

LEXPORT NEWSLETTER

NOVEMBER 2025 | Week 2

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.

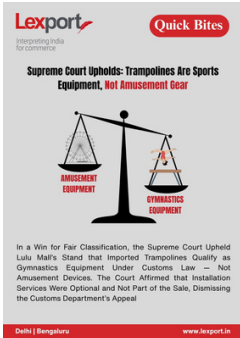
Regards,
Team Lexport



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Indirect Tax



Shelley Singh

Supreme Court Upholds Lulu Mall's Classification of Trampolines as Gymnastics Equipment

Case Title: COMMISSIONER OF CUSTOMS V LULU INTERNATIONAL SHOPPING MALLS PVT. LTD

In a significant ruling, the Supreme Court on October 31 dismissed the Customs Department's appeal against Lulu International Shopping Malls Pvt Ltd, upholding the classification and valuation of imported amusement equipment, including trampolines. A bench comprising Justices Pankaj Mittal and Prasanna B Varale affirmed the Central Excise and Service Tax Appellate Tribunal's (CESTAT) decision, observing no error in classifying the goods under "articles and equipment for general physical gymnastics or athletics."

The case stemmed from Lulu Malls' import of trampolines and other amusement equipment from the Philippines for its "Funtura" facility in Trivandrum. Customs authorities in Kochi contended that the goods should fall under "other amusement and entertainment equipment" and sought to include ₹74,100 paid for installation services in the assessable value, demanding ₹93.24 lakh in additional duties.

CESTAT Bengaluru had earlier ruled in favour of Lulu, stating that installation was optional and not a "condition of sale." Upholding this, the apex court endorsed the view that trampolines are undeniably sports equipment, reiterating that Customs failed to discharge the burden of proving otherwise. The appeal was accordingly dismissed.



Indirect Tax

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Quick Bites

GST Registration ≠ License to Trade



J&K High Court Clarifies – Taxation and Licensing are Distinct. Paying GST Doesn't Authorise Unlicensed Business Activities.

Compliance isn't Optional – Trade Legally, Stay Legitimate

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Shelley Singh

J&K High Court: GST Registration Does Not Authorise Unlicensed Trade

Case Title: Kaher Singh & Others v. Union Territory of J&K & Others

The High Court of Jammu & Kashmir and Ladakh has ruled that registration under the Goods and Services Tax (GST) Act, 2017 does not confer any right or authorisation to conduct trade or business without the requisite licences. Justice Wasim Sadiq Nargal clarified that taxation and licensing laws operate in separate spheres, payment of tax cannot legitimise an otherwise unlicensed or prohibited commercial activity.

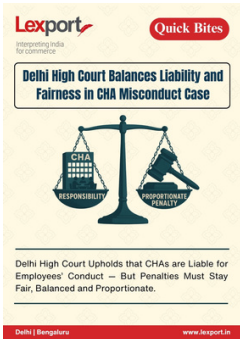
The Court was hearing petitions by brick dealers challenging orders of Deputy Commissioners restricting brick trading without valid licences under the Jammu & Kashmir Brick Kiln (Regulation) Act, 2010 and Rules, 2017. The petitioners argued that GST registration was sufficient authority to trade, but the Court disagreed.

It held that the Brick Kiln Act's licensing provisions apply not only to manufacturers but also to dealers involved in purchasing and selling bricks. Referring to Form "B" under the 2017 Rules, the Court observed that it expressly includes sale and supply activities.

Emphasising that the right to trade under Article 19(1) (g) is subject to reasonable restrictions, the Court upheld the licensing requirement as a valid regulatory measure aimed at protecting environmental and economic interests. The petitions were accordingly dismissed.



Indirect Tax



Shelley Singh

Delhi High Court: Customs Housing Agents Liable for Employees' Misconduct, But Punishment Must Be Proportionate

Case title: Nitco Logistics Pvt Ltd v. The Commissioner Of Customs Airport And General

The Delhi High Court has ruled that a Customs Housing Agent (CHA) is responsible for the actions of its employees and must exercise due diligence and supervision in its operations. A Division Bench comprising Justices Prathiba M. Singh and Shail Jain held that while a CHA can be held accountable for an employee's wrongdoing, the penalty imposed must be proportionate.

The ruling came in an appeal by a CHA challenging the revocation of its licence over misdeclaration in a customer's consignment. The CHA contended that the employee acted without authorisation and had already been terminated, arguing that the firm should not face extreme penalties. The Department, however, maintained that CHAs are bound by the Customs Broker Licensing Regulations, 2018, to ensure strict oversight of employees.

Upholding the principle of proportionality, the Court reduced the penalty from permanent revocation to a four-year suspension. The CHA also volunteered to deposit ₹10 lakh, which the Court directed to be split among the Customs Department and two Delhi High Court associations. Additionally, the CHA was directed to file a comprehensive due diligence plan outlining mechanisms for employee supervision and verification of documentation.



Indirect Tax



Delhi High Court Quashes IT Reassessment Against Vedanta Over ₹424 Crore ITC Allegation

Case title: M/s Vedanta Ltd v. ACIT Delhi

In a major relief to Vedanta Limited, the Delhi High Court has set aside an Income Tax Department order initiating reassessment proceedings against the company over alleged fraudulent availment of Input Tax Credit (ITC) worth ₹424 crore. The Division Bench of Justices Prathiba M. Singh and Shail Jain observed that the Goods and Services Tax (GST) Department had already closed the related proceedings, which had a direct bearing on the reassessment action under Section 148A of the Income Tax Act.

The case pertained to transactions involving the sale of copper concentrate during the closure of Vedanta's Tuticorin copper plant. The Income Tax Department had alleged that Vedanta wrongfully availed ITC without actual receipt of goods. However, Vedanta's counsel pointed out that the Additional Commissioner of GST and Central Excise had already concluded and closed the matter on July 11, 2025.

Holding that the closure by the GST Department must influence the IT proceedings, the Court remanded the matter back to the Assistant Commissioner of Income Tax for reconsideration. Vedanta has been allowed to place the GST order before the authority within three months for fresh examination.



Shelley Singh

Supreme Court: Sale of Land Not a 'Service', Outside Scope of Service Tax

Case : Commissioner of Service Tax v M/s Elegant Developers

In a significant ruling, the Supreme Court has clarified that the transfer of title in immovable property through sale does not amount to a "service" under the Finance Act, 1994, and therefore cannot attract service tax. A bench of Justices J.B. Pardiwala and Sandeep Mehta delivered the verdict while dismissing an appeal filed by the Commissioner of Service Tax, New Delhi, against M/s Elegant Developers, an Allahabad-based firm.

The Revenue had alleged that Elegant Developers acted as a "real estate agent" for Sahara India Commercial Corporation Ltd. (SICCL) in acquiring and developing land, and raised a service tax demand exceeding ₹10 crore. The firm maintained that its activities were simple purchase-and-sale transactions, not consultancy or brokerage services.

Upholding the CESTAT's 2019 decision, the Court held that Elegant Developers purchased land on its own account, bore the financial risk, and later transferred title to SICCL through registered sale deeds, transactions squarely excluded from the definition of "service."

The Court also rejected the Department's attempt to invoke the extended limitation period, observing that there was no willful suppression or intent to evade tax, and that mere non-payment cannot justify such action. The appeal was accordingly dismissed.



Shelley Singh

Quick Bites

Supreme Court Clarifies: Selling Land Isn't a Service

The Supreme Court Affirms:

- Transfer of Immovable Property Through Sale Lies Outside the Scope of Service Tax Under the Finance Act, 1994
- Real Estate Transactions Done on One's Own Account Cannot Be Taxed as Services – Even in High-Value Land Deals

Clarifying the Law, Strengthening Compliance

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Indirect Tax



Madras HC: Working Hostels to Be Taxed as Residential, Not Commercial

The Madras High Court ruled that hostels providing accommodation to working men and women should be classified as residential properties, not commercial, for tax purposes. It directed that property tax, water, and electricity charges should be levied at residential rates. The Court emphasized that the nature of the activity in the hostels was residential since the rooms are used as sleeping apartments. The authorities were ordered to treat the hostel properties accordingly and quashed the tax notices.

Case Title: M Divya vs The Senior Revenue Officer
Case Number: W.P.No.10194 of 2025



Siddhart Dewalwar

Delhi HC Directs CBIC to Frame Uniform Policy on Import of Body Massagers vs. Sex Toys

The Delhi High Court directed the CBIC to consult with relevant ministries and establish a uniform policy regarding the import of body massagers or sex toys, after the Customs Department seized products imported by Techsync. The Court emphasized that the absence of consistent guidelines for distinguishing between body massagers and prohibited items, like sex toys, has led to selective enforcement. The Court has provisionally released the seized goods, pending further consultation.

Case Title: Techsync v. The Superintendent of Customs
SIIB ACC Imports & Ors.
Case Number: W.P.(C) 3542/2025



Siddhart Dewalwar



Indirect Tax



Supreme Court Issues Notice on Patanjali Foods' Plea for ₹2.97 Crore Excise Refund

Case Title: Patanjali Foods Ltd. v. Commissioner of Central Excise and Service Tax

The Supreme Court has issued notice in an appeal filed by Patanjali Foods Limited (formerly Ruchi Soya Industries Ltd.) seeking a refund of ₹2.97 crore collected by the tax department in an excise duty dispute. A Bench comprising Justices P.S. Narasimha and Atul S. Chandurkar issued notice on both the main appeal and the application for condonation of delay.

The appeal challenges the Karnataka High Court's decisions dated September 30, 2024, and July 4, 2025, which denied refund of the amount despite partially accepting Patanjali's case. The dispute stems from a 2012 demand of ₹8.06 crore raised by the Commissioner of Central Excise, Mangaluru, on the manufacture and clearance of "RBD Palm Stearin" between 2009 and 2011.

Following the Insolvency Resolution Process under the IBC, Patanjali — which took over Ruchi Soya — argued that since the tax department did not file any claim before the Resolution Professional, the entire demand stood extinguished and the ₹2.97 crore already paid must be refunded.

The High Court had held that while the unclaimed ₹5.09 crore stood extinguished under the IBC, the refunded amount could not be reclaimed.



Shelley Singh

Madras HC: No Depreciation on SIPCOT Infrastructure Payments, Only 5% Annual Deduction Allowed

The Madras High Court ruled that depreciation on payments made to SIPCOT for infrastructure development is not allowed, but the assessee is eligible for a 5% annual revenue deduction. The court clarified that the contribution to SIPCOT was for land development and does not qualify as an asset eligible for depreciation under the Income Tax Act, Section 32(1) (ii). However, the court allowed the deduction to be amortized over time, as the payment is refundable under certain conditions, and permitted a 5% deduction each year once the payment becomes non-refundable.

Case Title: M/s Hinduja Foundries Ltd. v. The Assistant Commissioner of Income Tax
Citation: 2025 LiveLaw (Mad) 410



Siddhart Dewalwar



Intellectual Property Rights

Delhi High Court Bars Film Producer from Using 'BROCODE' Title, Cites Trademark Infringement of Indospirit's Popular Beverage Brand

The Delhi High Court granted an ex parte ad-interim injunction in favour of Indospirit Beverages Pvt. Ltd., restraining the Defendant from using the mark 'BROCODE' as the title of its upcoming film. Justice Tejas Karia held that the mark, long associated with Indospirit's popular alcoholic beverage brand launched in 2015, had acquired distinctiveness and reputation extending beyond the liquor industry. The Court found that the film's title was identical to the plaintiff's registered mark and likely to mislead consumers into believing an association or endorsement. The Court directed that while the defendant may continue producing the film, it was barred from using or promoting the 'BROCODE' name in any form until the next date of hearing. [Indospirit Beverages Pvt. Ltd. v. Ravi Mohan Studios Pvt. Ltd., CS(COMM) 1104/2025]



Anushka Tripathi



Quick Bites

**Delhi HC Protects 'BROCODE'
Trademark Rights Trump Film Title**



The Delhi High Court Restrained a Film Producer from Using 'BROCODE' as a Movie Title, Holding It Deceptively Identical to Indospirit's Well-Known Beverage Trademark.

The Court Found a High Likelihood of Consumer Confusion and Barred All Promotional Use of the Title.

Safeguarding Brand Identity Through Strong Trademark Enforcement

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Quick Bites

**When Imitation Dulls the Shine,
the Law Brings Clarity**



In a Landmark Decision, the Court Reaffirmed that Originality Deserves Protection – and Imitation Has Its Limits. Blue Heaven's 'GET BOLD' Eyeliner, Known For Its Bold Precision and Trusted Quality, Stands As a Symbol of Authenticity in Beauty.

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Delhi High Court Bars Sale of Counterfeit 'Get Bold' Eyeliners, Protects Blue Heaven's Trademark and Packaging

The Delhi High Court granted an ex parte ad-interim injunction in favour of Esme Consumers Pvt. Ltd., owner of the 'BLUE HEAVEN' and 'GET BOLD' brands, restraining the Defendants from manufacturing or selling cosmetics under deceptively similar marks and packaging. Justice Tejas Karia observed that the defendant's eyeliner products reproduced the distinctive 'GET BOLD' logo, colours, and overall trade dress, clearly intended to mislead consumers. The Court noted that Blue Heaven's trademarks and copyrights have been in use since 1972 and have acquired strong market recognition. It found that the defendant's imitation was deliberate, substandard, and capable of harming both consumers and the plaintiff's reputation. Consequently, the defendants were restrained from using any identical or similar marks, including 'GET BOLD', 'BLUE HEAVEN GET BOLD', or related packaging. [Esme Consumers Pvt. Ltd. v. Suraj Collection & Anr., CS(COMM) 1142/2025]



Anushka Tripathi

Intellectual Property Rights

Delhi High Court Restrains Use of 'Schezwan Tufani Chutney', Protects Capital Foods' 'Schezwan Chutney' Trademark

The Delhi High Court granted an ex parte ad-interim injunction in favour of Capital Foods Pvt. Ltd., restraining the defendant from using the mark 'SCHEZWAN TUFANI CHUTNEY' or any deceptively similar variant of the registered trademark 'SCHEZWAN CHUTNEY'. Justice Manmeet Pritam Singh Arora noted that Capital Foods, now part of Tata Consumer Products, has extensively used the mark since 2012 for its flagship "Ching's" range, with significant sales and advertising spend establishing secondary significance. The Court found that the defendant's use of 'SCHEZWAN TUFANI CHUTNEY' and online promotion using only 'SCHEZWAN CHUTNEY' was dishonest and intended to ride on the plaintiff's goodwill. Finding a strong prima facie case, the Court restrained the defendant from manufacturing, selling, or advertising products under the infringing mark. [Capital Foods Pvt. Ltd. v. Damyaa (PJ) Foods Pvt. Ltd., CS(COMM) 1165/2025]



Anushka Tripathi



Delhi High Court Restrains 'Bukhara Inn' from Using ITC's Well-Known 'BUKHARA' Mark

The Delhi High Court granted an ex parte ad-interim injunction in favour of ITC Limited and its hotel arm, restraining 'Bukhara Inn' from operating hotels or guest houses using the name 'BUKHARA'. Justice Manmeet Pritam Singh Arora noted that ITC's iconic 'BUKHARA' restaurant at ITC Maurya, New Delhi, has been in continuous use since the 1970s and was formally recognized as a well-known trademark in 2024. The Court observed that the defendant's use of 'BUKHARA INN' and similar names was dishonest, as the proprietor's surname was 'Bukhari', not 'Bukhara'. It held that such imitation amounted to trademark infringement and passing off, likely to mislead consumers and dilute ITC's goodwill. Accordingly, the defendant and its associates were restrained from using the mark 'BUKHARA' or any deceptively similar name in any form. [ITC Limited & Anr. v. Bukhara Inn, CS(COMM) 1187/2025]



Anushka Tripathi

Intellectual Property Rights

Hon'ble Delhi High Court Grants Ex Parte Injunction to 'LOTUS' Against Infringement by 'LOTUS SALON'

The Hon'ble Court granted an ex parte ad-interim injunction in favour of the Plaintiff, proprietor of the well-known trademarks 'LOTUS', 'LOTUS SALON DE BEAUTE' and variants, restraining the Defendant from using the mark 'LOTUS SALON' for beauty and salon services. The Hon'ble Court observed that the Defendant's use of the impugned mark was dishonest and intended to ride upon the Plaintiff's goodwill, causing confusion in the market. Finding that the case involved triple identity identical mark, identical product category, and identical trade channels the Hon'ble Court held that the Plaintiff, as the prior user and registered proprietor, had made out a strong prima facie case. Accordingly, the Defendant was restrained from manufacturing, selling, or advertising any beauty, skincare, or salon products and services under the infringing mark or any deceptively similar variant. [Lotus Herbals Private Limited vs Lotus Beauty Salon Private Limited (CS(COMM) 1153/2025)]



Ananya Singh



Hon'ble Delhi High Court Grants Ad-Interim Injunction to Godrej Properties Against Fake Real Estate Websites

The Hon'ble Court granted ad-interim relief to Godrej Properties against several fraudulent websites misusing its well-known trademarks "GODREJ" and "GODREJ PROPERTIES." The infringing sites had unlawfully copied Godrej's website design, content, and marks, even creating fake chat interfaces to deceive consumers. The Hon'ble Court held that the Defendants' actions amounted to trademark infringement, passing off, and copyright violation, posing a serious risk to unwary consumers in the real estate sector. Finding a strong prima facie case, the Hon'ble Court directed the domain registrars to lock and suspend the impugned domains godrejmbai.in, godrejpropertiesmahalaxmi.in, and a related webpage on propertycloud.in within 72 hours and to provide user details to the Plaintiff. [Godrej Properties Ltd vs Godrejmbai.In & Ors (CS(COMM) 1157/2025)]



Ananya Singh

Intellectual Property Rights

Hon'ble Delhi High Court Grants Ex-Parte Injunction to Jaquar Against Fraudulent Franchise Websites

The Hon'ble Court granted an ex parte ad-interim injunction in favour of Jaquar against several fraudulent entities using deceptively similar domain names jaquarfranchise.com and jaquardealership.com to impersonate the company and lure individuals into paying for fake dealership opportunities. The Hon'ble Court held that the defendants' actions constituted trademark and copyright infringement, passing off, and online fraud, noting that victims had already been duped. Observing Jaquar's established goodwill, status as a well-known mark, and substantial market presence, the Court directed suspension of the infringing domains, freezing of the linked bank account, and blocking of access to the fraudulent websites by internet and telecom providers. [Jaquar And Company Private Limited vs Jaquar Franchise & Ors (CS(COMM) 1160/2025)]



Ananya Singh



Hon'ble Delhi High Court Modifies Injunction in 'KARIM' Trademark Dispute

The Hon'ble Court modified an injunction issued by the Commercial Court restraining the appellant from using the mark "GULSHAN-E-KARIM", alleged to infringe the respondent's well-known restaurant mark "KARIM". The Court held that while the use of "KARIM" in both marks was likely to cause confusion among consumers of average intelligence, the appellant's adoption appeared to be innocent and locally recognized since 2016. Emphasizing balance of convenience and proportionality, the Hon'ble Court allowed the appellant to continue using "GULSHAN-E-KARIM" with a clear, prominently displayed disclaimer stating no association with the respondent's "KARIM" group. Failure to include the disclaimer would revive the earlier injunction. [Mohammad Talha vs M/S Karim Hotels Pvt. Ltd (FAO (COMM) 82/2025)]



Ananya Singh

Intellectual Property Rights

U.S. Supreme Court to Hear Major ISP Copyright Liability Case: Cox vs. Sony Music

A significant copyright showdown is heading to the U.S. Supreme Court, and it could reshape how internet service providers (ISPs) handle user-generated infringement. The Court has granted the U.S. Solicitor General permission to participate as amicus during the December 1 oral arguments in *Cox Communications v. Sony Music Entertainment*, underscoring the case's national importance.

At the core of the dispute is a fundamental question: When, and to what extent, can an ISP be held contributorily liable for the infringing actions of its users?

Cox argues that Sony's position effectively creates a "two-notices-and-terminate" rule, forcing ISPs to cut internet access for entire households, businesses, hospitals, dorms, and even senior citizens after just two infringement warnings. According to Cox, this would lead to "mass evictions from the internet," conflicting with Supreme Court precedent requiring affirmative, intentional conduct—not mere infrastructure provision—to establish liability.

Sony counters that ISPs must take stronger action against repeat infringers to protect copyright holders and proposes a new presumption of culpability when a provider knows of misuse. Cox rejects this as inconsistent with long-standing precedent, including *Grokster*, *Taamneh*, and *Kalem*, which reject liability based solely on knowledge of user wrongdoing.



Swagita Pandey



Stanley Cup Maker Sues its Dupes

Pacific Market International (PMI), the company behind the viral Stanley brand of drinkware, has filed a lawsuit against Five Below. PMI alleges that Five Below is selling "dupe" tumblers that don't just mimic Stanley's aesthetic, they cross the line into infringing PMI's protected designs, trademarks and trade dress. PMI's complaint claims that Five Below offered products under names such as "Hyperquench," "Hydraquench," "HydraSip," and "Hydrachug," which "outright mimic" the design features of Stanley's popular QUENCHER and ICEFLOW lines including handle shapes, metal banding, lid configurations, colour gradients and finishes. PMI also accuses Five Below of capitalising on its well-earned brand reputation and goodwill and seeks injunctive relief plus monetary damages.



Swagita Pandey

Intellectual Property Rights

TRADEMARK LITIGATION DIGEST

This Compendium offers a consolidated reference to key trademark litigation and appellate matters heard before the Intellectual Property Division (IPD) of the Delhi High Court. Covering ongoing and landmark decisions, it highlights judicial reasoning under major provisions of the Trade Marks Act, 1999 and procedural norms of the Trade Marks Rules, 2017.

This publication is a collective effort by the Lexport team. We thank Ms. Rajlatha Kotni, Ms. Swagita Pandey, Ms. Ananya Singh, and Ms. Anushka Tripathi for their contributions. Special appreciation to Ms. Manasvi Vaid for her valuable research and drafting support.

Click on the below link to read:

<https://shorturl.at/O4vYJ>



Litigation

MIHIR RAJESH SHAH VERSUS STATE OF MAHARASHTRA AND ANOTHER, CRIMINAL APPEAL NO.2195 OF 2025

The Supreme Court extended the requirement of providing written grounds of arrest to all offences under the IPC/BNS, not just special laws like the PMLA or UAPA. A Bench of CJI B.R. Gavai and Justice Augustine George Masih held that failure to supply such grounds, in a language the arrestee understands, violates Articles 21 and 22(1) and renders the arrest and remand illegal. The Court clarified that oral communication is allowed only in exceptional cases, with written grounds to be provided within a reasonable time and in any case, at least two hours before production for remand. The judgment, delivered in a Mumbai hit-and-run case, declared the petitioner's arrest illegal and made his interim bail absolute. The Court directed circulation of the ruling to all High Courts and State Governments for uniform implementation of this constitutional safeguard.



Ananya Jaim



Quick Bites

A Landmark For Accountability In Every Arrest



Supreme Court in *Mihir Rajesh Shah V. State of Maharashtra* (2025) Extends the Right to Written Grounds of Arrest to All Offences Under IPC/BNS – a New Benchmark for Constitutional Due Process.

Written Reasons. Real Rights.

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A Judgment In Favour Of The Deceased Is No Judgment At All



Supreme Court in *Vikram Bhalchandra Ghongade V. State of Maharashtra* (2024) Affirms that Appeals by Deceased Parties Without Substitution Abate Automatically – Rendering Subsequent Judgments a Nullity.

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VIKRAM BHALCHANDRA GHONGADE VERSUS THE STATE OF MAHARASHTRA & ORS., Special Leave Petition (Civil) No. 9947 of 2024

The Supreme Court ruled that a judgment rendered in favour of a party who had died before the hearing is a nullity and has no legal effect. A Bench of Justices P.S. Narasimha and A.S. Chandurkar held that if an appellant dies before the appeal is heard and no legal heirs are substituted, the appeal abates. In the case, two defendants died before their appeal was heard, yet the appellate court decided in their favour, and the High Court affirmed the decision. The Supreme Court set aside both judgments, holding that Order XXII Rule 6 CPC applies only when a party dies after the hearing but before judgment, not before the hearing. As the appellants were deceased prior to the hearing, the appellate judgment was invalid, and only the trial court's decree could be executed.



Ananya Jaim

Litigation

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When A Complaint Shows A Cognizable Offence, The Law Must Move – Not Wait



The Supreme Court Reaffirmed that a Magistrate Can Direct Registration of an FIR Under Section 156(3) CrPC (Now Section 175(3) BNSS) When a Complaint Clearly Discloses a Cognizable Offence – Without Assessing The Truth of Allegations at that Stage.

In *Sadiq B. Hanchinmani Vs. State of Karnataka*, the Court Set Aside The High Court's Quashing of an FIR And Restored the Investigation, Emphasizing that Judicial Discretion Was Properly Exercised.

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SADIQ B. HANCHINMANI VERSUS THE STATE OF KARNATAKA & ORS., SPECIAL LEAVE PETITION (CRIMINAL) NO.11336 OF 2022

The Supreme Court held that when a complaint discloses the commission of a cognizable offence, a magistrate is empowered to direct the police to register an FIR under Section 156(3) CrPC (now Section 175(3) BNSS). The Bench of Justices Pankaj Mithal and Ahsanuddin Amanullah set aside the Karnataka High Court's order quashing an FIR registered on a magistrate's direction regarding a forged rent agreement. The Court observed that at the pre-cognizance stage, the magistrate only needs to determine whether the complaint discloses a cognizable offence, not assess the truth of allegations. Referring to *Madhao v. State of Maharashtra* (2013), it emphasized that forwarding a complaint for investigation is a proper exercise of judicial discretion. Criticizing the High Court for premature interference, the Court restored the FIR and directed the police to complete the investigation promptly, affirming the JMFC's order as legally valid and justified.



Ananya Jain

For Women Scotland Ltd Vs. The Scottish Ministers, [2025] UKSC 16

The Hon'ble UK Supreme Court ruled that under the Equality Act 2010, the term "woman" refers only to biological women and does not include trans women even if they possess a Gender Recognition Certificate. The Court held that the Scottish Government's guidance expanding the definition was incorrect, and therefore the Gender Representation on Public Boards (Scotland) Act 2018 must also apply only to biological women. However, the Court clarified that this ruling does not prevent trans individuals from being appointed to public boards, it only affects how representation targets are counted. The decision arose from a challenge by For Women Scotland and was delivered by a five-judge bench.



Shyam Kishor Maurya

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UK Supreme Court - Clarifying Definitions, Preserving Inclusion



The Judgment Draws an Important Distinction:

- Who Counts Toward Gender-Representation Targets (Biological Women Under The Equality Act)
- Who May Serve on Public Boards (Open to All Qualified Individuals)

The Ruling Maintains Legal Clarity While Keeping Public Appointments Inclusive

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In Arbitration, Evidence Outweighs Estimates



The Himachal Pradesh High Court Held that Arbitral Awards Cannot stand on Unverified or Unsupported Claims. Expenses Must Be Proven Through Credible Evidence – Not Assumptions. Only Substantiated Materials Survive Judicial Scrutiny.

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Himachal Pradesh Road and other Infrastructure Development Corp. Ltd. Vs. M/s C&C Construction Ltd., 2025: HHC:36449

The Division Bench of Hon'ble Himachal Pradesh High Court held that an arbitral award granting Rs. 3.82 crore was vitiated by patent illegality since the contractor failed to produce any qualified person, such as the Chartered Accountant who issued the supporting certificate, to corroborate the claimed expenses. The dispute concerned delays in a 2008 road-widening project, for which the arbitral tribunal had awarded damages to the contractor, attributing the delay to the State Corporation. While the High Court had earlier upheld the award, the Division Bench in a Section 37 appeal partly set it aside, finding that office expenses and lease money were not proven with credible evidence. Accordingly, the award was partly upheld only to the extent supported by substantiated material.



Shyam Kishor Maurya

M/s Alchemist Hospitals Ltd. Vs. M/s ICT Health Technology Services India Pvt. Ltd., Civil Appeal No. 19647/2024

The Hon'ble Supreme Court upheld the refusal to refer the dispute to arbitration, holding that merely labelling a clause as "arbitration" is insufficient without a clear intention by the parties to submit disputes to a binding arbitral process. In the Software Implementation Agreement between Alchemist Hospitals and ICT Health, Clause 8.28 provided only for internal dispute resolution by the companies' chairpersons, with recourse to civil courts, thereafter, showing no intent for binding arbitration. The Court reiterated that a valid arbitration agreement must reflect the parties' consent to be bound by the tribunal's decision, as laid down in K.K. Modi and Jagdish Chander. Consequently, the appeal was dismissed.



Shyam Kishor Maurya

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Internal Resolution ≠ Arbitration: SC Dismisses Appeal in Alchemist vs ICT Health



ARBITRATION

- The Supreme Court Held that Simply Calling a Clause "Arbitration" Does Not Make It a Valid Arbitration Agreement
- Clause 8.28 in the Software Implementation Agreement Only Required Internal Discussions Between Chairpersons
- After Internal Talks, the Clause Directed Parties to Approach Civil Courts – Not an Arbitral Tribunal
- There Was No Intention By the Parties to Submit Disputes to a Binding Arbitral Process
- The Court Relied on Principles From K.K. Modi and Jagdish Chander to Reaffirm that Clear Consent is Essential

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Litigation



RIYAS VERSUS P. N. SHINOSH & ANR., CIVIL APPEAL NO. 6544 OF 2024

The Supreme Court enhanced compensation for a victim who suffered 77% permanent disability in a 2002 motor accident, increasing it from ₹7.5 lakh (as awarded by the Kerala High Court) to ₹15.13 lakh. The bench of Justices K. Vinod Chandran and N.V. Anjaria emphasized the victim's "loss of marriage prospects," raising this head from ₹1 lakh to ₹3 lakh, following the precedent in *Kajal v. Jagdish Chand* (2020). The Court also increased compensation for pain and suffering to ₹3 lakh, relying on *K.S. Muralidhar v. R. Subbulakshmi*, and recognized additional out-of-pocket medical expenses beyond the submitted bills for the victim's 22-day hospitalization. The judgment noted that the High Court had overlooked certain heads of compensation.



Ananya Jain

Surendra Koli v. State of UP, CRL. A. NO.2227 OF 2010

The Supreme Court set aside Surendra Koli's last remaining conviction in the Nithari killings, condemning the police investigation for "negligence, procedural lapses, and delay" that "corroded the fact-finding process." A bench led by CJI B.R. Gavai held that Koli's conviction could not stand as it was based on conjecture and suspicion, not proof beyond reasonable doubt. Justice Vikram Nath's judgment highlighted major investigative failures, including unsecured crime scenes, contradictory records, prolonged illegal custody, and poor forensic preservation. The Court observed that crucial evidence and witnesses were ignored, and key leads, including the organ-trade angle, were not pursued. Emphasizing that legality cannot be sacrificed for expediency, the Court reiterated that the presumption of innocence must prevail when evidence fails. Allowing Koli's curative petition, the Court noted that the evidence in all Nithari cases was identical, and justice demanded his acquittal despite the horrific nature of the crimes.



Ananya Jain



Litigation



NANDKUMAR @ NANDU MANILAL MUDALIAR VERSUS STATE OF GUJARAT, CRIMINAL APPEAL NO.1266 OF 2014

The Supreme Court converted a man's conviction from murder under Section 302 IPC to culpable homicide not amounting to murder under Section 304 Part I. The 1998 case involved a sudden altercation in Ahmedabad, where the appellant stabbed the deceased, Louis Williams, who died 13 days later from septicemia. The bench of Justices K. Vinod Chandran and N.V. Anjaria held that the act was impulsive, without premeditated intention to kill, though the appellant had knowledge that the injury could cause death. Referring to Kesar Singh v. State of Haryana (2008), the Court reiterated that culpable homicide becomes murder only when accompanied by specific intent to cause death. Since the death was delayed and caused by infection, it indicated absence of intent. The conviction was modified to Section 304 Part I, and the 14-year sentence already served was deemed sufficient, with the appellant's bail bond discharged.



Ananya Jain

Adani Enterprise Ltd. v. M/s SMS Carbon And Minerals Pvt Ltd., C/ARBLP/76/2023

The Gujarat High Court held that multiple agreements forming part of a single commercial project can be referred to one arbitration and adjudicated by a sole arbitrator. Hearing a Section 11 petition under the Arbitration and Conciliation Act by Adani Enterprises Ltd. against SMS Carbon and Minerals Pvt. Ltd., the Court found that the General Conditions of Contract (GCC) and General Terms and Conditions (GTC) dated 04.04.2022 governed ten related coal sale and service agreements. Relying on Ameet Lalchand Shah v. Rishabh Enterprises (2018) and MTNL v. Canara Bank (2020), the Court emphasized a practical interpretation of commercial contracts and the parties' clear intent to arbitrate. As SMS Carbon failed to lift the contracted coal and disputes arose, Adani invoked arbitration, but no consensus on the arbitrator emerged. To prevent multiplicity of proceedings, the Court allowed the petition and appointed a sole arbitrator for all disputes.



Ananya Jain



Corporate

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SEBI Refines Anchor Investor Framework: Stronger, Safer IPO Allocations Ahead



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Akshita Agarwal

SEBI Strengthens Anchor Investor Framework under ICDR (Third Amendment) Regulations, 2025

The Securities and Exchange Board of India (SEBI), through Notification No. SEBI/LAD-NRO/GN/2025/271 dated November 4, 2025, has issued the Securities and Exchange Board of India (Issue of Capital and Disclosure Requirements) (Third Amendment) Regulations, 2025. Effective 30 days from its publication in the Official Gazette, this amendment refines the framework governing anchor investors and domestic institutional participation in public issues.

The amendment revises Schedule XIII of the SEBI (ICDR) Regulations, 2018, introducing a tiered structure for anchor investor allocation. For issues up to ₹250 crore, a minimum of 2 and a maximum of 15 investors may participate, with each receiving at least ₹5 crore. For issues above ₹250 crore, up to 15 additional investors can be added for every subsequent ₹250 crore tranche. This change enhances flexibility, promotes diversification, and reduces concentration risk in IPO allocations.

Further, SEBI has reserved 40% of the anchor investor portion for domestic institutional investors 33.33% for mutual funds and 6.67% for life insurance and pension funds strengthening long-term domestic participation and market stability.

This reform highlights SEBI's continued commitment to deepening India's capital markets, fostering transparency, and aligning with the broader Atmanirbhar Bharat vision by channeling domestic capital toward sustainable market growth.



Corporate



Fresh Valuation Ordered in CIRP for Non-Disclosure of Assets: NCLAT New Delhi in IFCI Ltd v. Raju PalaPalanikunnathil Kesavan, RP of Heera Construction Co Pvt & Ors.

(Company Appeal (AT)(Insolvency) No. 740/2023; Judgment dated 11 November 2025)

The National Company Law Appellate Tribunal (NCLAT), New Delhi, has directed the Resolution Professional (RP) to conduct a fresh valuation and issue a revised Information Memorandum (IM) in the Corporate Insolvency Resolution Process (CIRP) of Heera Construction Co Pvt Ltd. The direction came after the tribunal found that several assets of the Corporate Debtor were neither disclosed nor valued, constituting a material irregularity under the Insolvency and Bankruptcy Code, 2016 (IBC).

The Bench, comprising Justice Yogesh Khanna (Judicial Member) and Ajai Das Mehrotra (Technical Member), held that Section 25(2)(a) of the IBC mandates the RP to take custody and control of all assets of the Corporate Debtor and disclose them in the IM. Failure to include mortgaged assets and those attached by the Enforcement Directorate, as well as the improper extinguishment of security interests, violated this obligation.

Referring to Victory Iron Works Ltd v. Jitendra Lohia and Masatya Technologies Pvt Ltd v. Amit Agarwal, the NCLAT reiterated that undisclosed or newly discovered assets necessitate revaluation and reinitiation of CIRP steps. Consequently, the RP was directed to conduct a fresh valuation, prepare a revised IM, and reissue Form G in accordance with law.



Akshita Agarwal

Public Auction Not Mandatory for Sale of Encumbered Assets with Charge Holders' Consent: NCLAT New Delhi in Pankaj Mahajan v. Edelweiss Asset Reconstruction Company

(Company Appeal (AT)(Insolvency) No. 1450 of 2025)

The National Company Law Appellate Tribunal (NCLAT), New Delhi, has held that a public auction is not compulsory for the sale of encumbered assets of a corporate debtor during the Corporate Insolvency Resolution Process (CIRP) if the charge holders or secured creditors have consented to the transaction in accordance with Regulation 29 of the CIRP Regulations.

The Bench, comprising Justice Ashok Bhushan (Chairperson) and Arun Baroka (Technical Member), set aside the NCLT New Delhi's order which had directed independent bidding for the sale of non-core assets of Arshiya Limited. The NCLAT observed that the NCLT exceeded its jurisdiction by interfering with the Committee of Creditors' (CoC) commercial decision, emphasizing that judicial review of such decisions is limited to ensuring compliance with the Insolvency and Bankruptcy Code, 2016.

The Tribunal clarified that the CoC's decision to approve the sale at fair value to related group entities was commercially rational, aimed at operational synergy and value maximization within the Free Trade Warehousing Zone. It further held that public auction is not the only method of price discovery and that Regulation 36A(1A), inserted later in May 2025, could not apply retrospectively to invalidate a sale approved earlier.

Accordingly, the NCLAT allowed the appeals and upheld the CoC-approved sale of non-core land parcels under Regulation 29 of the CIRP Regulations.



Akshita Agarwal



Corporate



SEBI Invites Public Comments on Draft Circular Clarifying Pro-Rata Rights of AIF Investors

The Securities and Exchange Board of India (SEBI) has released a draft circular seeking public comments on clarifications and specific modalities for maintaining pro-rata rights of investors in Alternative Investment Funds (AIFs). The initiative aims to enhance fairness, transparency, and regulatory consistency within India's growing AIF ecosystem.

The draft follows amendments made to the SEBI (Alternative Investment Funds) Regulations, 2012, on 18 November 2024, and the subsequent circular issued on 13 December 2024. These amendments mandated equal treatment of investors through pro-rata and pari-passu rights. However, several stakeholders later raised concerns regarding the operational challenges in implementing these provisions, particularly in complex fund structures and follow-on investments.

Taking into account industry feedback and recommendations from the Standard Setting Forum for AIFs, SEBI's new draft circular seeks to align practical fund operations with regulatory intent. It proposes detailed guidance on permissible deviations, standardization of disclosures, and enhanced compliance procedures for fund managers.

Public comments are invited until 28 November 2025 and may be submitted through SEBI's public comments portal or via email at afdconsultation@sebi.gov.in. The draft marks another step in SEBI's collaborative approach to policymaking, reinforcing investor protection and promoting a balanced, transparent, and globally competitive AIF landscape.



Akshita Agarwal



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