Economic Times, dated 30th September, 2013* : The Union urban development ministry has extended the scope of guidelines framed by it for greening of urban areas and landscaping to all states and UTs of the country vide a notification issued on September 23. The ministry has directed the chief secretaries of all states and administrators of all UTs to abide by these guidelines to ensure environmental preservation.
- *Hindustan Times, dated 17th September, 2013* : National Green Tribunal has directed the Himachal Pradesh State Pollution Control Board (HPSPCB) to ensure the closure of all the 34 hotels on the river Beas side in district Kullu and Manali which are operating without obtaining consent of the Board.

OTHERS

- *The Times of India, dated 13th September, 2013* : The Centre in an affidavit to the SC said that "The NGT is not functioning as per the provisions of the NGT Act. This has been resulting in embarrassment to the government before Parliament". The government was against the NGT for issuing *suo moto* notices despite being informed not to do so. First time an affidavit has been filed by government which attacks a quasi-judicial body.
- *The Hindu, dated 25th September, 2013* : Cabinet approved the methodology for auctioning coal blocks, providing for upfront and production-linked payments and benchmarking of coal sale prices. Coal blocks will be put for auction after the Environment Ministry reviews them, and bidders have to agree to a minimum work programme.
