

# LEXPORT NEWSLETTER

## August 2025 | Week 4

Dear Readers,

This weekly newsletter offers you a concise analysis of important developments, notable judgments, and noteworthy regulatory amendments and developments in the corporate and financial sectors.

This newsletter will cover updates inter alia from **Banking Laws & FEMA, Corporate Laws, Securities Laws and Capital Markets, Competition Laws, Indirect Taxes, Customs and Foreign Trade, Intellectual Property Laws, and Arbitration Laws.**

Acknowledging the significance of these updates and the need to stay informed, this newsletter provides a concise overview of the various changes brought in by our proactive regulatory authorities and the courts.

Feedback and suggestions will be much appreciated. Please feel free to write to us at mail@lexport.in.

Regards,  
Team Lexport



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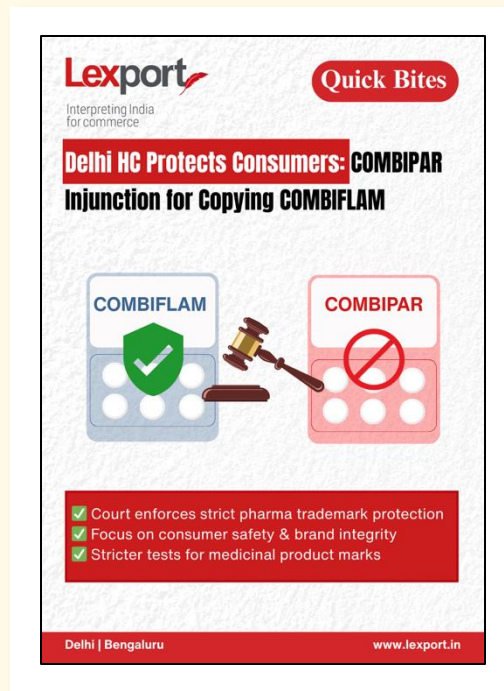
## Intellectual Property Rights

### Hon'ble Delhi High Court Grants Ad-Interim Injunction Against "COMBIPAR" for Deceptive Similarity to "COMBIFLAM"

The Hon'ble Delhi High Court granted Sanofi an ad-interim injunction restraining SGS Pharmaceutical from using the mark "COMBIPAR" and its deceptively similar packaging to Sanofi's registered "COMBIFLAM" mark for pain relief medicines. The Hon'ble Court found the marks phonetically alike, with near-identical trade dress, colour scheme, tablet appearance, and pricing, making them indistinguishable to an average consumer. Citing the stricter test for medicinal products from Cadila Healthcare, the Hon'ble Court held the defendant's adoption dishonest, noting its inability to justify the choice. Past infringement conduct and copied blister strip design further supported infringement. The Hon'ble Court also directed takedown from online platforms and disclosure of sales and inventory data. [Sanofi Consumer Healthcare India ... vs Sgs Pharmaceutical Private Limited (CS(COMM) 789/2025)]



**Ananya Singh**



### Delhi High Court Restrains Use of 'DESTINY' Marks by Urban Electric Mobility in Hero Motocorp Trademark Suit

The Delhi High Court granted an ex parte ad-interim injunction restraining Urban Electric Mobility and its associates from using the marks "DESTINY," "DESTINY+," and "DESTINY PRO" on electric scooters, holding them deceptively similar to Hero Motocorp's registered trademarks "DESTINY," "DESTINI," and "DESTINI PRIME." Justice Tejas Karia found a prima facie case of infringement and passing off, noting that the defendants' adoption of nearly identical marks was intended to ride on Hero's goodwill, mislead consumers, and erode brand distinctiveness. The defendants were barred from manufacturing, selling, or advertising scooters under the impugned marks through any offline or online means until further orders. [Hero Motocorp Limited v. Urban Electric Mobility Pvt. Ltd., CS(COMM) 832/2025]



**Anushka Tripathi**

## Intellectual Property Rights

### Delhi High Court Restrains 'BOS' Apparel for Infringing 'BOSS' Trademark of Hugo Boss

The Delhi High Court granted an ex parte ad-interim injunction in favour of German luxury fashion brand Hugo Boss AG against Jammu-based Burj of Sports for using the mark "BOS" on clothing, apparel, and sportswear, holding it deceptively similar to Hugo Boss's registered "BOSS" trademarks. The Court observed that the defendant's black-and-white stylized "BOS" mark was phonetically, visually, and structurally similar to "BOSS," likely to mislead consumers, and adopted without justification. The court restrained the defendant from manufacturing, selling, or promoting infringing apparel and sportswear, while deferring decision on sports equipment until the defendant's appearance. [Hugo Boss AG v. Javid Ahmad, CS(COMM) 792/2025]



**Anushka Tripathi**

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**Delhi High Court Protects Hugo Boss Brand - 'BOS' Apparel Barred**

- ✓ Trademark Protection Reinforced
- ✓ Phonetic & Visual Similarity Recognized
- ✓ Injunction Against Infringing Apparel

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### Hon'ble Delhi High Court Directs Defendant to Remove Injuncted Corporate Name from All Use

The Hon'ble Delhi High Court addressed Infosys Limited's grievance against the defendant's continued use of its injuncted corporate name, "Southern Infosys Limited," despite a prior order mandating a change due to trademark infringement and passing off. The defendant's reliance on Section 12 of the Companies Act, 2013, to retain references to the old name was rejected, with the Hon'ble Court reiterating that court-ordered name changes are distinct from voluntary changes and not bound by Section 12(3). The defendant agreed to cease use of its former name and was directed to display only its new name across all goods, services, promotional materials, and media, and to file a fresh compliance affidavit within two weeks. Infosys indicated willingness to dispose of the suit without pressing for damages upon compliance. [Infosys Limited vs Southern Infosys Limited (CS(COMM) 257/2024)]



**Ananya Singh**

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Quick Bites

**Delhi High Court Orders Complete Removal of Injuncted Corporate Name to Uphold Trademark Rights**

- Court Reinforces Trademark Protection
- Old Corporate Name Completely Barred
- Strict Compliance Order Within 2 Weeks
- Infosys Shows Readiness To Settle Post-Compliance

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## Intellectual Property Rights

### Hon'ble Delhi High Court Grants Permanent and Dynamic Injunction to Tata Power Renewable Energy

The Hon'ble Delhi High Court delivered a summary judgment in favour of Tata Power Renewable Energy Limited against two key defendants for trademark infringement, passing off, and unfair competition through the website [tatasolarpowerdistributor.com](http://tatasolarpowerdistributor.com). The Hon'ble Court found the defendants had no real defence, having slavishly copied Tata's registered marks and failing to appear or file a written statement. A permanent and dynamic injunction was granted, the infringing website was ordered to be suspended, and banks (Defendant Nos. 5–14) were directed to freeze and transfer funds from the fraudulent accounts to the RBI's Depositor and Education Awareness Fund. The suit was marked satisfied against other defendants who had complied with prior directions, and monetary damages were not pressed. The dynamic injunction allows Tata to implead any mirror or redirect websites in the future, ensuring continued enforcement of the decree. [Tata Power Renewable Energy Limited & vs Ashok Kumar/S & Ors (CS(COMM) 1015/2024)]



**Ananya Singh**

### Delhi High Court Recognizes Coexistence of "Pisco" GI for Chile and Peru Under Geographic Identifiers

The Delhi High Court delivered a landmark judgment in *Asociación de Productores de Pisco A.G. v. Union of India & Ors.* (W.P.(C)-IPD 17/2021), holding that the term "Pisco", a traditional grape-based spirit, can serve as a Geographical Indication (GI) for both Chile and Peru, subject to clear geographic qualifiers such as "Chilean PISCO" and "Peruvian PISCO". The Court observed that both countries have historically and independently used the term "Pisco", making exclusive registration for one party misleading to consumers and unfair to producers in the other market. Accordingly, it set aside the Intellectual Property Appellate Board's (IPAB) earlier decision that granted exclusive GI rights to Peru without a qualifier and directed that the GI registry entry be modified to "Peruvian PISCO". Meanwhile, the petition filed for "Chilean PISCO" was reinstated for consideration.



**Swagita Pandey**

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**Delhi HC Grants Tata Power Dynamic Injunction Against Fraudulent Websites**

**Dynamic Injunction**

- ✓ Brand Integrity Protected
- ✓ Cyber Threats Neutralized
- ✓ Consumer Trust Reinforced

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**Delhi HC Recognizes Co-existence of GI Rights for PISCO from Chile & Peru**

- In a landmark judgment, the Delhi High Court has recognized coexistence of Geographical Indication (GI) rights for the iconic grape-based spirit "Pisco", allowing:
  - ✓ Peruvian PISCO
  - ✓ Chilean PISCO
- Both nations' producers can now market their heritage spirit with geographic qualifiers, ensuring fairness, clarity, and global trade harmony.

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## Intellectual Property Rights

### Bombay High Court Grants Injunction to Travel Blue in Design Infringement Case

The Hon'ble Bombay High Court has granted an interim injunction in favor of Travel Blue Limited and its Indian subsidiary, Travel Blue Products India Pvt. Ltd., restraining Miniso Lifestyle Pvt. Ltd. and Miniso Hong Kong Ltd. from manufacturing or selling products infringing Travel Blue's registered Tranquillity Neck Pillow design. Travel Blue registered its design in India and other countries in 2015 and has since marketed it extensively. In 2024, the company discovered that Miniso was selling neck pillows with strikingly similar features and colors. Miniso argued that Travel Blue's registration should be cancelled for concealing prior designs, and claimed differences in product contours, length, clasp placement, and style. It also contended that features such as foldability and memory foam were purely functional and not protectable.

The Court rejected these defenses, noting that Miniso's own pleadings acknowledged the visual appeal of Travel Blue's design. No evidence of prior similar designs was produced. The Court held that the pillow's aesthetic elements were protectable and that Miniso's product bore obvious similarity.



**Swagita Pandey**

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Quick Bites

**Design Protection Takes Flight: Travel Blue Wins Against Copycat Products**

BOMBAY HIGH COURT

DESIGN RIGHTS UPHELD

- Travel Blue's Tranquillity Pillow, Registered Since 2015, Recognized For Unique Design.
- Miniso Restrained From Manufacturing or Selling Infringing Products.
- Court Rejects Defense of Functionality—Visual Appeal Matters.
- Strong Precedent For Design Rights Enforcement in India.

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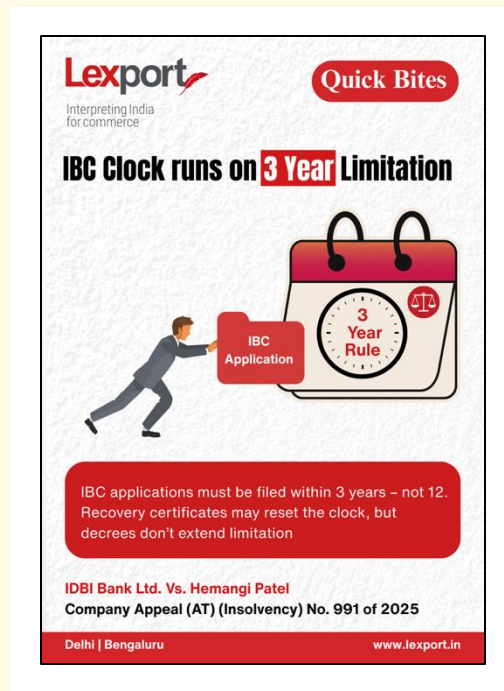
## Litigation

### **IDBI Bank Ltd. Vs. Hemangi Patel, Company Appeal (AT) (Insolvency) No. 991 of 2025**

The Hon'ble NCLAT, relying on Kotak Mahindra Bank Ltd. Vs. A. Balakrishnan and B.K. Educational Services Pvt. Ltd. Vs. Parag Gupta & Associates, reiterated that the limitation period for filing an IBC application is three years under Article 137 of the Limitation Act, and acknowledgements under Section 18 made after three years from the cause of action do not extend it. It noted that issuance of a recovery certificate gives a fresh cause of action, making applications filed within three years of such issuance maintainable. The Supreme Court clarified that while Article 136 provides a 12-year limit for execution of decrees, IBC claims, even if based on a decree, remain subject to the three-year limit under Article 137. Tribunal rejected the appellant's claim that the limitation period for decree-based IBC applications is 12 years and upheld the NCLT's dismissal of the time-barred application. Consequently, the appeals were dismissed.



**Shyam Kishor Maurya**



### **NABHA POWER LIMITED VERSUS PUNJAB STATE POWER CORPORATION LIMITED AND OTHERS (and connected case) [CIVIL APPEAL NO. 8694 OF 2017]**

The Supreme Court of India dismissed appeals by power generators seeking compensation under PPAs on the ground that withdrawal of "deemed export" benefits under the FTP 2009-2014 amounted to a "Change in Law." The Court held that such benefits applied only to movable goods with distinct identity, not immovable power plants, and that FTP does not permit self-supply. It further ruled that the DGFT's 2011 notifications were merely clarificatory, not legislative, and since the appellants were never entitled to the benefits, no compensation could arise. Relying on Nabha Power Ltd. v. PSPCL, the Court reiterated that clarifications or press releases do not constitute law and dismiss the appeals.



**Sorokhaibam Shantijyoti Singh**

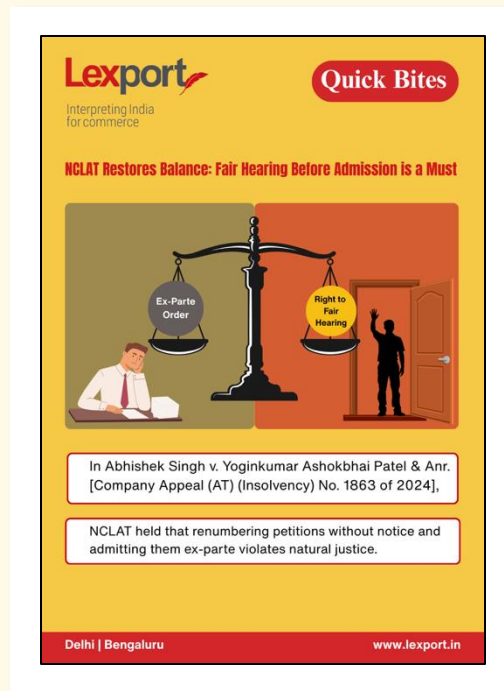
## Litigation

### **Abhishek Singh, Suspended Director of Manpasand Beverages Ltd. Vs. Yoginkumar Ashokbhai Patel & Anr., Company Appeal (AT) (Insolvency) No. 1863 of 2024**

The Hon'ble NCLAT held that an ex-parte order admitting a Section 7 IBC application was improper where the Company Petition, after restoration, was renumbered without informing the Corporate Debtor, thereby preventing it from accessing the case and presenting its defence. The original petition had earlier been disposed of during CIRP proceedings, with liberty to re-agitate upon CIRP's setting aside. After restoration and renumbering, the application was admitted ex-parte by the NCLT. The Appellant argued it was denied a fair hearing as its counsel could not trace the case due to the change in number. The Tribunal accepted this contention, holding that the Corporate Debtor was entitled to be heard before any admission order.



**Shyam Kishor Maurya**



### **NATIONAL HIGHWAY AUTHORITY OF INDIA AND ANR. Versus O.J JANEESH AND ORS [Special Leave Petition (C) No. 22579 of 2025]**

The Supreme Court of India upheld the Kerala High Court's ruling that the National Highways Authority of India (NHAI) cannot levy tolls when highways are poorly maintained and unfit for use, dismissing NHAI's appeal against suspension of toll at Paliyekkara on NH-544. A bench of CJI BR Gavai and Justice K. Vinod Chandran held that payment of toll gives citizens a corresponding right to safe and unhindered roads, and failure to ensure this defeats the very basis of toll collection. Criticising the BOT toll system, the Court noted that despite paying motor vehicle tax, citizens face additional toll burdens, poor maintenance, long traffic jams, and inefficiency, while concessionaires reap disproportionate profits. It clarified that toll collection may resume once smooth traffic is restored, with concessionaires free to seek remedies for losses before the NHAI. Emphasising that the NHAI-public relationship is rooted in public trust, the Court held that toll cannot be forced upon citizens when that trust is breached.



**Sorokhaibam Shantijyoti Singh**

## Litigation

### SC: Insurer Liable for Third-Party Losses Even if Vehicle Ownership Not Formally Transferred

The Supreme Court in *Brij Bihari Gupta v. Manmet & Ors.*, 2025 LiveLaw (SC) 787, held that the insurer of a vehicle's registered owner is liable to compensate third-party losses, including to owners of goods travelling with the vehicle, even if the vehicle had been transferred but its registration was not formally changed. Setting aside the Chhattisgarh High Court's decision that held the driver personally liable, the Court, per Justice K Vinod Chandran, found that under Section 147(1)(b)(i) of the Motor Vehicles Act, passengers carrying goods like fish and vegetables fell within the ambit of "owner of goods," and the insurer was bound to indemnify the registered owner's liability. Citing *Naveen Kumar v. Vijay Kumar* (2018), the Court clarified that ownership remains with the registered owner until statutory transfer formalities under Section 50 are completed, making him liable for compensation, which the insurer must satisfy in full, including any enhanced awards.



**Sorokhaibam Shantijyoti Singh**

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Quick Bites

**Supreme Court: Insurer Must Pay - Liability Lies With Registered Owner Until Transfer**

- Passengers carrying goods (fish, vegetables, etc.) are covered as owners of goods.
- If registration transfer isn't completed → Registered owner remains liable.
- Insurer must indemnify full compensation, including enhanced awards.

**Brij Bihari Gupta v. Manmet & Ors., 2025 | Supreme Court strengthens third-party rights & insurance liability clarity**

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### CHAMUNDESHWARI ELECTRICITY SUPPLY COMPANY LTD. (CESC) VERSUS SAISUDHIR ENERGY (CHITRADURGA) PVT. LTD. & ANR. [CIVIL APPEAL NO. 6888 OF 2018]

The Supreme Court set aside APTEL's order, holding that regulatory bodies cannot rewrite commercial contracts under the guise of equity and must enforce Power Purchase Agreements (PPAs) strictly as written. The dispute arose from a solar power project where the appellant encashed the performance bank guarantee under Article 4.4 due to delay in commissioning. Although KSERC and APTEL directed refund of the guarantee, extension of timelines, and tariff renegotiation, the Court noted that the PPA provided remedies through Article 5.7 (extension) and Article 14.5 (force majeure), which the developer failed to invoke. It ruled that the regulators had exceeded their jurisdiction and upheld the appellant's encashment of the guarantee as contractually valid, allowing the appeal.



**Sorokhaibam Shantijyoti Singh**



## Litigation

### SC Strikes Down Army's Gender-Based JAG Quota, Orders Merit-Only Recruitment

The Supreme Court, in *Arshnoor Kaur v. Union of India* (2025 LiveLaw SC 788), struck down the Indian Army's policy of reserving JAG branch posts for men and restricting women's appointments (3 for women vs 6 for men), holding it to be indirect discrimination violating Articles 15 and 16. Emphasising that true gender neutrality means selecting all meritorious candidates regardless of gender, it directed the Union and Army to recruit solely on merit, abolish gender-based seat bifurcation, and publish a common merit list with marks. The Court ordered the induction of Petitioner Arshnoor Kaur, who scored 447 marks compared to 433 by a selected male candidate (Respondent No. 3), and held that his selection amounted to indirect discrimination. It stressed that male and female JAG officers have identical roles and service conditions, no cap can be placed on deserving women, and that a nation cannot progress if half its population is held back.



**Sorokhaibam Shantijyoti Singh**

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Quick Bites

Equality in Uniform: **Merit, Not Gender**

- Old Rule: 3 seats for women vs 6 for men (JAG Branch)
- New Rule: Common Merit List for All — No Gender Caps
- Supreme Court: True equality means equal opportunity.

**Merit is the only uniform.**  
**SC Judgment: Arshnoor Kaur v. Union of India, 2025**

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### TAHIR V. ISANI VS. MADAN WAMAN CHODANKAR, (SINCE DECEASED) NOW THROUGH HIS LEGAL REPRESENTATIVES & ORS [ @ SLP(C) NO.15167 OF 2022)]

The Supreme Court clarified that the bar under Order XXI Rule 102 CPC, which restricts a pendente lite transferee from the judgment-debtor from resisting execution, does not apply where title is derived from a third party unconnected to the suit. Such transferees, even if acquiring property during the pendency of litigation, are entitled to protection under Order XXI Rules 97–101 and may raise objections against execution, provided they do not trace title to the judgment-debtor. In this case, the appellant purchased the property in 2007 from M/s Rizvi Estate, which had acquired it in 1988 from the original owner and was not a party to the suit. Setting aside the Bombay High Court's dismissal of his objections, the bench of Justices Vikram Nath and Sandeep Mehta held that Rule 102 applies only to transferees from the judgment-debtor, aimed at preventing collusive transfers to defeat decrees, and does not extend to bona fide transferees from independent third parties. The appeal was allowed, and the executing court was directed to adjudicate the appellant's objections in accordance with law.



**Sorokhaibam Shantijyoti Singh**

## Litigation

### Coastal Shipping Act, 2025

The Coastal Shipping Act, 2025, which received Presidential assent on August 9, 2025, regulates all types of vessels, including ships, boats, sailing vessels, and offshore drilling units, operating within Indian coastal waters (territorial waters up to 12 nautical miles and adjoining maritime zones up to 200 nautical miles). It repeals Part XIV of the Merchant Shipping Act, 1958, and expands “coasting trade” beyond the carriage of goods and passengers to include services such as exploration, research, and other commercial activities, excluding fishing.

Vessels wholly owned by Indian persons are exempt from licensing for coasting trade, while foreign-owned or hired vessels require licences for certain operations. The Director-General of Shipping will issue, modify, suspend, or revoke licences, with action permitted for violations of law or licence terms. Non-Indian vessels must hold valid licences for port clearance, with detention possible for non-compliance.

Penalties have been significantly enhanced up to ₹15 lakh for unlicensed operations, ₹5 lakh for violating directions, and ₹50,000 for failing to provide information. Certain offences are compoundable. The Act mandates a National Coastal and Inland Shipping Strategic Plan, updated biennially, and a public database of coastal shipping.



**Ananya Jain**



### **KHEM SINGH (D) THROUGH LR<sub>s</sub> VERSUS STATE OF UTTARANCHAL (NOW STATE OF UTTARAKHAND) & ANOTHER ETC. [CRIMINAL APPEAL NOS.1330-1332 OF 2017]**

The Supreme Court held that if a victim dies during the pendency of an appeal against acquittal, the victim’s legal heirs can continue the appeal under Section 372 CrPC, since the definition of “victim” in Section 2(wa) includes legal heirs. Rejecting the argument that Section 394(2) CrPC causes such appeals to abate, the Court ruled that just as heirs of a deceased accused may continue an appeal, heirs of a victim can also prosecute one. In the present case, the applicant, both an injured victim and heir of the original appellant, was allowed to substitute his deceased father to pursue the appeal, with the Court clarifying that even if he were not an injured victim, his right as heir would suffice. The case was remanded to the High Court for rehearing, ensuring both the appellant and the State could make submissions.



**Sorokhaibam Shantijyoti Singh**

## Corporate

### SEBI Proposes Relaxation in Related Party Transaction Disclosure Norms

The Securities and Exchange Board of India (SEBI) has proposed easing compliance requirements for certain related party transactions (RPTs), as outlined in its consultation paper dated August 4, 2025. The move follows feedback on the RPT Industry Standards issued in June 2025, which are set to take effect from September 1, 2025.

Currently, the standards exempt RPTs of up to ₹1 crore from detailed disclosure. However, listed entities with large turnovers argued that the threshold was too low, making even minor transactions subject to extensive documentation.

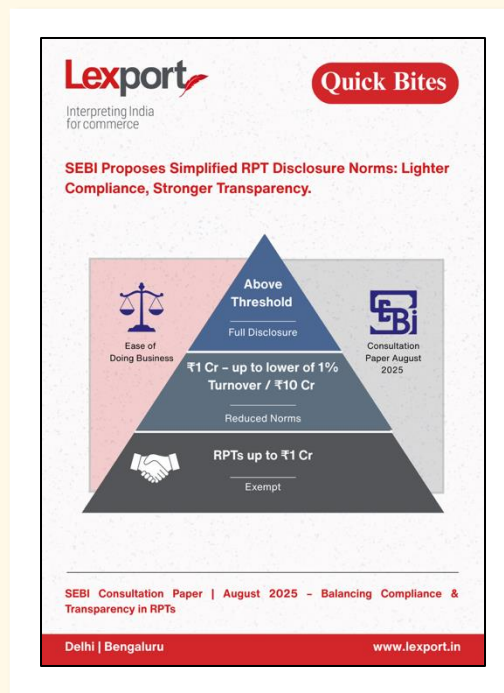
Under the proposal, the ₹1 crore exemption will remain, but a new category of small-value RPTs will be introduced. Transactions exceeding ₹1 crore but not crossing the lower of 1% of annual consolidated turnover or ₹10 crore will require only a reduced set of disclosures, as per a draft circular annexed to the paper.

For example, a company with ₹1,200 crore turnover will have a threshold of ₹10 crore (being lower than 1% of turnover). RPTs up to ₹1 crore will require no disclosure; those between ₹1 crore and ₹10 crore will require reduced disclosure; and those above ₹10 crore will follow full disclosure norms.

SEBI has also proposed amendments to the SEBI (LODR) Regulations, 2015, including changes to materiality thresholds and omnibus shareholder approvals for RPTs. The changes aim to ease compliance while ensuring adequate transparency for significant transactions.



**Akshita Aggarwal**



## Corporate

### IBBI Proposes New Safeguards to Bolster CIRP Integrity

The Insolvency and Bankruptcy Board of India (IBBI) has released a discussion paper inviting public comments on measures to strengthen the Corporate Insolvency Resolution Process (CIRP). The proposals aim to improve due diligence, transparency, and digital adoption in insolvency proceedings.

A key proposal mandates the Committee of Creditors (CoC) to formally record deliberations on a resolution applicant's eligibility under Section 29A, which disqualifies certain parties, including defaulting promoters, from regaining control of an insolvent company. The suggested new sub-regulation 39(C) would require CoCs to review eligibility documents, due diligence reports, affidavits, and related information, and record their discussions in meeting minutes. This is expected to reduce litigation and ensure credible participation.

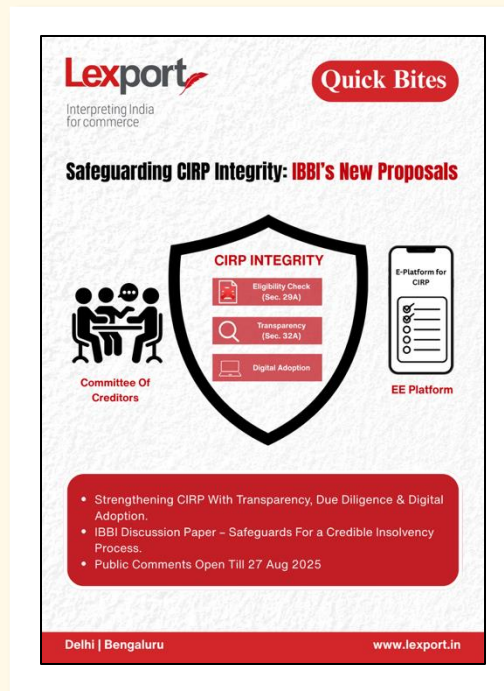
Another proposal seeks enhanced disclosure under Section 32A, which provides immunity to the corporate debtor and its property from past offences if control changes hands to an unrelated eligible party. Prospective resolution applicants may need to disclose their ultimate beneficial owners and submit an affidavit confirming eligibility. This move addresses concerns over complex ownership structures masking real beneficiaries, as highlighted in the Supreme Court's *Manish Kumar v. Union of India* judgment.

Additionally, IBBI may introduce a digital platform for inviting and submitting resolution plans, expanding the benefits of e-platforms like Baanknet to CIRP.

Public comments are open until August 27, 2025 via the IBBI website.



**Akshita Aggarwal**





## About Us

Lexport is a full-service Indian law firm offering consulting, litigation and representation services to a range of clients.

The core competencies of our firm's practice *inter alia* are Trade Laws (Customs, GST & Foreign Trade Policy), Corporate and Commercial Laws and Intellectual Property Rights.

The firm also provides Transaction, Regulatory and Compliance Services. Our detailed profile can be seen at our website [www.lexport.in](http://www.lexport.in).

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Rohit Dutta  
Shyam Kishor Maurya  
Shanti Jyoti  
Ananya Jain

### IPR Team

Rajlatha Kotni  
Swagita Pandey  
Ananya Singh  
Anushka Tripathi

### IDT Team

Srinivas Kotni  
Gurdeep Singh  
Akshay Kumar  
Rishab Dev Dixit  
Siddhart Dewalwar  
Shelley Singh

### Corporate Team

Rajiv Sawhney  
Akshita Agarwal  
Ananya Jain

---

**Anirban Roy, Editor**  
Chief Operating Officer, Lexport

## Contact

### Delhi:

**Call us:** +91-11-2627 0506, 2627 1514, 3551 6872

**Email us:** [delhi@lexport.in](mailto:delhi@lexport.in)

**Visit us:** K1/114 First Floor, Chittaranjan (C.R.) Park,  
New Delhi – 110019, India

### Bangalore:

**Call us:** +91-08048501471

**Email us:** [bangalore@lexport.in](mailto:bangalore@lexport.in)

**Visit us:** 516 10th A Cross 29th Main Sector 1 HSR  
Layout Bangalore - 560 102 , India

