

LEXPORT NEWSLETTER

OCTOBER 2025 | Week 3

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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Indirect Tax

The Gujarat High Court held that manual filing of an appeal by an NRI is valid for availing benefits under the Direct Tax Vivad Se Vishwas (DTVSV) Scheme, 2024.

A division bench of Justices Bhargav D. Karia and Pranav Trivedi ruled that when an assessee is a Non-Resident Indian (NRI) without Aadhaar-linked PAN, filing an appeal manually in Form No. 35 satisfies the requirement of a pending appeal under the scheme.

The Court observed that authorities cannot deny benefits merely because the appeal was not filed electronically as per Rule 45 of the Income Tax Rules, 1962, since the scheme only requires proceedings to be pending as on the specified date (July 22, 2024).

Accordingly, the Court quashed the rejection of the assessee's declaration under Form No. 1 and directed acceptance of the same under the DTVSV Scheme.

Case: Tejal Mayur Rao v. Principal Commissioner of Income Tax & Ors.

Case No.: R/Special Civil Application No. 7839 of 2025



Siddharth Dewalwar



Quick Bites

NRIs Can Now Avail DTVSV Scheme Benefits Through Manual Filing!



• **Gujarat High Court Ruling:** Manual filing of an appeal by an NRI without Aadhaar-linked PAN is valid for the Direct Tax Vivad Se Vishwas (DTVSV) Scheme, 2024.

• Authorities **cannot deny benefits** just because electronic filing wasn't done, as long as proceedings were pending as on July 22, 2024.

• **Case:** Tejal Mayur Rao v. Principal Commissioner of Income Tax & Ors.

NRIs should ensure their pending appeals are recognized—manual filing is now sufficient for DTVSV benefits!

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Quick Bites

One Order, One Case

Delhi HC Tightens GST Tracking



To Curb Repeated Petitions on the Same GST Orders, the Delhi High Court has Directed its Registry to add a **Mandatory DIN and Order Date Field** in New Filings. This Move Ensures Better Tracking, Transparency, and Judicial Efficiency – Preventing Multiple Challenges to the Same Order and Strengthening Case Management under the GST Regime.

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The Delhi High Court has directed its Registry to introduce a new filing field to record the DIN (Document Identification Number) and date of the impugned order in GST-related writ petitions, aiming to prevent duplication of cases.

A division bench of Justices Prathiba M. Singh and Shail Jain observed that several writ petitions were being filed challenging the same orders, particularly in ITC fraud cases, making it difficult for the Court to track overlaps.

The Court said that by adding a field for DIN and order date, the system would alert whether a prior petition on the same order already exists, similar to how criminal matters referencing the same FIR are managed.

The direction came while hearing a petition by Purshottam Ray, who challenged a ₹550 crore demand order already contested earlier in M/s Montage Enterprises Pvt. Ltd. v. CGST Delhi North. The Court declined to interfere, noting counsel's failure to inform it of the prior proceedings.

Case: Purshottam Ray v. Principal Commissioner of CGST & O



Siddharth Dewalwar

Indirect Tax



Quick Bites

CESTAT: False Declarations in Bills of Entry Invite Penalty Under Section 114AA



- Filing a Bill of Entry = Business Transaction Under the Customs Act
- CESTAT (New Delhi) Held that False Declarations in Bills of Entry Attract Section 114AA Liability
- The Tribunal Rejected the Claim That an Excel Valuation Sheet was Inadmissible – It Was Voluntarily Printed and Signed by the Importer, Hence Valid Evidence
- Finding Misdeclaration in Value and Description of Goods, the Tribunal Upheld the Penalty
- Case Nitin Khandelwal v. Principal Commissioner, Customs Appeal No. 50914 of 2021

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The CESTAT (New Delhi) held that filing of a Bill of Entry constitutes a business transaction under the Customs Act, bringing such acts within the ambit of Section 114AA—which penalizes false declarations.

A bench of Justice Dilip Gupta (President) and P.V. Subba Rao (Technical Member) ruled that the importer's submission of incorrect declarations in Bills of Entry attracted Section 114AA liability, as these were integral to customs business transactions.

The Tribunal rejected the appellant's contention that an Excel sheet used for valuation was inadmissible under Section 65B of the Evidence Act, holding that the document was voluntarily printed and signed by the importer, thus valid evidence.

Finding misdeclaration in value and description of goods, the Tribunal dismissed the appeal, upholding the penalty.

Case: Nitin Khandelwal v. Principal Commissioner, Customs

Case No.: Customs Appeal No. 50914 of 2021



Siddharth Dewalwar

Delhi High Court Dismisses Tax Demand Against Casio India Over AMP Expenses PR. COMMISSIONER OF INCOME TAX-1 v CASIO INDIA COMPANY PVT. LTD

In a significant relief for Casio India, the Delhi High Court has dismissed a transfer pricing adjustment for Assessment Year 2017-18, related to Advertising, Marketing and Promotion (AMP) expenses. The case involved allegations by the Revenue that Casio India incurred AMP expenses that indirectly benefited its Japanese parent company, thereby constituting an international transaction.

The Transfer Pricing Officer (TPO) applied the Bright Line Test to calculate an upward adjustment to Casio's income. However, this adjustment was struck down by the Income Tax Appellate Tribunal (ITAT) in its order dated July 19, 2022, and now upheld by the High Court. The Division Bench of Justice V Kameswar Rao and Justice Vinod Kumar ruled that similar issues had already been decided in Casio's favour in earlier years — including AYS 2011-12, 2012-13, 2013-14, and 2014-15. Citing binding precedent and the absence of any new substantial question of law, the Court dismissed the Revenue's appeal.

This judgment reinforces the legal stance that AMP expenses do not automatically qualify as international transactions, offering clarity and consistency in transfer pricing litigation.



Shelly Singh



Intellectual Property Rights

Delhi High Court Grants Ex Parte Injunction to Tommy Hilfiger and Calvin Klein Against Counterfeiters in Chandigarh

The Delhi High Court granted an ex parte ad-interim injunction in favour of Tommy Hilfiger Europe BV and Calvin Klein Inc., restraining Chandigarh-based traders from manufacturing or selling counterfeit apparel bearing the marks 'TOMMY HILFIGER' and 'CALVIN KLEIN'. Justice Tejas Karia held that the defendants' use of identical marks on substandard goods was deceptive and harmed the brands' goodwill. Online platforms including IndiaMART, Justdial, Magicpin, Bharatibiz and Sulekha were directed to take down the infringing listings within 72 hours. The Court also appointed two Local Commissioners to raid the defendants' premises and seize counterfeit stock. [Tommy Hilfiger Europe BV & Anr. v. Lalit Kumar Goel & Ors., CS(COMM) 1026/2025]



Anushka Tripathi



Delhi High Court Restrains Suraj Industries from Using 'Hill Top' Labels Imitating Globus Spirits' Brands

The Delhi High Court granted an ex parte ad-interim injunction in favour of Globus Spirits Ltd., restraining the defendants from manufacturing or selling alcoholic beverages using deceptively similar labels and bottles under the marks 'HILL TOP GREEN' and 'HILL TOP ORANGE VODKA'. Justice Tejas Karia found that the defendants' use of Globus' bottles embossed with its mark and near-identical packaging for vodka and whisky was dishonest and likely to mislead consumers. The Court noted that the defendants admitted to refilling Globus' used bottles and selling them under their own labels. Local Commissioners were appointed to conduct raids at the defendants' premises in Ajmer and Baran, Rajasthan, seize infringing stock, and document the findings. [Globus Spirits Ltd. v. Suraj Industries Ltd. & Anr., CS(COMM) 1052/2025]



Anushka Tripathi

Intellectual Property Rights



Hon'ble Bombay High Court Restrains Use of "ROOKIE" and "ROOKIE USA" in Trademark Dispute with "ROOKIES"

The plaintiffs, registered proprietors of the mark "ROOKIES" since 2008 for clothing and retail services, filed a suit against the defendants for trademark infringement and passing off over their use of "ROOKIE USA" in India. The plaintiffs contended that the defendants' mark was deceptively similar and likely to cause confusion among consumers, while the defendants argued bona fide adoption, prior foreign registrations, and alleged delay amounting to acquiescence. The Hon'ble Court observed that though the parties' registrations were in different classes, the goods and services were allied and targeted the same consumers, creating a strong likelihood of confusion. It further noted that the defendants had not demonstrated bona fide use of "ROOKIE" in India before 2019, and their registration appeared potentially fraudulent, given inconsistent statements made in Hong Kong proceedings. Applying the principle of prosecution history estoppel, the Hon'ble Court granted an interim injunction restraining the defendants from using "ROOKIE," "ROOKIE USA," or any deceptively similar mark in relation to clothing and allied goods and directed transfer or deactivation of the impugned domain name rookieindia.com. However, the order was stayed for six weeks upon the defendants' request. [Ramnish Verma vs The Haddad Apparel Group Ltd (COMMERCIAL IP SUIT NO. 247 OF 2023)]



Ananya Singh

Delhi High Court Restrains Counterfeiter from Using 'HERO' Mark, Orders Seizure of Infringing Goods from Delhi Unit

The Delhi High Court granted an ex parte ad-interim injunction in favour of Hero Investcorp Pvt. Ltd. and Hero MotoCorp Ltd., restraining a Shahdara-based entity from manufacturing and selling counterfeit motorcycle parts bearing the trademarks 'HERO' and 'HERO GENUINE PARTS'. Justice Tejas Karia observed that the defendant had entirely replicated Hero's marks, logos, and trade dress, creating a clear likelihood of confusion and deception among consumers. The Court noted that the defendant was engaged in large-scale counterfeiting operations, selling inferior quality goods without issuing invoices to evade detection. Finding a prima facie case of infringement and passing off, the Court held that the defendant's actions diluted Hero's goodwill and reputation built over decades. The Court appointed a Local Commissioner to conduct a raid at the defendant's Shahdara premises, seize infringing stock and packaging materials, and record relevant business documents. [Hero Investcorp Pvt. Ltd. & Anr. v. Ashok Kumar (John Doe), CS(COMM) 979/2025]



Anushka Tripathi



Intellectual Property Rights



Hon'ble Madras High Court Upholds Jurisdiction in HUL–Reckitt Advertisement Dispute

Hindustan Unilever Limited (HUL) filed an application seeking to revoke the leave granted to Reckitt Benckiser India to institute a suit before the Hon'ble Madras High Court concerning allegedly misleading advertisements claiming "12 hours protection/protective shield" in multiple languages, including Hindi and Tamil. HUL contended that the cause of action arose entirely in Mumbai, where the advertisements were primarily targeted, and that the Hon'ble Madras High Court lacked territorial jurisdiction. Rejecting this contention, the Hon'ble Court observed that advertisements in Tamil and English were also broadcast within Tamil Nadu, thereby giving rise to a part of the cause of action within its jurisdiction. It noted that the Advertising Standards Council's order directing withdrawal of the impugned claim applied to all language versions of the advertisements and not merely Hindi. Holding that the plaintiff's right to advertise in Tamil Nadu formed part of the dispute, the Hon'ble Court ruled that the forum conveniens test was satisfied and dismissed HUL's revocation application, affirming the maintainability of the suit. [Hindustan Unilver Limited vs Reckitt Benckiser (India) Private Limited (C.S.No.132 of 2025)]



Ananya Singh



Litigation

Bombay High Court held civic bodies and contractors liable for pothole deaths, fixing ₹6 lakh compensation per victim, PUBLIC INTEREST LITIGATION NO.71 OF 2013

The Bombay High Court has held that contractors and civic authorities will henceforth be held accountable for deaths or injuries caused by potholes or bad roads, directing payment of ₹6 lakh to families of victims and ₹50,000 to ₹2.5 lakh for injuries. The Court emphasized that poor road maintenance violates citizens' fundamental right to life under Article 21 and highlighted persistent negligence despite repeated directions. It stated that accountability must extend to officials and contractors personally, stressing that safe, durable roads are not merely a responsibility but a constitutional duty, and that compensation serves as exemplary damages for breach of public duty.



Ananya Jaim



Quick Bites

Bombay High Court: Pothole Deaths Are a Violation of Right to Life – Accountability Fixed.



Court: Civic Bodies & Contractors Liable for Pothole-Related Deaths

Compensation: ₹6 Lakh for Victims' Families; ₹50,000-₹2.5 Lakh for Injuries

Constitutional Ground: Poor Road Maintenance Breaches Article 21 (Right to Life)

Accountability: Extends Personally to Officials and Contractors

Message: Safe Roads are not a Privilege – they're a Public Duty

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Litigation

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Quick Bites

Calcutta High Court

**Power to Appoint - Power to Extend
Section 29A Clarified**



The Calcutta High Court, in *Best Eastern Business House Pvt. Ltd. V. Mina Pradhan* (AP-COM 296/2025), Clarified that Powers Under Sections 11 and 29A of the Arbitration Act are Co-Extensive. Upholding Judicial Coherence, the Court Held that the Appointing Authority also Retains Jurisdiction to Extend an Arbitrator's Mandate – Ensuring Continuity in the Arbitral Process and Avoiding Procedural Fragmentation.

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Best Eastern Business House Pvt Ltd. Vs. Mina Pradhan, AP-COM - 296 of 2025

The Hon'ble Calcutta High Court held that the powers of substitution and extension under Section 29A of the Arbitration Act are co-extensive with the power of appointment under Section 11, thereby confirming that the appointing authority retains limited supervisory jurisdiction to extend an arbitrator's mandate. It clarified that interpreting otherwise would lead to inconsistency, affirming that the High Court, and not the Commercial Court at Siliguri, has jurisdiction to extend the mandate. Consequently, the petition was allowed, and the arbitrator's mandate was extended by one year.



Shyam Kishor Maurya



Hetan Ram Gangwani & Anr. v. State of Maharashtra, ANTICIPATORY BAIL APPLICATION NO.2253 OF 2025

The Bombay High Court, while rejecting anticipatory bail to Hetan Ram Gangwani and Yash Ram Gangwani in a case involving adulteration of petroleum products, held that such offences have grave implications for public safety, the national economy, and State revenue, and cannot be treated as mere private disputes. Justice Amit Borkar noted that the seizure of eight tankers containing adulterated diesel and the linkage of three companies to a single email ID indicated deliberate manipulation to disguise the illegal trade as legitimate. The Court emphasized that anticipatory bail is an exceptional remedy, not to be granted where prima facie evidence suggests serious offences. It observed that petroleum adulteration undermines a vital public sector and has far-reaching economic and safety consequences. The applicants' attempt to legitimize illegal transactions through multiple entities raised strong suspicion, warranting custodial interrogation and ruling out anticipatory bail at this stage.



Ananya Jain



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**In Stamp Duty Law, It's Not What You Call It
It's What It Does.**



The Supreme Court ruled that the Substance of a Document, not its Label, Decides Stamp Duty Liability.

Even though Godwin Construction titled its Document a "Security Bond," it was treated as a Mortgage Deed because it Pledged its own Property as Security.

Result: ₹4.6 Lakh Duty Upheld Instead of ₹100

Lesson: Form Cannot Disguise the Legal Effect of an Instrument

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**M/S GODWIN CONSTRUCTION PVT. LTD.
VERSUS COMMISSIONER, MEERUT
DIVISION & ANR, CIVIL APPEAL NO.7661
OF 2014**

The Supreme Court, held that the chargeability of stamp duty depends on the true legal character of an instrument, not its nomenclature. The case involved a "Security Bond cum Mortgage Deed" executed by a company in favour of the Meerut Development Authority (MDA) to secure development obligations. The company paid ₹100 stamp duty under Article 57 of the Indian Stamp Act, claiming it was a security bond. However, authorities demanded ₹4,61,660, treating it as a mortgage deed. Upholding the higher duty, the Court ruled that since the appellant mortgaged its own property to the MDA and not as a third-party surety, Article 57 did not apply. The deed, in substance, was a mortgage under Article 40, as it transferred rights to MDA upon default. The appeal was dismissed, affirming the revenue and High Court's findings.



Ananya Jaim

**Hansraj v. State of U.P., WRIT PETITION
(CRL.) NO. 340 OF 2025**

The Supreme Court ordered the release of a murder convict after finding he was 12 years old at the time of the offence in 1981, thus a juvenile under the Juvenile Justice Act, 2000. The Court held the JJ Act is retrospective and applies to offences before its enactment. The Court emphasized that anyone under 18 at the time of the offence is entitled to JJ Act benefits, regardless of when the claim is raised. The petitioner, arrested in 2022 after absconding post-conviction, had served over three years, exceeding the maximum permissible under Section 15(1)(g) of the Act. The Court found this violated Article 21 (right to life and liberty) and ordered his immediate release. It noted no legal bar under the Indian Children Act, 1960 prevented granting relief under the JJ Act, 2000.



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Quick Bites

Supreme Court Upholds Juvenile Justice

12-Year-Old Convict Freed After 44 Years in Landmark Ruling



The Supreme Court Reaffirmed that the Juvenile Justice Act Protects all Offenders Under 18 — Regardless of when the Offence Occurred. In Hansraj v. State of U.P., a Man Convicted of Murder was Released after the Court Found he was 12 at the Time of Offence, Ensuring Justice Aligns with Compassion and Constitutional Liberty Under Article 21.

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Quick Bites

SEBI Simplifies RPT Disclosures: A Balanced Step Toward Ease of Doing Business



SEBI's Latest Circular (Oct 2025) Relaxes Related Party Transaction (RPT) Disclosure Norms for Listed Entities – Reducing Redundant Compliance while Maintaining Transparency.

Fewer Forms, Clearer Thresholds and Smoother Governance – Corporate India Just Got a Compliance Breeze!

SEBI 2025: Balancing Compliance with Clarity, Simplifying RPT Disclosures for Smarter Governance.

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Akshita Agarwal

SEBI Eases Related Party Transaction (RPT) Disclosure Norms

On October 13, 2025, the Securities and Exchange Board of India (SEBI) issued Circular No. SEBI/HO/CFD/CFD-PoD-2/P/CIR/2025/135, easing disclosure requirements for Related Party Transactions (RPTs) undertaken by listed entities. The move follows concerns raised by industry bodies such as ASSOCHAM, FICCI, and CII over the extensive compliance obligations introduced under SEBI's earlier circulars and the Industry Standards on Minimum Information. After consultations with the Advisory Committee on Listing Obligations and Disclosure (ACLOD) and a public feedback process in August 2025, SEBI approved the revised framework in its 211th Board Meeting held on September 12, 2025.

Under the new regime, listed entities are required to furnish only minimum information for RPTs whose value, individually or cumulatively during a financial year, does not exceed 1% of the annual consolidated turnover or ₹10 crore, whichever is lower. Additionally, transactions with a cumulative value of up to ₹1 crore per financial year are now completely exempt from disclosure under the Industry Standards. While these relaxations ease the compliance burden, entities must continue to comply with the disclosure provisions under the Companies Act, 2013, ensuring transparency in material transactions.

SEBI's amendment marks a pragmatic step towards streamlining corporate compliance while retaining oversight of significant related party dealings. Listed companies should now align their Audit Committee procedures and RPT review mechanisms with the revised thresholds to ensure adherence under the new disclosure framework.



Corporate

NCLT Mumbai Approves Merger of Yatra Online Ltd with Six Wholly-Owned Subsidiaries

The National Company Law Tribunal (NCLT), Mumbai Bench, has sanctioned the merger of Yatra Online Limited with six of its wholly-owned subsidiaries — Yatra TG Stays Pvt. Ltd., Yatra Hotel Solutions Pvt. Ltd., Yatra For Business Pvt. Ltd., Yatra Corporate Hotel Solutions Pvt. Ltd., Travel.Co.In Pvt. Ltd., and Yatra Online Freight Services Pvt. Ltd. — under Sections 230–232 of the Companies Act, 2013.

The Scheme of Amalgamation, with an appointed date of April 1, 2024, had been unanimously approved by the boards of all the applicant companies on August 12, 2024. Since the merging entities are wholly-owned subsidiaries, no new shares will be issued, and the existing shareholding of Yatra Online Ltd. in the subsidiaries will stand cancelled.

The Regional Director had earlier raised concerns regarding the negative net worth of two subsidiaries, which the applicants addressed by affirming their status as going concerns. The Tribunal observed that there is no legal prohibition under the Companies Act against amalgamation involving entities with negative net worth.

Finding the scheme fair, reasonable, and compliant with applicable law, the NCLT approved the amalgamation, directing the companies to file the certified order with the Registrar of Companies and the Superintendent of Stamps within the prescribed timelines.

Case Reference: Yatra TG Stays Private Limited and Ors., C.P.(CAA)/125(MB)/2025, NCLT Mumbai (Coram: K.R. Saji Kumar, JM & Anil Raj Chellan, TM).



Akshita Agarwal



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