



## CONTENTS

- **RBI & FEMA**
- **Foreign Trade**
- **Corporate Law**
- **Capital Market**
- **Competition**
- **Indirect Taxes**
  - Customs
  - Central Excise
  - Service Tax
- **Intellectual Property Rights**
  - Patents
  - Trademarks
- **Consumer**
- **Environment**

## RBI & FEMA

- *A.P. (DIR Series) Circular No.60, dated 1st October, 2013:* RBI has decided that *m.e.f.* the half year ending December 2013, XOS submission (a consolidated statement giving details of all export bills outstanding beyond six months from the date of export) should be made online and Bank-wide instead of the present system of branch-wise submission through the respective Regional Offices of RBI.
- *UBD.CO.LS.(PCB).Cir.No.24/07.01.000/2013-14, dated 1st October, 2013:* RBI has reviewed the norms for classification of financially sound and well managed (FSWM) urban co-operative banks (UCBs). The new criteria includes maintenance of a minimum CRAR of 10% on a continuous basis, gross NPAs of less than 7% and net NPAs of not more than 3%, no default in the maintenance of CRR / SLR during the preceding financial year, continuous Net profit for the last three years and sound internal control system with at least two professional directors on the Board.
- *A.P. (DIR Series) Circular No. 61, dated 10th October, 2013:* Further relaxing the foreign borrowing Rules for banks under the recently opened swap window, RBI has granted permission to banks to borrow from international/multilateral financial institutions for a limited period of up to November 30, 2013 and such borrowings should be for the purpose of general banking business and not for capital augmentation.
- *DPSS (CO) RTGS No.801/04.04.017/2013-14, dated 11th October, 2013:* RBI has launched its new real-time gross settlement (RTGS) system, a mechanism that enables transfer of money from one bank to another in real time and will be operational from October 19. It is also notified that with the implementation of the new system, the RTGS (membership) business operating guidelines of 2004 and RTGS (membership) regulations of 2004 will cease to exist.
- *A.P. (DIR Series) Circular No. 63, dated 18th October, 2013:* It has been decided to include only transactions involving export/import of goods and services among ACU countries as eligible for payment under the ACU Mechanism. Accordingly, Para 7 and sub-paragraph (b) of Para 8 of the Annex to the A.P.(DIR Series) Circular No.35 dated February 17, 2010 have been revised and updated.
- *UBD.CO.LS. (PCB). Cir. No. 30/07.01.000/2013-14, dated 15th October, 2013:* RBI has allowed financially strong and well-managed UCBs (on fulfilment of certain conditions) to open specialised branches, or central processing and retail assets processing centres.

## FOREIGN TRADE

- *Public Notice No. 29/(RE 2013)/2009-14, dated 1st October, 2013:* The Import Item No. 2 (b) of SION H-427 (Plastic Product Group) has been amended by replacing Aqueous Dispersion of Vinylidene Chloride by Aqueous Dispersion of Polyvinylidene Chloride. There is no change in description of the Export Product and rest of the Import Items. Further, there is no change in quantity allowed for any import item.

- *Notification No. 45 (RE-2013) / 2009-2014, dated 9th October, 2013*: MEP on export of edible oils in branded consumer packs of upto 5 Kgs has been reduced to USD 1400 per MT. Earlier it was USD 1500 per MT.
- *Public Notice No.31/(RE 2013)/2009-14, dated 17th October, 2013*: Mono cartons containing strips/vials/bottles shall be treated as Primary level packaging.
- *Notification No 46 (RE-2013) / 2009-2014, dated 23rd October, 2013*: In addition to the existing 12 Ports / ICDs, 2 more Land Custom Stations (Benapole/Petrapole & Agartala) across Indo-Bangladesh Border are permitted for importing new motorcycles.
- *Public Notice No.32/(RE 2013)/2009-14, dated 23rd October, 2013*: The entries No. G-7 and G-46 of Leather and Leather Product in the Standard Input Output Norms (SION) are revised as per Annex-I and Annex-II of the Notification respectively. These are in the nature of (a) deletion, (b) change in the description, and (c) technical specification detailed. No changes have been made either in description of concerned export product or in the permissible quantity of relevant inputs (in some cases, input has been deleted).
- *Public Notice No.33/(RE 2013)/2009-14, dated 24th October, 2013*: The description of the import item at SI. No. 1 of SION 'A-3504' of the Product Group "Chemical and Allied Products", has been corrected. The description of import item no. 1 may be read as "7-Chloro-1-cyclopropyl-6-fluoro-1,4-dihydro-4-oxo-3-Quinoline carboxylic acid" instead of "7-Chloro-1-cyclopropyl-6-fluoro-1,4-dihydro-4-oxo-3-Quinoline-3-carboxylic acid".
- *Policy Circular No 08 (RE-2013/2009-14, dated 25th October, 2013*: Public Notice No.22, dated 12.08.2013, provides an option for redemption/ regularisation of old cases of default in export obligation under (a)Duty exemption; and (b) EPCG Scheme. Para (d) of this Public Notice provides that necessary procedure including a system of filing required reports by the respective RAs would be indicated separately. That procedure is provided in the present circular.
- *Public Notice No.34/(RE 2013)/2009-14, dated 29th October, 2013*: Five new PSIA have been approved as Pre Shipment Inspection Agencies (PSIA), and enlisted in Appendix 5 of the Handbook of Procedures (Vol-I).

## CORPORATE LAW

- *R.P Khosla & Anr. v. CLB & Ors., dated 1st October, 2013 (High Court of Delhi)*: The phraseology employed in Section 148A of CPC is wide enough to enable the lodging of a caveat, on behalf of a third party litigant, who may not be impleaded in a particular proceeding. However, the lodging of that caveat itself would only entitle the caveator under such circumstances to bring to the notice of the court that such caveat is lodged. As to whether he is entitled to be heard, especially when the parties to the litigation do not admit or recognize his right to be heard, is a matter to be determined by the concerned court. Even if it is assumed that the petitioner's caveat was indeed lodged with the CLB, as is contended here, it would not automatically follow that the caveators would have a right to be heard, when they are not shown as parties. Mere lodgement of a caveat would not deprive the Court of its power to pass an order even if the caveator was not informed of the date of hearing of the matter.

- *M/s. Arcot Textile Mills Ltd. v. The Regional Provident Fund Commissioner & Ors., dated 18th October, 2013 (SC)*: On certain occasions the authority on its own may issue a demand notice under Section 7Q of Employees' Provident Funds and Miscellaneous Provisions Act, 1952, after long lapse of time by computing the delay committed by the employer in payment of the dues. When an independent order is passed under Section 7Q the affected person should have the right to file an objection if he intends to do. When a demand of this nature is made, it cannot be said that no prejudice is caused. An objection can be filed challenging the computation in a limited spectrum which shall be dealt with in a summary manner by the Competent Authority. Thus, computation sheet were directed to be supplied to the appellant.

### **CAPITAL MARKET**

- *CIR/MRD/DSA/32/2013, dated 4th October, 2013 (SEBI)*: To enable the mutual fund distributors also to leverage the stock exchange platform so as to improve their reach and mutual fund distributions, it has been decided to allow mutual fund distributors to use recognised stock exchanges' infrastructure to purchases and redeem mutual fund units directly from Mutual Fund/Assets Management Companies on behalf of their clients. This would be in addition to the existing channels of mutual funds distribution.
- *CIR/MIRSD/ 09/ 2013, dated 8th October, 2013 (SEBI)*: It has now been decided to accept e-KYC service launched by UIDAI also, as a valid process for KYC verification. The information containing relevant client details and photograph made available from UIDAI as a result of e-KYC process shall be treated as sufficient proof of Identity and Address of the client. However, the client shall have to authorize the intermediary to access his data through UIDAI system.
- *CIR/IMD/DF/16/2013, dated 18th October, 2013 (SEBI)*: Para 2 (c) of SEBI circular no. CIR/IMD/DF/04/2013 dated February 15, 2013, has been modified as under- "Gold certificates issued by Banks in respect of investments made by Gold Exchange Traded Funds in Gold Deposit Schemes can be held by mutual funds in dematerialized or physical form."
- *CIR/CFD/POLICYCELL/11/2013, dated 21st October, 2013 (SEBI)*: The format for disclosure under regulation 29 (1), 29 (2) and 31 of Substantial Acquisition of Shares and Takeovers Regulation, 2011 has been modified and placed as Annexure-1, Annexure-2 and Annexure-3 respectively.
- *CIR/IMD/DF/17/2013, dated 22nd October, 2013 (SEBI)*: It has been decided to create a centralized database regarding corporate bonds which are available in demat form for public dissemination. Both the depositories' viz. NSDL and CDSL, jointly, shall be the repository of information pertaining to the corporate bonds/debentures. This is pursuant to Dr. R.H. Patil Committee which recommended creation of "Centralized Database of information regarding Bonds".
- *CIR/CFD/DIL/12/2013, dated 23rd October, 2013 (SEBI)*: Pursuant to SEBI (Issue of Capital and Disclosure Requirements) Regulations, 2009, information which is of generic nature and not specific to the issuer shall be brought out in the form of a General Information Document (GID). To this end, the generic disclosures to be brought out in the General Information Document are enumerated at Annexure (to this circular).
- *CIR/MRD/DSA/33 /2013, dated 24th October, 2013 (SEBI)*: In order to facilitate capital raising by small and medium enterprises including start-up companies which are in their early stages of growth and to provide for

easier exit options for informed investors from such companies, it has been decided to permit listing without an Initial Public Offer and trading of specified securities of small and medium enterprises (SMEs) including start-up companies on Institutional Trading Platform (ITP) in SME Exchanges. The legal framework for such listing and trading of the specified securities on the ITP was laid down vide notification No. LAD-NRO/GN/2013-14/27/6720 dated October 08, 2013. (ITP Regulations).

- *CIR/MIRSD/10/2013, dated 28th October, 2013 (SEBI)*: Guidelines issued for standardisation and simplification of procedures for transmission of securities held in physical as well as dematerialized mode.
- *Ernest Healthcare Ltd. v. SEBI, dated 9th October, 2013 (SAT)*: SEBI requested to review its investor's grievances system, including ATR (action taken report) and communicational requirements and come out with a new system or modify the existing system, which is cost effective, saves unnecessary labour and also addresses investor's grievances effectively in a meaningful manner, within fixed time framework.
- *Kapil Chatrabhuj Bhuptani v. SEBI, dated 10th October, 2013 (SAT)*: Synchronized trades per se are 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. An insignificant percentage of the total trading executed during the period of investigation in this case does not seem to indicate any prior meeting of minds as alleged by the respondent.
- *M/s. Triveni Management Consultancy Services Ltd. v. SEBI, dated 10th October, 2013 (SAT)*: Deficiencies noticed in the impugned order are procedural deficiencies and do not involve any fraudulent action on the part of the appellants.
- *Angel Broking Pvt. Ltd. v. SEBI, dated 22nd October, 2013 (SAT)*: SEBI must endeavour to pass final order in any proceedings initiated by it, as expeditiously as possible, but on facts of present case, appellant/broker who had executed synchronized/circular trades on behalf of its client cannot escape penalty imposed by impugned order merely because SEBI has passed that order belatedly.
- *Rich Capital & Financial Services Ltd. v. SEBI, dated 22nd October, 2013 (SAT)*: Every company is obliged to reasonably respond to any letters or summons to be issued by the regulator by furnishing the required information and/or documents for a smooth investigation, unless such a request/demand by the regulator is shown to be the outcome of ill-will, or is tainted with malice and/ or is otherwise arbitrary in the fact situation of a given case. In case of failure on the part of the concerned person to furnish such records/information, heavy monetary penalty is prescribed in section 15A (a) of the SEBI Act, 1992.
- *Grishma Securities Private Limited & Ors. v. SEBI, dated 28th October, 2013 (SAT)*: Margin money is a pre-requisite and the requirements laid down by SEBI from time to time in this regard are mandatory and not merely directory which can be flouted by a member as per his own subjective decision. No circular authorizes the use by a broker of funds and/or securities of clients to cover margin requirements of other clients. Such action is prohibited. Under Regulation 26(xiii) of the SEBI (Stock Brokers and Sub-Brokers) Regulations, 1992, a broker using securities of funds of a client for his own purpose or for the purpose of any other clients is liable for a monetary penalty. The contention of the appellants in this regard that margin is their prerogative is misconceived and hence rejected.

**COMPETITION**

- *Association of Indian Mini Blast Furnaces v. National Mineral Development Corporation Limited, dated 3rd October, 2013 (CCI)*: The relevance of determining relevant market and dominance of an enterprise is only necessary in free markets. Since, in this case, the mining activities were being done as per the orders of the Supreme Court and pricing was looked after by another Committee, determination of relevant market may not be appropriate. Most of the actions of the OP stated in the information were in pursuance of the order of SC. OP 1 was producing iron ore in the State of Karnataka under the orders of the Supreme Court, and, neither it was selling nor fixing the sale price of iron ore in the State of Karnataka of its own.
- *Resident of Eldeco Elegance v. Eldeco Housing and Industries Ltd., dated 3rd October, 2013 (CCI)*: Explanation (a) to Section 4 says that the "dominant position" means a position of strength, enjoyed by an enterprise, in the relevant market, in India, which enables it to—(i) operate independently of competitive forces prevailing in the relevant market; or (ii) affect its competitors or consumers or the relevant market in its favour. It is not a case where OP could operate independent of competitive forces. Presence of other well-known builders in the relevant market negates the contention that informant or any other consumer was dependent on the opposite party alone for purchase an apartment.
- *Shubham Srivastava v. Department of Industrial Policy & Promotion, dated 8th October, 2013 (CCI)*: A department of the government can be classified as an enterprise if the functions discharged by it amounts to 'control of articles or goods, or the provision of services'. DIPP is constitutionally empowered to frame executive policy on FDI. September 20, 2012 decided to permit foreign airlines to invest in the capital of Indian companies, engaged in scheduled and non-scheduled air transport services up to a limit of 49% of their paid-up capital, in exclusion of Air India. This revision only gave an additional option to all private airlines to finance their capital needs through foreign direct investments from foreign airlines. Not allowing FDI from foreign airlines in Air India does not appear to be hampering competition in the relevant market in any way.
- *Amit Auto Agencies v. M/s King Kaveri Trading Co., dated 8th October, 2013 (CCI)*: Explanation (a) to Section 4 says that the "dominant position" means a position of strength, enjoyed by an enterprise, in the relevant market, in India, which enables it to—(i) operate independently of competitive forces prevailing in the relevant market; or (ii) affect its competitors or consumers or the relevant market in its favour. Section 19(4) of the Act states that the Commission needs to consider various factors stated therein while assessing whether an enterprise enjoyed a dominant position or not. Presence of other traders of repute shows prevalence of competition. To establish Appreciable Adverse Affect on Competition, regard must be had to following factors— **a)** creation of barriers to new entrants in the market; **b)** driving existing competitors out of the market; **c)** foreclosure of competition by hindering entry into the market; **d)** accrual of benefits to consumers; **e)** improvements in production or distribution of goods or provision of services; **f)** promotion of technical, scientific and economic development by means of production or distribution of goods or provision of services.

**INDIRECT TAXES****–CUSTOMS**

- *Notification No. 47 / 2013 - Customs, dated 10th October, 2013*: Notification No. 53/2011-Cus dated 1st July, 2011 amended, so as to provide deeper tariff concessions in respect of specified goods imported from Malaysia under the India-Malaysia Comprehensive Economic Cooperation Agreement (IMCECA).
- *Notification No. 22 / 2013 - Customs (ADD), dated 10th October, 2013* : Anti-dumping duty levied on imports of Bulk Drug Cefadroxil Monohydrate, originating in, or exported from the European Union, for a period of five years.
- *Notification No. 23 / 2013 - Customs (ADD), dated 10th October, 2013*: Anti-dumping duty levied on imports of Ductile Iron Pipe, originating in, or exported from the People's Republic of China, for a further period of five years.
- *Notification No. 24 / 2013 - Customs (ADD), dated 21st October, 2013*: Anti-dumping duty levied on imports of Methylene Chloride, originating in, or exported from the European Union, USA and Korea RP for a period of Six Months.
- *Notification No. 26 / 2013 - Customs (ADD), dated 28th October, 2013*: Anti-dumping duty levied on imports of Paracetamol, originating in, or exported from the People's Republic of China for a further period of five years.
- *Circular No. 39 / 2013 - Customs, dated 1st October, 2013*: It has been clarified that there is no interest on Customs bonded goods for a period of 90 days from the date of deposit of the goods in the warehouse i.e. the interest starts accruing only when the goods deposited in a warehouse remain warehoused beyond a period of ninety days.
- *Circular No. 41 / 2013 - Customs, dated 21st October, 2013*: It has been clarified that an importer while availing of BCD exemption on steam coal under India-ASEAN FTA notification No. 46/2011-Cus can simultaneously avail of concessional CVD at 2% under notification No. 12/2012-Cus.

**–CENTRAL EXCISE**

- *Notification No. 28 / 2013 - Central Excise, dated 1st October, 2013*: Notification No. 10/1997–CE dated March 1, 1997 amended, so as to provide exemption from payment of excise duty (subject to specified conditions) to (a) scientific and technical instruments, apparatus, equipment (including computers); (b) accessories and spare parts of goods specified above and consumables; (c) computer software, CD-ROM, recorded magnetic tapes, microfilms, microfiches; and (d) prototypes when supplied for research purpose to department and laboratories of the Central and State Governments other than a hospital.

- *Instruction No. 267 / 39 / 13 - Central Excise, dated 1st October, 2013*: The time limit for disposal of rebate claim has been reduced from 90 days to 30 days from date of receipt of claim complete in all respect, except those requiring pre-audit.
- *M/s. British Scaffolding India Pvt. Ltd and Ors. v. CCE, Delhi, dated 1st October, 2013 (CESTAT)*: Evidence on record showed that it is BSL, Delhi controlled by Sh. H. R. Shiv and his family members, which had pervasive financial and management control over ESIL, LHIL, NIPL, SGBL & FSIL and only to wrongly avail the SSI Exemption, the manufacturing activities had been split up into several companies. Therefore, ESIL, LHIL, NIPL, SGBL & FSIL have to be treated as the units owned by BSL, Delhi and for determining their eligibility for SSI Exemption, their clearances during the preceding financial year have to be clubbed and if this is done, none of them would be eligible for SSI Exemption. Held that the duty demands and penalties were correctly imposed on each of the six Appellant companies.
- *ONGC Ltd v. UOI, dated 8th October, 2013 (High Court Of Bombay)*: While adjudicating upon refund claims it is necessary in the interest of justice for the assessing officers as well as the first appellate authorities to dispose of all the objections so that proceedings do not remain pending for several years in CESTAT. HC directs CBEC to issue necessary guidelines in this regard.

#### —SERVICE TAX

- *Notification No. 14 / 2013 - Service Tax, dated 22nd October, 2013*: Services provided in relation to serving of food and beverages by factory canteen having facility of air-conditioning or central air-heating has been exempted from levy of service tax.
- *Circular No.173 / 8 / 2013 - Service Tax, dated 7th October, 2013*: It has been clarified that when food is sourced from a common kitchen in a complex having more than one clearly demarcated and separately named air conditioned and non-air conditioned restaurants, only service provided in air-conditioned restaurant is liable to service tax. In such cases, service provided in non-air-conditioned/ non centrally air-heated restaurant will be treated as exempted service and Cenvat credit entitlement will be as per the Cenvat Credit Rules, 2004.
- *M/s. Jaylaxmi Credit Company Ltd v. CCE & ST, Daman, dated 1st October, 2013 (CESTAT)*: Held that in case of EMIs the rate of service tax, prevailing on the date on which contract is entered into will be applicable and not the higher rates made effective the subsequent Finance Act periods during which EMIs are continued to be paid.
- *M/s. Kamania Computer Academy Pvt. Ltd v. CCE & ST, Rajkot, dated 1st October, 2013 (CESTAT)*: The plea of the appellant that he had not received some Annexures to the SCN which the appellant has sought, based on which the demands have been worked out and there is an error in computing the service tax liability was not considered by the adjudicating authority and also by the first Appellate Authority. Held that there is gross violation of principle of natural justice by both the lower authorities and remanded the matter back to the adjudicating authority for reconsidering the issue afresh, after giving the copies of the Annexures to the SCN.

- *Dr. Reddy's Laboratories Ltd v. CCE Visakhapatnam, dated 4th October, 2013 (CESTAT)*: In the absence of any explanation whatsoever for 34 days on the part of the appellants to satisfy the condonation of delay in filing the appeal, the application for condonation of delay was rejected.
- *Mettur Thermal Power Station v. CCE (ST), Salem, dated 6th October, 2013 (CESTAT)*: The activity of collection and removal of Fly ash as per rate of the order of Government of Tamil Nadu would not constitute infrastructural support service under the definition of Support Service of Business or Commerce. Subsequently, Thermal Power Stations are permitted to sell Fly ash to the user agencies. Consideration received by the appellant from the cement and asbestos sheet companies for supply of Fly ash seems to be for sale of fly ash and it is not for any service provided to the persons taking delivery of Fly ash, notwithstanding the name under which, it is collected. Hence, the demand of service tax along with interest is not sustainable.
- *CCE, Lucknow v. M/s. Altcom Pvt. Ltd, dated 3rd October, 2013 (CESTAT)*: Held that preparation of EPIC which consists of camping at several places for capturing photos of Electors after verification, printing of details of Electors, pasting of photos of Electors on cards, lamination of cards, preparation of duplicates of EPIC in miniaturized form and delivery of miniatures to DEO is not covered under Photography Service and therefore, appellant's demand of service tax along with interest is rejected.

## INTELLECTUAL PROPERTY RIGHTS

### –PATENTS

- *Associated Capsules (P) Ltd & Ors. v. The Controller of Patents & Designs & Ors., dated 17th October, 2013 (IPAB)*: The Controller has decided the matter on 12.12.2007 even before the Opposition Board had forwarded their recommendations which are dated 01.01.2008. Held that the rule makes it clear that the Controller shall decide the matter after considering the Opposition Board's recommendation, which has been totally ignored by the Controller and therefore the matters were sent back to the Controller for fresh consideration.
- Indian Patent Office starts functioning as International Searching Authority and International Preliminary Examining Authority under the PCT from 15<sup>th</sup> October 2013.

### –TRADEMARKS

- *M/s. Sony Kabushiki Kaisha v. M/s. A.B. Textiles & Ors., dated 25th October, 2013 (IPAB)*: The respondent's mark "abt SONY" for garments was denied registration because of the spill over effect of goodwill and reputation of the appellant's well known mark "SONY" that travels across the borders and across all type of goods.
- *M/s. Surma Kanwal Nain Pharmacy & Ors. v. M/s Ambica Pharmacy, dated 25th October, 2013 (IPAB)*: Held that the word 'SURMI' denotes 'SURMA' to the common man. Merely changing one alphabet in the end does not necessarily mean the word has lost its primary descriptive significance. SURMI is a minor variation of SURMA and in rural areas and country side it could be easily taken to mean SURMA for girls and ladies given the low standard of literacy. Therefore granting registration for the word SURMI (word per se) is grossly illegal.



- *Walter Bushnel Pvt. Ltd v. Mankind Pharma Pvt. Ltd., dated 31st October, 2013 (IPAB)*: Since both the applicant and the respondent are engaged in the manufacture and sale of pharmaceutical and medicinal preparations and the applicant is the prior user in respect of the trade mark "DROTIN" as compared to the respondent's impugned trade mark 'DROTIKIND" and the word "KIND" is only a suffix to the word "DROTT". Held that both the trademarks are visually, structurally similar and identical and likely to cause deception and confusion in the mind of the consumers.
- *Mr. Raish Chander Shukla trading as M/s. Mohammad Sattar & Co v. Mr. Abdul Ghaffer trading as M/s. Abdul Ghaffer & Co., dated 31st October, 2013 (IPAB)*: The main ground of the rectification application is the non-use of the mark by the respondents. The respondents have neither filed their counter statement nor have they appeared before the board to counter the statement of non-use. And since the respondents are not using the impugned trade mark the ground of non-use is allowed.
- *T.V. Today Network Ltd. & Anr. v. Kesari Singh Gujjar & Ors, dated 7th October, 2013 (Delhi High Court)*: Plaintiffs are the proprietors of the well-known trademark/logo "AAJ TAK" and the defendants also published newspaper with the name "AAJTAK". Held that the mark adopted by the Defendants is phonetically, structurally and visually identical to the registered mark of the Plaintiffs and adoption and use of the impugned mark by the defendants will cause detriment to the distinctive character and repute of the Plaintiff's mark. Therefore the act of the Defendants constitutes infringement of Registered Trade Mark of the Plaintiff as well as Passing Off under Section 29(1), 29(2) and Section 29(4) of the Trade Marks Act.

## CONSUMER

- *V.K. Appliances v. New India Assurance Co. Ltd., dated 1st October, 2013 (NCDRC)*: If the delay is condoned, the very purpose and Scheme of the Act, 1986, shall stand defeated. The Act envisages summary procedure and has its own period of limitation. Day-to-day delay has not been explained. The expression, 'shall not admit a complaint' occurring in Section 24A is sort of a legislative command to the Consumer Forum to examine on its own whether the complaint has been filed within limitation period prescribed thereunder. For the reasons to be recorded in writing Consumer Forum may condone the delay in filing the complaint if sufficient cause is shown.
- *Harish Kumar Chadha v. M/s Baja Allianz Life Insurance Co. Ltd., dated 7th October, 2013 (NCDRC)*: The terms and conditions of the contract entered into between the parties have to be strictly construed and no deviation can be made there from.
- *K. Baskaran v. Standard Chartered Bank & Ors., dated 10th October, 2013 (NCDRC)*: Under section 21 (b) of the Act, this Commission can interfere with the order of the State Commission where such State Commission has exercised jurisdiction not vested in it by law, or has failed to exercise jurisdiction so vested, or has acted in the exercise of its jurisdiction illegally or with material irregularity.
- *M/s Honda Cars India Ltd. v. Jatinder Singh Madan, dated 11th October, 2013 (NCDRC)*: Once vehicle is sold during pendency of the complaint, complainant does not remain consumer for the purposes of Consumer Protection

Act. Complainant has sold the car during pendency of appeal; hence, he remains no more consumers under the Consumer Protection Act and complaint is liable to be dismissed.

- *Raj Bala v. Managig Director, Skoda Auto India Pvt. Ltd., dated 23rd October, 2013 (NCDRC)*: Consumers cannot throw their weight around and be adamant to decide on their own that there is manufacturing defect in the vehicle without any supporting evidence or justification. The onus to prove that there was manufacturing defect was on the complainant.
- *State Bank of Patiala v. Krishan Kaul, dated 25th October, 2013 (NCDRC)*: Money was snatched by third person from complainant's hands when he was in bank premises in front of cash counter and security guard was watching the procession passing through the road. Security guard employed by the petitioner was meant for protecting properties of petitioner and admittedly money in the hands of respondent was not the property of the petitioner till it was handed over to cashier of petitioner. If a customer is assaulted by another customer in bank premises, then bank or its security guard cannot be held responsible in Civil/Criminal proceedings.

## ENVIRONMENT

- *Order No. 25/35/2013 - ESZ - RE - Ministry of Environment and Forests, dated 24th October, 2013*: The area up to one kilometre beyond the boundaries of the National Parks and Sanctuaries in Goa declared as the Ecologically Sensitive Zone under the Environment (Protection) Act, 1986 and mining activities in these areas are now banned as per the Act.
- *The Times of India, dated 10th October, 2013*: NGT while observing that the National Highway-37 passing through Jakhlabandha, Bokakhat and Kaziranga National Park is not only in violation of the conditions imposed by the MoEF while granting permission to the project but it will also disturb the wildlife there, has asked the state government to refrain from widening and soldering of the stretch of that Highway.
- *The Times of India, dated 29th October, 2013*: NGT has restrained DDA and other government authorities from taking any action on the notification issued by DDA on Sep 28 seeking to redraw the boundaries of 'Zone O' of the Yamuna till it issues specific orders regarding the matter.
- *The Economic Times, dated 18th October, 2013*: The International Agency for Research on Cancer (IARC), the specialized cancer agency of the World Health Organization (WHO), data revealed that exposure to outdoor air pollution causes lung cancer and increases the risk for bladder cancer.

\*\*\*\*\*