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# LEGAL UPDATES

**JANUARY 2025**

SECTOR WISE LEGAL UPDATES &  
JUDGEMENTS



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# CIVIL LAWS

## I. **Case Title: U. Sudheera and Others v. C. Yashoda and Others**

**Citation:** 2025 SCC OnLine SC 104

**Court:** Supreme Court of India

**Decided on:** January 17, 2025

### **Brief Facts:**

The case concerns a land dispute in Mangalam Village, Tirupati, involving the Gazetted Officers Cooperative House Building Society. The Society purchased land, including 0.61 acres in Sy. No. 10/1, but faced government acquisition proceedings, later quashed by the High Court in 1987. The land was developed and sold to defendants. In 2010, the plaintiff obtained an ex parte revenue record mutation and filed OS No. 48/2011 for an injunction, which the trial court granted.

However, the First Appellate Court overturned the decision in 2022, holding that a bare injunction suit was not maintainable without seeking a title declaration. The plaintiff then filed a second appeal (SA No. 518/2023) in the High Court, which granted interim status quo without framing a substantial question of law. Aggrieved by this, the respondents preferred an appeal before the Supreme Court, contending that the High Court's order was unsustainable in the absence of a framing substantial question of law.

### **Issue:**

Whether a High Court, while dealing with a second appeal under Order XLI read with Section 100 of the Code of Civil Procedure, 1908 ("CPC"), could issue an ad interim order for a limited period before framing substantial questions of law.

### **Judgement:**

The Supreme Court upheld the contention of respondent, reiterating that appellate courts must first determine the existence of a substantial question of law before granting interim relief.

Relying on various judgements of the Apex Court, the Supreme Court observed that the High Court had acted beyond its jurisdiction by granting interim relief without fulfilling the required legal conditions. The court reaffirmed that an appeal can only proceed once a substantial question of law is identified and framed. Consequently, the Supreme Court annulled the High

Court's order and reinforced the necessity of following proper legal procedures in second appeals.

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**II. Case Title: Cuddalore Powergen Corporation Ltd. v. Chemplast Cuddalore Vinyls Limited and Another**

**Citation:** 2025 SCC OnLine SC 82

**Court:** Supreme Court of India

**Decided on:** January 15, 2025

**Brief facts:**

In this case, the original plaintiff entered into a sale agreement for a property but later discovered that the seller had executed another sale deed in favor of the appellant. The plaintiff initially filed a suit for permanent injunction to protect possession, which remained pending. Subsequently, after the lifting of a government ban on sale deed registration, the plaintiff instituted a second suit for specific performance and cancellation of the competing sale deed.

The trial court dismissed the second suit, holding that the plaintiff was aware of the subsequent sale at the time of the first suit and could have claimed specific performance earlier. However, the High Court reinstated the second suit, ruling that the lifting of the ban triggered a fresh cause of action, making the new relief legally enforceable.

**Issues:**

Whether in the facts & circumstances of the present case, the principles enumerated under Order II Rule 2 CPC would bar the institution of a second suit and warrant rejection of the plaint filed by the respondent no. 1 herein in O.S. No. 122 of 2008?

**Judgement:**

The Hon'ble Supreme Court in this case examined the applicability of Order II Rule 2 CPC, which bars the filing of a second suit for a relief that could have been claimed in an earlier suit. The Court held that the bar does not apply when the second suit is based on a distinct cause of action or arises due to new factual developments that were unavailable at the time of filing the first suit.



A bench of Justices JB Pardiwala and R. Mahadevan upheld this view, affirming that when a subsequent event enables a plaintiff to claim relief that was previously unavailable, the second suit is maintainable. The Court clarified that Order II Rule 2 CPC does not compel a plaintiff to include all potential claims in one suit when some reliefs are legally unenforceable at the time.

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### **III. Case Title: Central Bank of India & Anr. V. Smt. Prabha Jain & Ors.**

**Citation:** 2025 SCC OnLine SC 121

**Court:** Supreme Court of India

**Decided on:** January 09, 2025

#### **Brief Facts:**

The dispute arose when Smt. Prabha Jain filed a civil suit challenging the validity of certain sale and mortgage deeds. She sought multiple reliefs, including a declaration that the deeds were null and void, restoration of possession, and damages. The Central Bank of India, one of the appellants, argued that the suit was barred under the SARFAESI Act, which deals with secured assets and ousts the jurisdiction of civil courts in such matters.

The bank filed an application under Order VII Rule 11 CPC, seeking to dismiss the entire suit. The trial court accepted the bank's argument and rejected the plaint in full, stating that civil courts had no jurisdiction over the matter. However, the plaintiff appealed to the High Court, which reversed the decision, holding that even if some reliefs were barred under the SARFAESI Act, others remained maintainable.

#### **Issues:**

Whether the civil court has jurisdiction to entertain the suit filed by the plaintiff, given the provisions of the SARFAESI Act, which typically oust civil court jurisdiction in favor of the DRT.

#### **Judgement:**

The Supreme Court upheld the High Court's decision, reiterating that a suit should not be dismissed in full if at least one relief is legally valid. The Court observed that Order VII Rule 11 CPC is meant to filter out frivolous cases but should not be used to prevent litigants from

pursuing legitimate claims. It emphasized that courts must examine each relief independently and allow the suit to proceed if any part of it is legally sustainable.

This judgment reinforces the principle that procedural technicalities should not obstruct access to justice. It clarifies that while special laws like the SARFAESI Act limit civil court jurisdiction, they do not automatically invalidate all claims related to secured assets. The ruling ensures that litigants are not unfairly deprived of their right to seek valid legal remedies.

By setting this precedent, the Supreme Court has reaffirmed that courts must adopt a balanced approach when determining the maintainability of suits, ensuring fairness and proper judicial scrutiny in cases involving multiple reliefs.

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#### **IV. Case Title: H. Anjanappa & Ors. Vs A. Prabhakar & Ors.**

**Citation:** 2025 SCC OnLine SC 183

**Court:** Supreme Court of India

**Order Dated:** January 29, 2025

##### **Brief Facts:**

The case arose from a sale agreement executed in 1995 between the plaintiffs (appellants) and the defendant (since deceased, now represented by legal representatives). The defendant, acting through her Power of Attorney holder, agreed to sell the property for Rs. 20 lakhs, receiving an earnest money deposit of Rs. 5 lakhs. As the defendant failed to evict unauthorized occupants from the land, a supplementary agreement was executed, extending the timeline for the sale, and the plaintiffs paid an additional Rs. 15 lakhs. However, despite this, the defendant subsequently sold the property to another buyer for Rs. 40 lakhs, prompting the plaintiffs to file a suit for specific performance.

The trial court granted a temporary injunction, restraining the defendant from further alienating the property. However, in violation of this order, a portion of the land was sold to Respondents Nos. 1-2, who later sought to be impleaded in the suit. The trial court rejected their application, and after trial, it decreed the suit in favor of the plaintiffs, granting specific performance. The defendant's appeal before the High Court was dismissed.

Two years after the High Court's ruling, Respondents Nos. 1-2 challenged the decree and sought condonation of a 586-day delay, which the High Court allowed, granting them leave to appeal. The plaintiffs then approached the Supreme Court, contending that a lis pendens transferee has no independent right to challenge a decree against their transferor unless they had been impleaded in the suit.

**Judgement:**

The Supreme Court observed that a lis pendens transferee claims under the defendant and is therefore bound by the decree. It noted that under Order XXI Rule 16 CPC, a transferee of a decree-holder may apply for execution, and by analogy, execution may proceed against a transferee of a judgment-debtor, regardless of when the transfer took place. Furthermore, Order XXII Rule 10 CPC allows a lis pendens transferee to seek substitution in ongoing proceedings, and while failure to implead does not invalidate their rights, such a transferee may still apply for leave to appeal post-decree.

The Court clarified that a lis pendens transferee, though not impleaded, may seek leave to appeal against a final decree, but the decision to grant such leave is discretionary. The exercise of discretion must be judicious, ensuring that procedural fairness is maintained while preventing misuse of litigation to delay execution of decrees.

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## COMPETITION LAW

**I. Case Title: Maulik Surani And Alphabet Inc. & Ors.**

**Case No:** 34 of 2024

**Court/Tribunal:** Competition Commission of India

**Decided on:** January 08, 2025

The CCI vide order dated 08.01.2025, *prima facie* allowed an information against Alphabet Inc., Google LLC, Google International LLC, and Google India Private Limited (“**Opposite Parties**”) for contravening the provisions of Sections 3 and 4 of the Competition Act, 2002 (“**the Act**”). The CCI directed that the information be clubbed with Case Nos. 41 of 2021, 10 of 2022, and 36 of 2022, whereunder the Director General is examining whether the practices

of the Opposite Parties constitute abuse of dominance in the online digital advertising intermediation services in India.

Mr. Maulik Surani (“**the Informant**”) alleged that the Opposite Parties engaged in anti-competitive conduct while providing ad-tech intermediation services by, *inter alia*, favouring its own properties over those of Google Network members, hosting auction and simultaneously participating as a bidder through AdX, not disclosing information about the fees for its ad-tech intermediation services and by imposing exorbitant fees on publishers through Google Ad Manager. The CCI observed that the subject matter of the allegations in the information was substantially same as the subject matter of the practices of the Opposite Parties in the ad-tech intermediation services, that is already under examination in an ongoing investigation.

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## **II. Case Title: Rajesh George And Honda Motorcycle And Scooter India Private Limited**

**Case No:** 16 of 2024

**Court/Tribunal:** Competition Commission of India

**Decided on:** January 14, 2025

The CCI vide order dated 14.01.2025 dismissed an information against Honda Motorcycle and Scooter India Private Limited (“**Opposite Party**”) for contravening the provisions of Section 4 of the Competition Act, 2002 (“**the Act**”). The CCI found the reasons offered for condonation of delay in filing the information to be implausible, yet proceeded to analyse the allegations in the information and observed that they arose out of commercial disputes from a contractual relationship between the parties and were thus, beyond the purview of the Act.

Mr. Rajesh George (“**the Informant**”), a dealer of the Opposite Party, alleged that the Opposite Party engaged in anti-competitive conduct by pressurizing him into terminating his dealership with Suzuki, dumping offbeat and unpopular two-wheeler models in his showroom without any prior order, declining the induction of a director into his dealership and terminating his dealership agreement in an arbitrary and unilateral manner. The Informant also sought interim relief in the form of a direction to the Opposite Party to restore his dealership with immediate effect.

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### **III. Case Title: Beach Mineral Producers Association And IREL (India) Limited**

**Case No:** 26 of 2022

**Court/Tribunal:** Competition Commission of India

**Decided on:** January 17, 2025

The CCI vide order dated 17.01.2025 dismissed an information against IREL (India) Limited (“**Opposite Party**”) for contravening the provisions of Section 4 of the Competition Act, 2002 (“**the Act**”). The CCI observed that while the Opposite Party qualifies as an ‘enterprise’ under the provisions of Section 2(h) of the Act and holds a dominant position in the market for mining and supply of beach sand Ilmenite in India, no abuse of dominant position can be made out against the Opposite Party since it neither imposes discriminatory conditions in the sale of Ilmenite nor denies market access to domestic consumers.

The Beach Mineral Producers Association (“**the Informant**”) alleged anti-competitive conduct against the Opposite Party on account of imposition of extraneous conditions for the supply of Ilmenite to domestic consumers, dissimilar treatment between domestic customers and foreign companies, and arbitrary and exorbitant pricing of Ilmenite. The CCI perused the investigation report of the Director General and observed that mining and supply of Ilmenite is an economic activity undertaken by the Opposite Party and not its sovereign function, no evidence of discrimination between similarly situated consumers by the Opposite Party exists and the pricing decisions taken by the Opposite Party for the supply of Ilmenite are determined by market dynamics.

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## **CONSTITUTIONAL LAW**

### **I. Case Title: Dr. Tanvi Behl v. Shrey Goel & Ors.**

**Citation:** 2025 INSC 125 Supreme Court

**Court:** Supreme Court of India

**Decided on:** January 29, 2025

**Brief Facts:**

The prospectus issued for the admission by the Government Medical College and Hospital, Chandigarh (Single medical college in Union Territory of Chandigarh) reserved all 64 seats under the state quota. The Punjab and Haryana High Court held that reserving all 64 State Quota seats for residents and institutional candidates was violative of Article 14 of the Constitution. The admissions granted under this policy were declared unconstitutional, and the High Court directed that seat be filled based on merit in the NEET Examination. Subsequently, the decision of High Court was challenged before Supreme Court.

**Issues:**

The primary question is whether residence-based reservation in Post Graduate (PG) Medical Courses by a State is constitutionally valid.

**Judgment:**

The Hon'ble Court, emphasizing on the importance of specialist doctors' in PG Medical Course, held that reservation at the higher level on the basis of 'residence' would be violative of Article 14 of the Constitution of India. While referring to the earlier ruling in *Jagdish Saran v. Union of India (1980) 2 SCC 768*, it stated that MBBS is a basic medical degree and insistence on the highest talent may be relaxed by promotion of backward groups, institution wise chosen, without injury to public welfare. It produces equal opportunity on a broader basis and gives hope to neglected geographical or human areas of getting a chance to rise. Thereafter, the Hon'ble Court justified meritocracy at specialty levels of medical education by stating that the preferential push for a particular group cannot prevail at the higher scales of specialty. To devalue merit at the summit would be to temporize with the country's development in vital areas of professional expertise.

The Hon'ble Court also held that the concept of 'Domicile' is alien to the Indian legal system. It was observed that India has undoubtedly certain federal features but it is still not a federal State and it has only one citizenship, namely, the Citizenship of India. It has also one single unified legal system which extends throughout the country. The concept of 'domicile' is stated to have no relevance to the applicability of municipal laws, whether made by the Union of India or by the States. The use of 'domicile' owes its origin to the narrow parochial loyalties fostered by interest parties with a view to gain advantage at the cost of the unity of India, it stated. Referring to the Assembly Debates, the Hon'ble Court quoted, "use of residence as a qualification subtracts the value of the Common Citizenship envisaged by the Constitution."

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## **II. Case Title: Ivan Rathinam v. Milan Joseph**

**Citation:** 2025 INSC 115 Supreme Court

**Court:** Supreme Court of India

**Decided on:** January 28, 2025

### **Brief facts:**

The case of Ivan Rathinam vs. Milan Joseph, heard by the Supreme Court of India under its Criminal Appellate Jurisdiction, revolves around the respondent's claim of paternity. The respondent's mother, who married Mr. Raju Kurian in 1989 and later divorced him in 2006, sought to change the respondent's father's name to the appellant, Ivan Rathinam, citing an extra-marital relationship. The respondent and his mother filed a suit for a declaration of paternity and a mandatory injunction for a DNA test, which was initially directed by the Munsiff Court but later set aside by the High Court. The Family Court closed the maintenance petition but allowed for its revival if the civil suit favored the respondent. The respondent's appeal against the Munsiff Court's decision was dismissed by both the Sub-Judge and the High Court, leading to the current appeal in the Supreme Court.

### **Issues:**

Whether the presumption of legitimacy, if not displaced, determines paternity in law.

### **Judgement:**

The Hon'ble Court decided against the idea that the interest of a child to know his father outweighs the right to privacy and dignity of a person. At the outset, the Hon'ble Court emphasized on the adjoining rights to the Right to Privacy which, in turn, includes preservation of personal intimacies, sanctity of family life, marriage and procreation among other things. While stating that such a right is not absolute in terms of Article 21 of the Indian Constitution, the three conditions which would permit its invasion, as mentioned in the ruling of **K. S. Puttaswamy v. Union of India (2017) 10 SCC 1** are: (a) legality, which postulates the existence of law; (ii) need, defined in terms of a legitimate State aim; and (iii) proportionality which ensures a rational nexus between the objects and the means adopted to achieve them.

It was stated that a person can exercise his right to privacy in order to protect his right to dignity and *vice versa*. Forcefully undergoing a DNA test would subject an individual's private life to

scrutiny from the outside world. That scrutiny, particularly when concerning matters of infidelity, can be harsh and can eviscerate a person's reputation and standing in society. It can irreversibly affect a person's social and professional life, along with his mental health. On account of this, he has the right to undertake certain actions to protect his dignity and privacy, including refusing to undergo a DNA test.

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## CONSUMER COURTS

### **I. Case Title: Dr. Shiny Antony Rauf v. State of Kerala**

**Case No.:** WP(C) No. 25701 of 2024

**Court:** The High Court of Kerala at Ernakulam

**Decided on** 06.01.2025

#### **Facts:**

Dr. Shiny Antony Rauf, a dental surgeon, was ordered by the Consumer Disputes Redressal Commission, Kottayam, to pay ₹5,00,000 to the complainant. She filed an appeal before the Kerala State Consumer Disputes Redressal Commission, which admitted the appeal but did not stay the execution of the order. Despite this, the complainant-initiated execution proceedings, resulting in a non-bailable arrest warrant being issued against Dr. Rauf. She challenged the warrant through a writ petition before the Kerala High Court, arguing that she had complied with the statutory requirement of depositing part of the ordered amount.

#### **Issues:**

Whether the issuance of an arrest warrant was justified in the absence of an automatic stay on execution upon filing an appeal, and whether the petitioner should have been given an opportunity to seek a stay from the appellate authority.

#### **Judgement:**

The Kerala High Court, relying on previous rulings, held that consumer forums have the discretion to stay execution orders upon application. The Court found that an arrest warrant should not have been issued without allowing the petitioner an opportunity to request a stay.



Consequently, the Court deferred the execution for 60 days, permitting the petitioner to file a stay application before the State Commission.

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## **II. Case Title: Mukesh Tiwari v. State of Chhattisgarh**

**Case No.:** WPS No. 1672 of 2020

**Court:** High Court of Chhattisgarh

**Decided on:** 14.01.2025

### **Facts:**

Mukesh Tiwari, appointed as a Process Server at the District Consumer Grievance Redressal Forum, Koriya, in 2010, was initially granted a grade pay of ₹1400. However, in 2012, his grade pay was reduced to ₹1300, and an order was passed for the recovery of the excess payment made to him. Aggrieved, he filed a writ petition challenging the recovery, arguing that the statutory rules specified a ₹1400 grade pay, and that an administrative circular could not override these rules. He also contended that there was no fraud or misrepresentation on his part.

### **Issues:**

Whether the reduction of grade pay and the recovery of excess payment were legally justified, given the absence of fraud or misconduct, and in light of applicable statutory rules and prior judgments.

### **Judgement:**

The Chhattisgarh High Court, citing the Supreme Court's judgment in *State of Punjab v. Rafiq Masih* (2015) and *Thomas Daniel v. State of Kerala* (2022), held that the recovery order was unjustified. The Court ruled that recovery of excess payment, where no fraud or misconduct was involved, would be harsh and inequitable. It quashed the recovery orders and directed that the deducted amount be refunded with 9% interest if not paid within three months.

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## **III. Case Title: Indian Medical Association & Anr. V. Union of India & Ors**

**Case No.:** WP(C) No. 645/2022

**Court:** Supreme Court of India

**Decided on:** 15.01.2025

**Facts:**

The Indian Medical Association (IMA) filed a petition before the Hon'ble Supreme Court seeking judicial intervention regarding the non-compliance of several states with healthcare regulations and policy directives. The Court observed that a significant number of states had failed to adhere to its earlier orders and directed the respective state governments to submit status reports detailing their compliance.

**Issues:**

Whether the states' failure to comply with the Supreme Court's directives concerning healthcare regulations warrants further judicial intervention, including potential contempt proceedings.

**Judgement:**

The Supreme Court categorized the states into different groups for staged compliance review. It set deadlines for the submission of affidavits, with hearings scheduled in February and March 2025 for different states. The Court warned of potential contempt proceedings under the Contempt of Courts Act, 1971, against state officials in case of further non-compliance. Additionally, the Court reviewed an affidavit from the President of IMA concerning a prior contempt notice and, in light of an unconditional apology from the state officials, discharged the contempt notice.

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**IV. Case Title: Dr. Shybal Das v. M/s Emaar MGF Land Limited**

**Case No.:** Complaint No. 671 of 2023

**Court:** The Haryana Real Estate Regulatory Authority, Gurugram

**Decided on:** 16.01.2025

This case before the Haryana Real Estate Regulatory Authority (HARERA) concerned the delay in possession of a residential unit in the "Palm Gardens" project, Sector-83, Gurugram, developed by M/s Emaar MGF Land Limited. The complainant, Dr. Shybal Das, booked a unit

in 2012 under a construction-linked payment plan. As per the Builder-Buyer Agreement (BBA), possession was to be handed over within 36 months from the commencement of construction, with a grace period of three months. The Construction of the project began in February 2013, making the due date for possession May 2016. However, possession was only offered in November 2019, with final handover occurring in March 2021, resulting in a delay of over 52 months. The complainant sought delayed possession charges under Section 18 of the Real Estate (Regulation and Development) Act, 2016 (RERA).

The Respondent argued that the delay was caused by force majeure conditions, regulatory restrictions, and default in payments by other allottees. The authority rejected these defences, stating that construction delays due to regulatory approvals and external factors cannot absolve the builder's responsibility under Section 11(4)(a) of RERA. The authority further relied on *Neelkamal Realtors v. Union of India* (2017), which held that RERA applies to agreements executed before its enactment. The Court ruled that the complainant was entitled to delayed possession charges at 11.10% per annum as per Rule 15 of the Haryana RERA Rules. The authority also dismissed the respondent's claim that the complainant was an investor rather than an allottee, reaffirming that any buyer under a builder-buyer agreement is entitled to protection under RERA

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**V. Case Title: The General Manager, Northern Railways v. Mrs. Harleen Kaur**

**Case No.:** CM(M) 4146/2024

**Court:** High Court of Delhi at New Delhi

**Decided on:** 20.01.2025

The Respondent in this case, Harleen Kaur, filed a consumer complaint alleging negligence by the Northern Railways after her purse was snatched from a moving train. She claimed that due to the carelessness of the Railway staff, the coach door was left open, enabling an unidentified individual to enter and commit the theft.

The District Consumer Forum held the Railways liable for deficiency in service and awarded her ₹6,30,000 towards compensation and damages. Northern Railways challenged this order before the State Consumer Disputes Redressal Commission but filed the appeal after a delay of 64 days. The State Commission dismissed the appeal, citing unexplained delay, and refused

to condone it under Section 15 of the Consumer Protection Act, 1986. The National Consumer Disputes Redressal Commission upheld this decision, rejecting the argument that government entities should be given leeway for bureaucratic delays.

The Northern Railways then moved the Delhi High Court under Article 227 of the Constitution. The High Court dismissed the petition, ruling that discretionary relief could not be granted when a party fails to justify procedural lapses. It cited *Chief Post Master General v. Living Media India Ltd.* (2012), emphasizing that government departments cannot routinely rely on bureaucratic inefficiencies to seek condonation of delay. The court reaffirmed the principle that limitation laws apply equally to all litigants and that consumer rights must be protected against state inaction.

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## CRIMINAL LAW

### **I. Karnataka High Court declines Wife's plea to Transfer Divorce Case, states Safeguarding Women is admirable but Husband's convenience can't be overlooked at all times.**

**Case Title:** ABC and XYZ

**Case Citation:** Civil Petition No. 370 OF 2024

**Court:** High Court of Karnataka

#### **Facts:**

The Petitioner (wife) and the Respondent (husband) had been married for several years and had two children, aged 9 and 7. The wife developed an illicit relationship, abandoned her husband and children, and severed ties with her family to live with her lover. The husband became the sole guardian of the children and later filed for divorce. The wife filed a civil petition under Section 24 of the CPC before the Karnataka High Court, seeking transfer of the divorce proceedings from Narasimharajapura to Hosanagara, claiming difficulty in traveling the 130 km distance for court hearings.

#### **Issue:**

The issue was whether the transfer petition should be granted, considering the wife's claim of inconvenience due to the distance, and whether the court needed to consider the rights and responsibilities of both parties, particularly in relation to the welfare of the children.

**Judgement:**

The Karnataka High Court held that the Respondent-Husband was the primary caregiver for the children, and transferring the case would impose significant hardship on him, affecting his responsibilities towards his children. The Court acknowledged that while women are often primary victims in such cases, men can also suffer cruelty, and the balance of convenience did not favor the wife. The Court dismissed the petition for transfer, ruling that granting it would add to the husband's hardship and negatively impact the children's welfare.

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## **II. Kolkata Court Sentences Convict Sanjay Roy to Life Imprisonment in the gruesome RG Kar Rape-Murder Case.**

**Case Title:** State of West Bengal vs Sanjay Roy

**Case Citation:** In the Court of Additional Sessions Judge, 1<sup>st</sup> Court, Sealdah, South 24 Parganas; Sessions Case No. 77 of 2024 Sessions Trial No. 01(11)2024

**Court:** Calcutta High Court

**Decided on:** 18.01.2025

**Facts:**

A tragic incident occurred at R.G. Kar Medical College & Hospital, Kolkata, on August 9, 2024, where a young doctor, a second-year Post Graduate Trainee (PGT) in Chest Medicine, was found brutally raped and murdered in the seminar room of the hospital. The victim was a bright medical trainee and the only child of her parents. On the day of the incident, she had been working continuously for over 36 hours, performing her OPD duty followed by a night shift. Exhausted, she went to the seminar hall of the hospital to catch some rest, where she was attacked in the dead of night. The incident sent shockwaves through the medical community and the public, raising concerns about safety in healthcare settings. The victim's father, devastated by the loss, filed a complaint at the Tala Police Station, which was registered as FIR No. 52 under Section 64/66/103(1) of the BNS. Initially, the police registered an unnatural

death (UD) case but later formed a Special Investigation Team (SIT) due to the sensitive nature of the case. Based on CCTV evidence, Sanjay Roy, a civic volunteer, was identified as a suspect and arrested on August 10, 2024. The post-mortem report confirmed severe injuries, including signs of sexual assault and manual strangulation, painting a grim picture of the brutal crime. The case was transferred to the CBI for further investigation on August 13, 2024, following the direction of the Hon'ble High Court of Calcutta.

**Issue:**

- Whether the victim's death, resulting from brutal sexual assault and manual strangulation, was directly caused by the accused.
- The credibility and reliability of the DNA evidence linking the accused to the crime, particularly in light of the accused's claim of false implication and attempts to challenge the integrity of the forensic findings

**Judgement:**

The Hon'ble Court meticulously examined the facts, witness testimonies, and forensic evidence presented during the trial. The Court placed significant emphasis on the DNA profiling results, which revealed a match between the blood found on the victim's clothing and that of the accused, Sanjay Roy. This evidence was critical in establishing a direct connection between the accused and the crime scene. Additionally, the Court found the testimonies of the victim's colleagues, who were present at the hospital on the night of the incident, to be consistent and credible. These testimonies helped create a clear timeline of events leading up to the discovery of the victim's body and further supported the prosecution's case.

The Court carefully reviewed the defence's claims of false implication and found no credible evidence to substantiate these allegations. The defence's attempts to undermine the integrity of the DNA evidence and the testimonies of the witnesses were dismissed as speculative and without factual basis. The Court noted that the witnesses had no apparent motive to fabricate their accounts and their professional integrity lent further weight to their statements.

In determining the sentence, the Court considered the heinous nature of the crime, the profound emotional impact on the victim's family, and the societal implications of such violent acts. The Court emphasized that crimes of this magnitude not only destroy individual lives but also instill fear and insecurity in the broader community. As a result, the Court sentenced Sanjay Roy to life imprisonment, recognizing the need for a strong deterrent sentence to underscore the seriousness of sexual violence and to prevent similar offenses in the future. The Court's

judgment reflected its commitment to ensuring justice, protecting the safety and dignity of individuals, and upholding societal values.

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### **III. The Hon'ble Supreme Court rules that police should not serve notices under Section 41A Cr.P.C or Section 35 BNSS through WhatsApp or other electronic means**

**Case Title:** Satender Kumar Antil vs Central Bureau of Investigation & Anr.

**Case Citation:** Miscellaneous Application No. 2034/2022 in 1849/2021 in SLP (Crl) No. 5191/2021

**Court:** Supreme Court of India

**Decided on:** 21.01.2025

#### **Facts:**

The petitioner, Satender Kumar Antil, challenged the procedural aspects of serving notices under Section 41-A of the Criminal Procedure Code (Cr.P.C.) and Section 35 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, concerning undertrial prisoners (UTPs). The Supreme Court of India had been monitoring the compliance with its earlier orders regarding the treatment of UTPs and the service of notices. The Amicus Curiae submitted a compliance report from various states and union territories about the implementation of these directives. The case primarily focused on whether notices could be served electronically, specifically through WhatsApp.

#### **Issue:**

The issue was whether notices under Section 41-A of Cr.P.C and Section 35 of BNSS, 2023 can be validly served through electronic means like WhatsApp, which were not in accordance with the prescribed legal procedures, leading to concerns over the validity of such service when accused individuals failed to appear before Investigating Officers.

#### **Judgement:**

The Supreme Court ruled those notices under Section 41-A of Cr.P.C and Section 35 of BNSS, 2023 cannot be served through WhatsApp or any other electronic mode, as it is not in compliance with the prescribed legal procedures. The Court emphasized that the service of notices must follow the standard methods outlined in the Cr.P.C. and BNSS, 2023. The Court

further directed that all states and union territories issue a Standing Order to their police forces, explicitly prohibiting the use of WhatsApp or other electronic means for serving notices.

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#### **IV. The Hon'ble Supreme Court Affirms Presumption of Legitimacy, holds that the Husband shall be deemed as the father of the Child born during marriage, regardless of Wife's extramarital relations.**

**Case Title:** Ivan Rathinam vs Milan Joseph

**Case Citation:** Criminal Appeal No. 413 of 2025 [Arising out of Special Leave Petition (Crl.) No. 4917/2018]

**Decided on:** January 28, 2025

**Court:** Supreme Court

##### **Facts:**

The case involves a paternity dispute concerning Milan Joseph, who was born in 2001 during the marriage of his mother and Mr. Raju Kurian, the legal father. Despite being recorded as Mr. Kurian's son, Milan's mother later claimed that his biological father was the appellant, Ivan Rathinam, with whom she allegedly had an extramarital affair. Milan and his mother filed a suit seeking a declaration of paternity and an amendment to the birth register, along with a maintenance petition under Section 125 Cr.P.C. The lower courts upheld the presumption of legitimacy under Section 112 of the Indian Evidence Act, ruling Milan to be Mr. Kurian's biological son. In 2015, Milan sought to reopen the maintenance petition, which was allowed by the Family Court and upheld by the Kerala High Court, prompting the appellant to challenge the decision before the Supreme Court.

##### **Issue:**

Whether the presumption of legitimacy under Section 112 of the Indian Evidence Act conclusively determines paternity, whether the Civil Court had jurisdiction over the original paternity suit, whether the Family Court was justified in reopening the maintenance proceedings, and whether the second round of litigation was barred by the principle of res judicata.

##### **Judgement:**



The Supreme Court ruled in favor of the appellant, Ivan Rathinam, and set aside the Kerala High Court's decision. The Court held that the presumption of legitimacy under Section 112 is conclusive unless rebutted by evidence of non-access between the spouses during the valid marriage. It ruled that the Civil Court had jurisdiction to decide the paternity suit and that the Family Court erred in reopening the maintenance case, as the original suit had already been concluded.

The Court also upheld the principle of res judicata, stating that reopening the case violated the finality of the previous decision. Therefore, the presumption that a child born within a marriage is legitimate and the husband is the legal father, unless proven otherwise, was upheld.

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## ENVIRONMENTAL LAWS

**I. Case Title:** Kamlesh Singh v. State of Uttar Pradesh and Saurabh Tiwari vs Union of India & Ors.

**Case Citation:** O.A. No. 310/2022 WITH M.A. No. 59/2024 in O.A. No. 56/2024

**Court Name:** National Green Tribunal, Delhi

**Decided on:** December 23, 2024

### **Brief facts:**

The case addresses environmental pollution in the river Ganga in Prayagraj, Uttar Pradesh, particularly focusing on the discharge of untreated sewage and incomplete sewer pipeline works, especially in preparation for large religious gatherings like the Kumbh Mela. The case involves two applications concerning the environmental pollution in the river Ganga in Prayagraj, Uttar Pradesh:

Kamlesh Singh v. State of UP (OA No. 310/2022): This application was initiated based on a letter petition raising concerns about environmental pollution in the river Ganga due to the discharge of untreated sewage and incomplete sewer pipeline works, especially in light of the forthcoming Kumbh Mela.

Saurabh Tiwari v. Union of India (M.A. No. 59/2024 in OA No. 56/2024): This application was based on a joint committee report in response to the Tribunal's earlier directions regarding the

quality of water in the river Ganga at Sangam Prayagraj and the discharge of sewage from drains, particularly with reference to the forthcoming Kumbh Mela.

Both applications highlight issues such as the discharge of untreated sewage into the rivers Ganga and Yamuna through various drains, incomplete sewer-line works, and the need for additional sewage treatment plants (STPs) to handle the increased load during large gatherings like the Kumbh Mela. The joint committee reports revealed significant gaps in the treatment and management of sewage, with many drains still discharging untreated sewage into the rivers.

### **Issues:**

The issues addressed in the case primarily revolve around the management of sewage and waste during the Maha Kumbh festival:

- i. **Discharge of Untreated Sewage:** Concerns about the discharge of untreated sewage into the river Ganga and Yamuna through various drains in Prayagraj, particularly in preparation for large religious gatherings.
- ii. **Inadequate Sewage Treatment Infrastructure:** Incomplete sewer-line works, gaps in sewage treatment capacity, and the need for additional sewage treatment plants (STPs) to handle the increased load during the Kumbh Mela.
- iii. **Water Quality Monitoring:** Ensuring that the water quality in the rivers meets the required standards, especially during large gatherings such as the Kumbh Mela.
- iv. **Solid Waste Management:** Effective management of solid waste generated during the event to prevent environmental pollution.

### **Judgement:**

The Tribunal issued several directions to address these issues: The Central Pollution Control Board (CPCB) and Uttar Pradesh Pollution Control Board (UPPCB) were directed to increase their monitoring points and the frequency of water quality monitoring in the rivers Ganga and Yamuna, especially during the Kumbh Mela. The authorities were instructed to ensure that no untreated sewage is discharged into the rivers during the Kumbh Mela. They were required to adopt advanced sewage treatment methods, including geo-tube treatment and on-site treatment for untapped drains. A comprehensive sewage management system/plan was to be implemented in Prayagraj, including additional STPs and on-site treatment facilities to manage the excess sewage generated during the Kumbh Mela. Awareness programs regarding environmental protection and waste management were to be organized to educate the

population and ensure proper disposal of solid and liquid waste. CPCB and UPPCB were required to submit regular reports on water quality and the performance of STPs and geo-tubes during the Kumbh Mela. These reports were to be uploaded on their websites and submitted to the Tribunal.

The case has been disposed of with the authorities being directed to comply with the specified measures for sewage and waste management during the Maha Kumbh festival. The judgement emphasizes the importance of maintaining water quality standards, effective disposal of sludge, and adherence to environmental norms. The CPCB and UP PCB are required to submit reports detailing their actions and compliance status within specified timelines.

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## **II. Case Title: Tahir Hussain vs State of Rajasthan**

**Case Citation:** Appeal No. 02/2024 (CZ) (I.A. No. 13/2024)

**Court Name:** National Green Tribunal

**Decided On:** January 15, 2025

### **Brief facts:**

In the present case, the appellant Tahir Hussain challenged a notification issued by the Rajasthan State Pollution Control Board (RSPCB) on January 2, 2024. This notification stated that no Environmental Compensation would be levied for the "Back Period" during which industries operated without a valid Consent to Operate (CTO), provided they regularized their consent. The appellant argued that this notification violated several key environmental laws, including the Environment (Protection) Act, 1986, the Water (Prevention and Control of Pollution) Act, 1974, and the Air (Prevention and Control of Pollution) Act, 1981. Hussain contended that allowing such dispensation contradicted earlier rulings by the National Green Tribunal (NGT) and the Supreme Court, which mandated strict adherence to environmental regulations and penalties for non-compliance.

### **Issues:**

- (i) Whether the Rajasthan State Pollution Control Board's notification of January 2, 2024, is in violation of the Environment (Protection) Act, 1986, and the Water and Air Acts, along with

contravention to previous judicial orders from the National Green Tribunal and the Supreme Court?

- (ii) What are the legal implications of defining the "Back Period" in the context of environmental compliance and penalties for industries operating without valid consent?
- (iii) Is the RSPCB's rationale for streamlining the penalty process for back period fees justifiable under current environmental legislation?

**Judgment:**

The National Green Tribunal carefully examined the arguments presented by both parties and the circumstances surrounding the Rajasthan State Pollution Control Board (RSPCB)'s notification, reserved judgement on the matter. The Tribunal acknowledged the Evolving Environmental Compliance Landscape and reiterated the importance of adhering to legal provisions that require prior consent from the RSPCB before commencing any industrial operations. The Tribunal analysed the arguments about the legality of the notification and assessed the adherence to the "polluter pays" principle established in prior cases. It recognized the need for a clear definition of the "Back Period" and emphasized that industries must comply with environmental regulations without inconsistent exemptions. The Tribunal's decision is expected to emphasize maintaining strict enforcement of environmental laws while considering the operational realities of industries, thereby reinforcing the necessity for environmental accountability among industrial operators in Rajasthan. The National Green Tribunal ruled that the Rajasthan State Pollution Control Board's notification, allowing no Environmental Compensation for the "Back Period" is invalid and inconsistent with established environmental laws, thereby upholding the principles of accountability and compliance within the context of industrial operations.

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**III. Case Title: Ludovico Goveia vs. Goa Coastal Zone Management Authority & Anr.**

**Case Citation:** 2025 SCC OnLine Bom 167

**Court Name:** High Court of Bombay at Goa

**Decided On:** January 23, 2025

**Brief Facts:**

Ludovico Goveia, the petitioner, owns property within the jurisdiction of the Goa Coastal Zone Management Authority (GCZMA), which regulates activities in the Coastal Regulation Zone (CRZ). The GCZMA had issued notices to the petitioner for alleged violations of CRZ norms regarding unauthorized construction and land use. Following a previous Bombay High Court order in August 2024, the GCZMA assessed the environmental damage caused by these activities and imposed a compensation of ₹39,47,16,000/- in January 2025. The petitioner challenged the order, arguing that the GCZMA lacked jurisdiction to impose such compensation, that the calculation of damages was arbitrary, and that the CRZ regulations did not apply. The respondents, including the GCZMA and the Government of Goa, contended that the petitioner had an alternative remedy before the National Green Tribunal (NGT) and had failed to comply with prior orders. The GCZMA further argued that the petitioner had not complied with earlier restoration directions, and that the delay in addressing the violations harmed the environment, warranting the imposition of the compensation.

**Issues Raised:**

- i. Whether the writ petition should be entertained in light of the availability of an alternate efficacious remedy before the National Green Tribunal (NGT) under Section 16(g) of the National Green Tribunal Act, 2010?
- ii. Whether the GCZMA had the authority under the Environment (Protection) Act, 1986 to issue directions and assess environmental compensation for damage caused to the environment by the petitioner and whether the environmental compensation of Rs. 39,47,16,000/- assessed by the GCZMA was justified?
- iii. whether the GCZMA, in line with the public trust doctrine, was duty-bound to recover environmental compensation from the petitioner for the damage caused by environmental violations?

**Judgment:**

The Court observed that the National Green Tribunal (NGT) provides an alternative and efficacious remedy for adjudicating environmental disputes and violations. The Court dismissed the petition, holding that the petitioner had an adequate remedy under Section 16(g) of the NGT Act, 2010. The High Court emphasized that when a specialized statutory tribunal like the NGT exists, it is inappropriate for the High Court to entertain a writ petition unless exceptional circumstances are present. The Court concluded that the NGT has exclusive

jurisdiction over matters concerning environmental compensation and violations under the Environment (Protection) Act.

The Court affirmed the jurisdiction of the Goa Coastal Zone Management Authority (GCZMA), confirming that it had the authority to assess and impose environmental compensation under the Environment (Protection) Act, 1986, and relevant regulations. The GCZMA was authorized to issue directions concerning violations of the Coastal Regulation Zone (CRZ) rules. Regarding the environmental compensation imposed, the Court upheld the assessment of Rs. 39,47,16,000, finding it justified based on the damage caused by the violations. The Court noted that the petitioner's actions had caused significant environmental harm, and the compensation was essential for restoring the damage to the coastal environment. Furthermore, the Court observed that the petitioner had repeatedly failed to comply with the directions issued by both the GCZMA and the National Green Tribunal (NGT), exacerbating the environmental harm. It emphasized that such non-compliance required a strong response to prevent future violations.

The Court reiterated the significance of the public trust doctrine, which imposes an obligation on the state and authorities, such as the GCZMA, to safeguard the environment for the benefit of the public. It acknowledged that the state and its agencies are duty-bound to take remedial actions for environmental harm and to hold individuals and entities accountable for causing such harm.

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## **INSOLVENCY AND BANKRUPTCY**

### **I. Withdrawal of Liquidation Application Can Be Permitted When CoC Allows RP To File Application Seeking Extension of CIRP Time Period: NCLAT**

**Case Title:** Ramesh Jadhav V. Vakati Balasubramaniam Reddy & Anr.

**Case Citation:** Company Appeal (AT) (Ins) No. 173 of 2025

**Court Name:** National Company Law Appellate Tribunal, New Delhi

**Decided on:** January 28, 2025

**Brief Facts:**

The Appellant, who served as a suspended director of the Corporate Debtor, filed an appeal before the National Company Law Appellate Tribunal (NCLAT) challenging the order dated 07.01.2025 passed by the Adjudicating Authority. The appeal arose from the rejection of an application (IA No. 5211 of 2023) filed by the Appellant, wherein he sought several reliefs. His prayers included debarment of the Resolution Professional (RP) from acting in his role, recall of the order dated 05.09.2023 that had granted an extension of the Corporate Insolvency Resolution Process (CIRP), setting aside the resolution plan approved by the Committee of Creditors (CoC), and an order to initiate liquidation proceedings against the Corporate Debtor.

The Appellant contended that the withdrawal of the liquidation application was done without a formal resolution from the CoC, rendering it invalid. He further alleged that the actions of the RP and the Adjudicating Authority were impermissible under the Insolvency and Bankruptcy Code (IBC), 2016.

**Issues:**

1. Whether the Adjudicating Authority erred in permitting the withdrawal of the liquidation application without a formal resolution passed by the CoC?
2. Whether the Adjudicating Authority was correct in rejecting the Appellant's application seeking debarment of the Resolution Professional and recall of the extension order for the CIRP period?

**Judgement:**

The NCLAT dismissed the appeal, affirming the order of the Adjudicating Authority. The Tribunal observed that the CoC had indeed passed a resolution to file an application seeking an extension of the CIRP period by 90 days, which was subsequently allowed by the Adjudicating Authority. Additionally, the CoC had granted approval to the RP for filing an application to issue a revised Form G to invite fresh resolution applicants.

The Tribunal held that the withdrawal of the liquidation application was valid as the CoC had already approved the extension of the CIRP and authorized the issuance of Form G. Hence, the argument that the withdrawal was done without the CoC's approval was without merit. The NCLAT concluded that the Adjudicating Authority had not committed any error in rejecting the Appellant's plea to debar the RP or recall the extension order. Finding no grounds to interfere with the impugned order, the appeal was dismissed as lacking merit.

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## **II. Delay Beyond 15 Days In Filing Appeal Cannot Be Condoned As Per Proviso To Section 61(2) Of IBC: NCLAT**

**Case Title:** Kotak Mahindra Bank Ltd. V Mohit Kumar Legal Heir of Naresh Kumar, Personal Guarantor

**Case Citation:** Company Appeal (AT) (Insolvency) No. 2242 of 2024 & I.A. No. 8422 of 2024

**Court Name:** National Company Law Appellate Tribunal, New Delhi

**Decided on:** January 23, 2025

### **Brief Facts:**

The Appellant filed an I.A. seeking condonation of a 19-day delay in filing an appeal against the impugned order dated 30.08.2024. The appeal was e-filed on 18.10.2024, which exceeded the prescribed limitation period. The Appellant argued that the delay should be condoned as the Saturdays and Sundays falling within the 45-day limitation period ought to be excluded. He claimed that if these 8 days were excluded, the appeal would be within the limitation period.

### **Issue:**

Whether the delay of 19 days in filing the appeal can be condoned by excluding Saturdays and Sundays within the limitation period under the applicable provisions of the Limitation Act and NCLAT Rules, 2016?

### **Judgement:**

The NCLAT rejected the application for condonation of delay, holding that the Appellant's submission was absurd and without legal basis. The Tribunal clarified that as per the Limitation Act and Rule 3 of the NCLAT Rules, 2016, only public holidays that fall on the last day of the limitation period can be excluded, allowing the benefit of an extended filing period. The argument to exclude all Saturdays and Sundays within the 45-day period was found to be untenable.

The NCLAT emphasized that under Section 61(2) proviso of the IBC, the Tribunal has the jurisdiction to condone a delay of only up to 15 days beyond the prescribed limitation period. Since the Appellant's delay was 19 days, which is beyond the condonable limit, the Tribunal



had no jurisdiction to condone it. As a result, the application for condonation of delay was dismissed, and consequently, the memo of appeal was also rejected.

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### **III. Adjudicating Authority Can Recall Orders Obtained Through Fraud Under Rule 11 Of NCLT Rules: NCLAT**

**Case Title:** Marvel Landmarks Pvt Ltd. vs. Jay Nihalani & Ors.

**Case Citation:** Company Appeal (AT) (Insolvency) No. 2227 of 2024

**Court Name:** National Company Law Appellate Tribunal, Chennai

**Decided on:** January 21, 2025

#### **Brief Facts:**

The Appellant challenged the order passed by the NCLT, Mumbai Bench, which recalled its earlier dismissal order dated 04.06.2024 concerning Company Petition No. 4320 of 2019. The petition was initially filed by the Respondents (homebuyers/financial creditors) under Section 7 of the IBC due to the Corporate Debtor's failure to deliver possession of residential units in the Marvel Isola J Building Project. The NCLT had dismissed the petition on the grounds that the Respondents did not meet the amended threshold criteria (minimum of 100 allottees or 10% of total allottees) as per the 2020 IBC Amendment.

Following the dismissal, the Respondents filed IA No. 4881 of 2024 under Rule 11 of the NCLT Rules, 2016, seeking a recall, citing genuine medical emergencies faced by their counsel, which caused their absence during the hearing. They also alleged that the Corporate Debtor misrepresented the number of units in the project, misleading the NCLT into dismissing the case. The NCLT found merit in these claims and restored the petition, leading to the present appeal by Marvel Landmarks Pvt. Ltd.

#### **Issues:**

Whether the NCLT was justified in exercising its inherent powers under **Rule 11 of the NCLT Rules, 2016** to recall its dismissal order dated **04.06.2024**, on the grounds of the Respondents' absence due to genuine reasons and alleged **misrepresentation of facts** by the Corporate Debtor.

#### **Judgement:**

The NCLAT dismissed the appeal and upheld the NCLT's order recalling the dismissal of Company Petition No. 4320 of 2019. The Tribunal observed that the Adjudicating Authority has inherent powers under Rule 11 of the NCLT Rules, 2016, to recall an order, particularly when procedural errors or fraud are involved.

The NCLAT noted that the dismissal order dated 04.06.2024 was passed in the absence of the Respondents, who were unable to attend due to a genuine medical emergency. The absence was not intentional, and the Respondents acted promptly to seek recall upon learning of the dismissal. Moreover, the Corporate Debtor was found to have misrepresented facts regarding the number of units in the project, misleading the NCLT into believing that the Respondents did not meet the 10% threshold required under Section 7(1) of the IBC.

The Tribunal clarified that recall is distinct from review, and in cases where an order is obtained through misrepresentation or suppression of material facts, recall is permissible. The NCLAT concluded that the NCLT's decision to recall the dismissal and restore the petition was appropriate to prevent abuse of process and to ensure fair adjudication.

Accordingly, the appeal was dismissed, and the case was restored for hearing on merits before the NCLT.

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#### **IV. Interest on Operational Debt Cannot Be Claimed Unless There Is an Express Agreement: NCLAT**

**Case Title:** Comet Performance Chemicals Private Limited Versus Aarvee Denims and Exports Limited

**Case Citation:** Company Appeal (AT) (Insolvency) No. 1878 of 2024

**Court Name:** National Company Law Appellate Tribunal, New Delhi

**Decided on:** January 13, 2025

##### **Brief Facts:**

The Appellant filed an appeal under Section 61 of the IBC, 2016, challenging the order dated 18.11.2024 passed by the NCLT, Mumbai Bench. The impugned order recalled an earlier order dated 04.06.2024, which had disposed of Company Petition No. 4320 of 2019, initiated under

Section 7 of the IBC by Respondents (homebuyers/financial creditors) against the Appellant (Corporate Debtor).

The dispute arose when the Corporate Debtor failed to deliver possession of residential units in the Marvel Isola J Building Project, prompting the Respondents to file for initiation of CIRP. The original petition was dismissed on 04.06.2024 due to the Respondents' alleged non-compliance with the amended threshold requirements under Section 7(1) of the IBC (minimum of 100 allottees or 10% of total allottees).

However, the Respondents filed IA No. 4881 of 2024 under Rule 11 of the NCLT Rules, 2016, seeking recall of the dismissal order, claiming their absence during the hearing was due to genuine medical emergencies faced by their counsel. They also alleged that the Corporate Debtor had misrepresented facts regarding the number of units to manipulate the Tribunal's decision. The NCLT allowed the recall, restoring the Company Petition, which led to the present appeal by Marvel Landmarks Pvt. Ltd.

**Issue:**

Whether the insolvency application under Section 9 of the IBC is maintainable when the claimed debt, excluding disputed interest, does not meet the threshold limit under Section 4 of the IBC, and whether the existence of a pre-existing dispute bars such an application.

**Judgement:**

The Hon'ble NCLAT dismissed the appeal, upholding the NCLT's decision. It observed that under Section 5(21) of the IBC, operational debt refers to claims arising from the provision of goods or services, and interest on delayed payments is recoverable only if expressly agreed upon by both parties. In the absence of such an agreement, the interest component cannot be considered part of the operational debt.

The Tribunal noted that the principal outstanding amount was ₹60,44,800, which is below the ₹1 crore threshold specified under Section 4 of the IBC, even after excluding the disputed interest. Additionally, the NCLAT acknowledged that the Appellant had filed a commercial suit for the same claim on 01.05.2023, prior to issuing the demand notice. The Corporate Debtor had also highlighted the existence of a pre-existing dispute in response to the demand notice.

Given the pre-existing dispute and the fact that the claim did not meet the threshold requirement, the Tribunal held that the appeal was not maintainable. Accordingly, the appeal was dismissed.

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## **V. Last Payment Made By Corporate Debtor within Period Of Limitation Amounts To Acknowledgment U/S 19 Of Limitation Act: NCLAT**

**Case Title:** Super Floorings Pvt. Ltd. Vs. Napin Impex Ltd.

**Case Citation:** Company Appeal (AT) (Insolvency) No. 1928 of 2024 & I.A. No.7115 of 2024

**Court Name:** National Company Law Appellate Tribunal, New Delhi

**Decided on:** January 03, 2025

### **Brief Facts:**

The Appellant challenged the NCLT's decision rejecting its objection on the maintainability of the Operational Creditor's Section 9 application on the ground of limitation. The Corporate Debtor made a payment to the Operational Creditor on 26.08.2019, after which the creditor issued a demand notice and filed the Section 9 application. The Corporate Debtor argued that the application was barred by limitation, as the last payment did not meet the conditions under Section 19 of the Limitation Act, which requires both a payment within the limitation period and a written acknowledgment. The Operational Creditor contended that the payment on 26.08.2019 constituted an acknowledgment in writing, extending the limitation period. The issue is whether the Section 9 application is barred by limitation and whether the last payment qualifies as a valid acknowledgment under Section 19.

### **Judgement:**

The Hon'ble NCLAT dismissed the appeal, upholding the NCLT's decision. The Tribunal observed that for extending the benefit of Section 19 of the Limitation Act, two conditions must be satisfied:

- Payment on account of debt or interest must be made before the expiration of the prescribed limitation period by the person liable to pay the debt.
- An acknowledgment of the payment must appear in the handwriting of, or in a writing signed by the person making the payment.

The NCLAT held that the payment made on 26.08.2019 was clearly acknowledged by the Corporate Debtor, satisfying both conditions under Section 19. The Tribunal also recognized that the bank transfer, made on the instructions of the Corporate Debtor, constituted a valid acknowledgment. Additionally, the reply to the demand notice served as further evidence of acknowledgment.

Therefore, the NCLAT concluded that the Section 9 application was within the limitation period, and the Operational Creditor was entitled to the benefit of the extended limitation period under Section 19. Accordingly, the appeal was dismissed.

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## IPR

### **I. Case Title: KRBL Limited V. Praveen Kumar Buyyani and Ors.**

**Citation** – 2025 SCC OnLine Del 198

**Court:** High Court of Delhi

**Decided On** – January 15, 2025

#### **Brief Facts:**

The appellant, "India Gate," a well-known brand for rice, filed a suit against the respondent for trademark infringement. The respondent was using the mark "Bharat Gate" for its rice products. The trial court denied the appellant's application for an interim injunction, finding that the marks were not deceptively similar and that the respondent's use of the mark was legitimate.

#### **Issue:**

Whether the trial court erred in denying the interim injunction against the respondent for using the "Bharat Gate" mark.

#### **Judgment:**

The appellate court reversed the trial court's order and granted the interim injunction. The court held that "Bharat" is a synonym for "India," and the use of "Bharat Gate" by the respondent was a deliberate attempt to capitalize on the goodwill of the appellant's "India Gate" mark. The court emphasized that, in cases of deliberate copying, the court should focus on the similarities between the marks, rather than minor dissimilarities. The court while rejecting the trial court's

finding that "India" and "Gate" are generic terms and cannot be exclusively claimed by the appellant. The court held that "India Gate" as a whole constitutes a distinctive mark, not merely the individual words.

The court rejected the trial court's finding that the difference in price between the appellant's and respondent's products negated the likelihood of confusion and emphasized that price differences do not always preclude consumer confusion. It was concluded that the respondent's use of the "Bharat Gate" mark was likely to cause consumer confusion and constituted trademark infringement. Therefore, the court granted the interim injunction to prevent further infringement and protect the appellant's trademark rights.

[CLICK HERE](#)

## **II. Case Title: RPG Enterprises Limited V. RPG Industrial Products Pvt. Ltd**

**Citation** – 2025 SCC OnLine Del 22

**Court:** High Court of Delhi

**Decided On** – January 08, 2025

### **Brief Facts**

RPG Enterprises Limited (Petitioner), a conglomerate with a long history and a well-established brand "RPG," sought to rectify the trademark registration of RPG Industrial Products Pvt. Ltd. (Respondent) for the mark "RPG". The Petitioner, known for its diverse businesses across various sectors, has been using the "RPG" mark extensively since 1979, with numerous registrations and widespread recognition. The "RPG" mark has acquired significant goodwill and is considered a well-known trademark.

The Respondent, a manufacturer of polyester staple fiber, registered the trademark "RPG" in 2017. The Petitioner argued that this registration infringes upon its rights, as the respondent's mark incorporates the Petitioner's well-known mark. The Respondent contended that its use of "RPG" is derived from the initials of its founder, Rajendra Prasad Gupta, and that the marks are distinct and do not cause confusion. They also argued that the goods associated with their mark are different from those of the Petitioner.

### **Issue**

The primary issue before the court was whether the Respondent's registration of the trademark "RPG" was valid and whether it infringed upon the Petitioner's rights in the "RPG" mark.

### **Judgment**

The court held that the Respondent's trademark registration was invalid and ordered its cancellation. The court found that the Respondent's mark "RPG" was substantially similar to the Petitioner's well-known mark. The court emphasized that the dominant and essential feature of the Respondent's mark is the word "RPG," which completely subsumes the Petitioner's mark. The court recognized the Petitioner's prior use and extensive goodwill associated with the "RPG" mark. It noted that the Petitioner's mark had acquired the status of a "well-known" trademark, entitling it to broader protection against similar marks, even for dissimilar goods. The court also found that the Respondent's adoption of the "RPG" mark was not honest and was likely done with knowledge of the Petitioner's prior rights and the Respondent's claim that the mark was derived from its founder's initials was not credible.

Considering the similarity of the marks, the prior use and goodwill of the Petitioner's mark, the potential for consumer confusion, and the lack of honest adoption by the Respondent, the court concluded that the Respondent's registration infringed upon the Petitioner's trademark rights. This judgment reaffirms the importance of protecting well-established trademarks and highlights the need for honest adoption and use of trademarks in India.

[CLICK HERE](#)

### **III. Case Title: TTK Prestige Limited V. Sarvodaya Industries**

**Citation** – 2025 SCC OnLine Mad 46

**Court:** High Court of Madras

**Decided On** – January 07, 2025

#### **Brief Facts**

Prestige, a renowned brand in the kitchenware industry, filed a lawsuit against another company for trademark and copyright infringement. Prestige claimed that the Defendant was using a deceptively similar trademark and logo ("PROTEIN") to its own registered trademark "PRESTIGE," which was causing consumer confusion and damaging its reputation. Prestige sought various reliefs, including permanent injunctions, damages, and an account of profits.

## **Issue**

The primary issue before the court was whether the Defendant's use of the "PROTEIN" trademark and logo infringed upon Prestige's rights in the "PRESTIGE" trademark and copyright.

## **Judgment**

The court decreed the suit in favor of Prestige based on a compromise agreement reached between the parties. The compromise agreement stipulated that the Defendant would cease all use of the "PROTEIN" mark or any deceptively similar mark, withdraw all products bearing the "PROTEIN" mark from the market, and indemnify Prestige for any future damages caused by breach of the agreement. Based on the terms of the compromise agreement, the court decreed the suit in favor of Prestige and dismissed all claims.

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## **IV. Case Title: Macleods Pharmaceuticals Ltd. V. Controller of Patents and Ors.**

**Citation** – 2025 SCC OnLine Del 118

**Court:** High court of Delhi

**Decided On** – January 15, 2025

### **Brief Facts:**

Macleods Pharmaceuticals Ltd. (Petitioner) filed a revocation petition against Boehringer Ingelheim Pharma GmbH & Co. KG (Respondent) a globally recognized pharmaceutical company headquartered in Germany, to revoke a patent for the anti-diabetic drug called "Linagliptin." Subsequently, the Respondent filed a patent infringement suit against the Petitioner. The Petitioner filed a written statement in the infringement suit, raising a defense of patent invalidity. The Respondent then filed applications seeking dismissal of the revocation petition, arguing that it was not maintainable since the Petitioner had already raised the invalidity defense in the infringement suit and that the petition was moot as the patent had already expired.

### **Issues:**

1. Whether the revocation petition is maintainable when the Petitioner has already raised a defense of invalidity in the infringement suit.



2. Whether a revocation petition can be filed or sustained after the expiry of the patent term.

**Judgment:**

The court while dismissing the Respondent's applications held that the revocation petition under Section 64 of the Patents Act and the defense of invalidity under Section 107 of the Patents Act have distinct scopes and consequences. They have different legal and practical implications. The Petitioner has the right to pursue both avenues – a revocation petition and a defense of invalidity in the infringement suit. The expiry of the patent term does not automatically render the revocation petition infructuous, especially when the infringement suit is still ongoing and the Petitioner may seek damages. The Hon'ble court concluded that the Petitioner had a valid cause of action to pursue the revocation petition and that the Respondent's applications were without merit.

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## **LABOUR AND EMPLOYMENT LAWS**

**I. Case Title: Jyostnamayee Mishra V. The State Of Odisha & Ors.,**

**Case No:** Civil appeal No. 14753 OF 2024

**Court:** Supreme Court of India

**Decided on:** January 20, 2025

**Facts:**

The Petitioner, employed as a peon with the State of Odisha since 1978, sought promotion to the position of Tracer in 1999. The Respondent rejected the request, stating that the position would be filled based on interviews. After prolonged litigation, the Industrial Tribunals directed the promotion of the Petitioner and others to the position of Tracer. The Respondent then filed a Writ Petition before the Odisha High Court, which set aside the Tribunals' orders.

**Issue:**

The issue was whether the vacancy for the position of Tracer could be filled internally through a circular, or if it needed to be advertised and filled through recruitment and interviews as per the Service Rules.

**Judgement:**

The Supreme Court held that the Service Rules mandated the position of Tracer to be filled through recruitment and interviews, not internal promotions. The Court also observed that Article 14 does not guarantee negative equality, meaning the Petitioner's claim for promotion based on previous instances of promotions was not valid. The Court upheld the Odisha High Court's order and dismissed the Petition.

[CLICK HERE](#)

## **II. Case Title: Vikram Singh v. Union of India & Ors.**

**Case No.:** Writ Petition No. 935 of 2025

**Court:** High Court of Madhya Pradesh

**Decided on:** January 17, 2025

### **Facts:**

The Petitioner challenged the Respondent's order directing their superannuation at the age of 58, despite the Labour Department revising the age of superannuation to 60 years. The Petitioner argued that the order violated their fundamental right to livelihood and, therefore, the Writ Petition was maintainable.

### **Issue:**

The issue was whether the Writ Petition was maintainable under Article 226 of the Constitution of India, given that the matter did not involve a breach of public duty.

### **Judgement:**

The High Court, citing the Supreme Court's ruling in *St. Mary's Education Society v. Rajendra Prasad Bhargava*, held that the Writ Petition was not maintainable. It ruled that there was no public element involved in the case, as the issue pertained to the continuation of service of a single employee and did not involve a breach of public duty. Consequently, the Writ Petition was dismissed.

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## **III. Case Title: Chitali Roy (Mandal) V. State of West Bengal & Ors.**

**Case No:** WPA No. 20811 of 2022

**Order:** High Court of Calcutta

**Decided on:** January 09, 2025

The Calcutta High Court held that compassionate appointment cannot be permitted in absence of specific government rules stipulating the same. The father of the Petitioner was working with the Respondent (Aramabagh Municipality), and after the passing of its father, the Petitioner applied for Compassionate Appoint to the same post her father was employed in, however, her representation was rejected on the ground that there was no specific policy governing or enabling compassionate appointment. Aggrieved by the decision of the Respondent denying appointment to the post, the Petitioner moved the instant Writ Petition.

The High Court, relying on the judgment of *State of West Bengal v. Debabrata Tiwari & Ors.*, held that Compassionate Appointment can only be permitted when there is a specific policy or rule which enables and governs such appointments pertaining to a government body. In view of the same, the High Court dismissed the Petition.

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#### **IV. HCL Technologies Ltd. v Y**

**Case No:** Writ Petition No. 5623 of 2020

**Decided on:** January 22, 2025

**Court:** High Court of Madras

##### **Facts:**

The Respondent, an employee of the Petitioner-Company since 2016, had multiple complaints of sexual harassment lodged against him under the POSH Act. The Internal Complaints Committee found him guilty and recommended that he not be given a supervisory role and his employment be restricted to India. Aggrieved, the Respondent appealed to the Labour Court, which set aside the Committee's recommendations. The Petitioner then filed a Writ Petition before the Madras High Court.

##### **Issue:**

The issue was whether the appeal filed by the Respondent before the Labour Court was valid, and whether the Labour Court's decision to set aside the Internal Complaints Committee's recommendations was justified.

**Judgement:**

The Madras High Court observed that fairness in cases under the POSH Act must be applied flexibly, given the impact on women's safety at the workplace. The Court also held that actions making women uncomfortable cannot be excused as part of the job. Consequently, the Court allowed the Petition and quashed the Labour Court's order.

[CLICK HERE](#)

**V. Case Title: Central Warehousing Corporation V. Sri G.C. Bhat & Anr.**

**Case No:** Writ Petition No. 102653 of 2024

**Decided on 10.01.2025**

**Court:** High Court of Karnataka

The Respondent in the instant case, was working as a Junior Superintendent with the Petitioner, when he was suspended from service due to the allegation of misappropriation of funds leveled against him. Disciplinary proceedings and an enquiry was initiated against the Respondent, which resulted in his dismissal from the services of the Petitioner in 2013. After 7 years, the Respondent moved an application before the 2<sup>nd</sup> Respondent, claiming that he had earned gratuity with interest on the gratuity amount. Resultantly, the 2<sup>nd</sup> Respondent directed the Petitioner to pay the gratuity amount with interest to the Respondent. Challenging the Order of the 2<sup>nd</sup> Respondent, the Petitioner moved the instant Writ Petition.

The Petitioner contended that the Respondent had misappropriated funds from its organisation, due to which it had faced losses therefore, it was untenable to direct the Petitioner to pay the Respondent the gratuity amount. The High Court negated the argument of the Petitioner, observing that no proceedings were initiated against the Respondent after his dismissal from service for recovering the losses so caused due to misappropriating funds, and considering the same, due to absence of any proceedings or action initiated by the Petitioner for recovering the alleged losses, the High Court held that the Respondent was entitled to gratuity, and dismissed the Petition.

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**REAL ESTATE**

**I. Case Title: H. Anjanappa & Ors v. A. Prabhakar & Ors.**

**Case No:** Civil Appeal Nos. 1180-1181 of 2025

**Court:** Supreme Court

**Decided On:** January 29, 2025

**Facts:**

The dispute originated from a 1995 agreement of sale between the plaintiffs (H. Anjanappa & Ors.) and the original owner, Late Smt. Daisy Shanthappa, for two parcels of land in Bagalur Village. Before the sale deed could be executed, the original owner sold portions of the land to Defendant No. 3, who then sold 4 and 6 acres to Respondents Nos. 1 & 2. Despite a court-issued injunction preventing further alienation, the respondents purchased the land. The plaintiffs filed a suit for specific performance, which was decreed in their favor in 2016. Respondents Nos. 1 & 2 filed an appeal in 2018 with a 586-day delay, which the Karnataka High Court condoned, leading to the plaintiffs' appeal before the Supreme Court.

**Issue:**

Whether the subsequent purchasers (Respondents Nos. 1 & 2), who were not part of the original suit, could appeal the decree despite the rejection of their impleadment application and their violation of the injunction order.

**Judgement:**

The Supreme Court ruled in favor of the plaintiffs, setting aside the Karnataka High Court's order. It held that the respondents, having purchased the property during the litigation in violation of the injunction, had no right to appeal. The rejection of their impleadment request had attained finality, and allowing the appeal would undermine the principle of lis pendens. The Court clarified that a lis pendens purchaser is bound by the case outcome and does not qualify as an “aggrieved person” with the right to appeal.

**II. Case Title: Indian Overseas Bank v. M.A.S Subramanian & Ors**

**Case No:** MANU/SCOR/07610/2025

**Court:** Supreme Court

**Decided on:** January 17, 2025

**Facts:**

The dispute involved a piece of land that was agreed to be sold by the late Shri M.A. Shanmugam to a company in exchange for shares, but the sale deed was never executed before his death. Despite this, the company remained in possession of the land. In 2011, the legal heirs of Shri Shanmugam executed a sale deed transferring the property to a third party, leading to legal disputes. The NCLAT ruled in favor of the company, holding that the company's possession was valid under part performance of the contract, and declared the 2011 sale deed invalid. Indian Overseas Bank and other parties challenged this decision before the Supreme Court.

**Issue:**

Whether the NCLAT exceeded its jurisdiction in adjudicating property ownership and declaring the 2011 sale deed invalid, and whether possession under part performance of a contract can transfer ownership of immovable property without a registered sale deed.

**Judgement:**

The Supreme Court ruled that an agreement for sale does not transfer ownership unless a registered sale deed is executed, as per Section 54 of the Transfer of Property Act, 1882. The company could not claim ownership based on possession alone. The Court also held that the NCLAT had exceeded its jurisdiction by making a declaration on property ownership, which is within the jurisdiction of civil courts, not company law tribunals. The Supreme Court set aside the NCLAT's ruling, but clarified that the issue of ownership rights remains open for resolution in civil courts.

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**III. Case Title: Rahat Hussain v. Divyesh Desai & Ors., Company Appeal (AT) (Insolvency)**

**Case No:** 2372 of 2024

**Court:** National Company Law Appellate Tribunal Principal Bench, New Delhi

**Decided on:** January 07, 2025

**Facts:**

The appellant, Rahat Hussain, claimed ownership of a shop based on a sale agreement executed in 2006 with Precision Fasteners Private Limited for ₹4,00,000. However, the agreement was

unregistered. The Liquidator of the Corporate Debtor filed an application before the NCLT, Mumbai, alleging the transaction was fraudulent and did not transfer rights over the property. The NCLT ruled in favor of the Liquidator, declaring the transaction invalid, and ordered the appellant to vacate the shop. Rahat Hussain appealed to the NCLAT, arguing that the sale was legitimate and did not require registration.

**Issue:**

Whether an individual can claim enforceable ownership rights over a property based on an unregistered sale agreement.

**Judgement:**

The NCLAT upheld the NCLT's decision, ruling that the unregistered sale agreement executed on ₹20 stamp paper was legally insufficient to transfer ownership. The Tribunal referred to Section 17(1A) of the Registration Act and the Supreme Court's ruling in Shakeel Ahmed v. Syed Akhlaq Hussain, which held that unregistered agreements do not transfer title to immovable property. The NCLAT concluded that the appellant could not claim ownership based on the unregistered agreement and dismissed the appeal, ordering the appellant to vacate the shop and hand over possession to the Liquidator.

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**IV. Case Title: Manish Dabas v. Delhi Development Authority, LPA 1247/2024**

**Court:** Delhi High Court

**Decided on:** January 15, 2025

**Facts:**

Manish Dabas challenged the Delhi Development Authority (DDA)'s decision to cancel an e-auction for a residential plot in Dwarka. Dabas registered for the auction and became the highest bidder with a bid of ₹2,07,08,070 on April 19, 2022. However, the DDA canceled the auction due to technical glitches and rescheduled it for April 22, 2022. In the rescheduled auction, another bidder offered ₹4,41,58,070, which was accepted by the DDA. Dabas contended that the cancellation was arbitrary and illegal, as he had already placed the highest bid.

**Issue:**

Whether the DDA acted within its rights to cancel and reschedule the auction after Dabas was declared the highest bidder, and whether it violated Rule 30 of the Delhi Development Authority (Disposal and Developed Nazul Land) Rules, 1981.

**Judgement:**

The High Court dismissed Dabas's writ petition, affirming the DDA's decision to cancel and reschedule the auction. The court held that the DDA had valid reasons for rescheduling the auction due to technical glitches and that the re-auction process resulted in a higher bid. The court emphasized that Dabas, despite being eligible, chose not to participate in the rescheduled auction. It upheld the DDA's decision, finding it lawful and justified under the circumstances, ensuring fairness and achieving optimal market value for the property.

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## TAXATION LAW

**I. Case Title: Mr. Sahulhameed vs. The Commercial Tax Officer**

**Case No:** W.P.(MD).No.26481 of 2024

**Court:** The Madras High Court (Madurai Bench)

**Decided on:** January 06, 2025

**Brief Facts:**

The Petitioners in this case challenged the assessment orders which were issued solely through the GST portal. The argument extended by the Petitioners was that they were never personally served, notified via registered post, or informed through email about these assessment orders. It was contended that many assesseees were left unaware of portal uploads due to their reliance on tax practitioners which resulted in a lack of opportunity to contest the assessments, ultimately violating the principles of natural justice.

The state authorities, on the other hand, defended their approach, asserting that assesseees are obligated to check the portal regularly and that uploading notices on the GST portal constitutes valid service.

**Issue:**



The Madurai Bench of the Madras High Court in its judgment dated January 6, 2025, addressed the validity of service of tax notices under Section 169 of the Tamil Nadu Goods and Services Tax (TNGST) Act, 2017.

**Judgement:**

The court upon examination of the facts rejected the contention of the authorities, and emphasized that Section 169(1) should be read conjunctively, meaning authorities must attempt personal service, or registered post, or email before relying on the portal for service of notices. The court placed its reliance on precedents interpreting similar provisions under taxation laws, reaffirming that statutory procedures must be strictly followed to ensure fairness. The court further went on to rule that exclusive reliance on the portal deprived the assessee of their right to be heard.

Consequently, the court quashed the impugned assessment orders and remanded the matter, further directing tax authorities to properly serve notices and allow the assessee a fair opportunity to respond to these notices before proceeding with any reassessments.

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**II. Case Title: Sterling and Wilson Pvt. Ltd. vs. The Joint Commissioner & Ors.**

**Case No:** W.P.No.20096 of 2020

**Court:** The High Court of Andhra Pradesh

**Decided on:** January 10, 2025

**Brief Facts:**

In this case, the Andhra Pradesh High Court was addressing a dispute concerning the classification of a solar power generating system under the Goods and Services Tax (GST) regime. Sterling & Wilson Pvt. Ltd., engaged in setting up solar power plants, and was paying the GST at a concessional rate of 5%. However, the tax authorities while reassessment put a 18% GST rate on these transactions, arguing that this supply constituted a “works contract” under Section 2(119) of the Central Goods and Services Tax (CGST) Act, 2017, rather than a “composite supply” under Section 2(30).

**Issue:**

The core issue before the Court was whether the solar power generating system should be treated as immovable property, thus attracting a higher tax rate, or as a composite supply eligible for the concessional rate.

**Judgement:**

The High Court examined the nature of these installations and relied on various judicial precedents, including *Sirpur Paper Mills Ltd. v. CCE* and *Duncan Industries Ltd. v. State of U.P.*, which established that machinery affixed for operational efficiency does not necessarily constitute immovable property. The Court noted that the solar power system was mounted on foundations for stability but could be dismantled and relocated at some other place without losing its functionality.

The Court further went on to holding that since its attachment to the ground was not for permanent beneficial enjoyment of the land, it would not fall under the category defined in Section 2(119) of the Act. Consequently, the court ruled in favour of the petitioners and stated that the supply was a composite supply, attracting only 5% GST, and quashed the tax authority's 18% assessment.

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**III. Case Title: Commissioner of Customs (Air) Chennai-VII Commissionerate vs. M/S Redington (India) Limited**

**Case No:** CUSAA 44/2024

**Court:** The High Court of Delhi

**Decided on:** January 13, 2025

**Brief Facts:**

The Delhi High Court in this case dealt with the interpretation of a customs duty exemption under Notification No. 24/2005-Cus, as amended by Notification No. 11/2014-Cus. The case revolved around whether Wireless Access Points (WAPs) using Multiple Input/Multiple Output (MIMO) technology were eligible for exemption under the notification. The Respondents, M/s Redington had imported these WAPs and claimed exemption under the notification, however, the Directorate of Revenue Intelligence (DRI) argued that WAPs fell under the exclusion category in Serial No. 13(iv) of the notification, which referred to “MIMO and LTE products”.

The Revenue Department interpreted the word “and” disjunctively, and argued that products with either MIMO or LTE technology should be excluded from exemption.

The Adjudicating Authority ruled in favour of Redington, holding that the phrase “MIMO and LTE products” needs to be interpreted conjunctively under the notification, meaning only products using both technologies together were to be excluded. The Customs, Excise, and Service Tax Appellate Tribunal (CESTAT) upheld this decision of the Adjudicating Authority, reasoning that the word “and” linked MIMO and LTE as a single exclusionary category, and had the government intended to exclude both MIMO-only and LTE-only products, it would have used “or” instead.

### **Judgement:**

The High Court reaffirmed the view of the CESAT, while citing the landmark judgment of Commissioner of *Customs (Import) v. Dilip Kumar & Co. (2018)*, which held that tax exemptions must be interpreted strictly in favour of the taxpayers. The court further noted that WAPs fell under the category of networking equipment, covered under the WTO Information Technology Agreement (ITA), further reinforcing their exemption eligibility.

The Court dismissed the Revenue Department’s appeal before it while holding that WAPs using only MIMO technology will remain exempt from customs duty, as the exclusion under the notification applies solely to products combining both MIMO and LTE technology.

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## **WHITE COLLOR CRIMES**

### **I. Case Title: Shashi Bala @ Shashi Bala Singh vs Directorate of Enforcement**

**Case no:** Petition for Special Leave to Appeal (Crl.) No. 16260/2024

**Court:** Supreme Court of India

**Decided on:** January 15, 2025

### **Brief Facts:**

Shashi Bala, Petitioner, a government schoolteacher, accused by the Enforcement Directorate (ED) of aiding the Shine City Group of Companies in laundering proceeds of crime by duping investors was denied bail by the Allahabad High Court citing the seriousness of the charges.

Bala approached the Supreme Court, arguing that, as a woman, she was exempt from the stringent bail conditions under Section 45(1)(ii) of the Prevention of Money Laundering Act (PMLA).

The ASG (for ED) on 19<sup>th</sup> December, 2024 submitted that the rigorous bail conditions under Section 45(1)(ii) apply to women, minors, or sick and infirm persons notwithstanding the proviso. The court had criticized the ED's argument that stringent bail conditions still apply to women, calling it contrary to the statute, and granted time until January 10, 2025, for the ED to file a counter affidavit. Meanwhile, the Allahabad High Court's denial of bail was upheld temporarily due to the gravity of the charges and Bala's alleged role in the large-scale fraud.

Thereafter, on 15<sup>th</sup> January, the Solicitor General argued that the that rigours of clause (ii) of sub-Section (1) of Section 45 of the PMLA will not apply to a woman, in view of proviso to sub-Section (1) of Section 45 of the PMLA.

**Judgement:**

In lieu, thereof and the fact that there are 67 witnesses to be examined and commencement of trial is not in the near future, the Petitioner, was granted bail.

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**II. Case Title: Waris Chemicals Pvt. Ltd. vs Uttar Pradesh Pollution Control Board**

**Case No:** Civil Appeal No. 6398 of 2024

**Court:** Supreme Court of India

**Decided on:** January 09, 2025

**Brief Facts:**

In a Civil Appeal before the Hon'ble Supreme Court, an order of the National Green Tribunal (NGT) was challenged by Waris Chemicals, the said order initially directed the Uttar Pradesh Pollution Control Board (UPPCB) to assess environmental compensation for Waris Chemicals and other entities responsible for groundwater contamination due to improper chromium waste disposal in Khan Chandpur village. The UPPCB's subsequent assessment, based on a proportional allocation of total waste among responsible parties, including waste dating back to 1976. The NGT found the UPPCB's methodology flawed, particularly the inclusion of waste predating Waris Chemicals' operations, and recalculated the compensation based on a reduced

waste quantity attributed to the company. Additionally, the NGT held Waris Chemicals liable under the PMLA for violations of various environmental laws.

**Judgement:**

Waris Chemicals appealed the NGT's decision to the Supreme Court. The Supreme Court concurred with Waris Chemicals' argument that the UPPCB's compensation calculation was erroneous. The apex court held that the NGT should have remanded the matter back to the UPPCB for a revised assessment rather than conducting the recalculation itself. The Supreme Court also pointed out the absence of any formal complaints filed under the Water Act, Air Act, or Environment Protection Act at the time of the NGT's judgment.

Regarding the PMLA charges, the Supreme Court, citing *Vijay Madanlal Choudhary & Ors. vs. Union of India & Ors.*, emphasized that PMLA offenses are dependent on illicit gains derived from criminal activity related to a scheduled offense. In light of the fact there was no FIR registered for any of the scheduled offences under PMLA or even the air, water, environment Act, against Waris Chemicals, the Supreme Court concluded that the PMLA provisions were incorrectly applied.

Consequently, the Supreme Court overturned specific portions of the NGT's judgment pertaining to the PMLA action and the previously calculated compensation. The case was remanded to the UPPCB with instructions to conduct a fresh assessment of environmental compensation, adhering to established legal principles and proper procedure.

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**III. Case Title: Neeraj Saluja vs Directorate of Enforcement**

**Case no:** CRM(M) No. 55991/2024

**Court:** High Court of Punjab & Haryana

**Decided on:** January 20, 2025

**Brief Facts:**

The Hon'ble Punjab & Haryana High Court has granted bail to Neeraj Saluja, the former director of SEL Textiles Limited, who had been arrested in connection with a money laundering case. Saluja is accused of diverting loan funds for purposes other than what was originally sanctioned. Justice NS Shekhawat highlighted that Saluja had been in custody since January

18, 2024, and that the trial had not yet begun. Citing the Supreme Court's stance on the right to a speedy trial, the Court emphasized that Saluja had effectively been deprived of this right, especially given the delay in proceedings.

The Enforcement Directorate had argued that bail should not be granted as Saluja did not meet the twin criteria outlined under Section 45 of the Prevention of Money Laundering Act, 2002 which imposes strict conditions for granting bail in money laundering cases. The ED also asserted that the offense was serious, involving a deliberate attempt to defraud banks by misappropriating large sums of money. Investigations revealed that Saluja, along with others, diverted over Rs. 81 crores from a loan meant for manufacturing plants and working capital, funneled it into companies not owned by him, and caused wrongful loss to banks amounting to approximately Rs. 191 crores under the guise of exports.

### **Judgement**

The Court pointed out that further proceedings in the case had been stayed by a Division Bench, rendering the continuation of Saluja's detention unnecessary. The held that the Petitioner's right of speedy trial is being denied due to the ongoing judicial process and granted bail to Saluja, imposing conditions to ensure he does not flee the country and remains available for the trial.

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#### **IV. Case Title: Kalvakuntla Taraka Ram Rao vs. The State ACB CIU Hyderabad & Anr.**

**Citation:** 2025 SCC OnLine TS 1

**Court:** Supreme Court of India

**Decided on:** January 07, 2025

#### **Brief Facts**

The Petitioner, Bharat Rashtra Samithi MLA Kalvakuntla Taraka Ram Rao (KTR), filed an SLP filed before the Hon'ble Supreme Court against the against the Order passed by Telangana High Court refusing to quash a FIR against him over the alleged Formula-E race "scam". The primary allegation was that the funds controlled by the Hyderabad Metropolitan Development Authority were being misused.

The FIR was registered under section 409 (criminal breach of trust by public servant or by banker, merchant or agent), criminal conspiracy under section 120(B) of the IPC and section 13(1)(a) and 13(2) (criminal misconduct by public servant) of the Prevention of Corruption Act, 1988. The Counsel for the Petitioner argued that no ingredients of section 13 were met and reason behind the FIR is political vendetta. The Counsel for the state of Telangana argued that the Petition cannot be entertained at this stage as further investigations are pending in the matter.

**Judgement:**

The Hon'ble Supreme Court bench of Justice Bela M. Trivedi and PB Varale held was not inclined to entertain the petition at the current stage owing to the fact there was further investigations were still pending. Therefore, the Petitioner withdrew it's SLP.

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**V. Case Details: State of Punjab vs Hari Kesh**

**Case No:** SLP (Crl) No. 9114/2019

**Court:** Supreme Court of India

**Decided on:** January, 07, 2025

**Brief facts:**

The Supreme Court recently set aside a Punjab and Haryana High Court order that quashed trial proceedings under the Prevention of Corruption Act, 1988 (PC Act) while exercising its powers under Section 482 of the Criminal Procedure Code (CrPC). The High Court had annulled the sanction for prosecution granted under the PC Act, but the Supreme Court emphasized that the question of whether a competent authority granted the sanction is an issue of evidence, not one for the High Court to resolve in such circumstances. The State of Punjab had appealed the High Court's decision, arguing that it prematurely quashed the proceedings during an ongoing trial while placing reliance on *State of Karnataka, Lokayukta Police Versus S. Subbegowda*.

**Judgement:**

The Supreme Court reiterated that a sanction order should not be invalidated simply due to irregularities in the grant of sanction unless it results in a failure of justice. The Court cited

Section 19 of the PC Act, which makes it clear that no finding of a Special Judge should be overturned based on an error or irregularity in the sanction unless it directly leads to a failure of justice. The Explanation to sub-section (4) of Section 19 clarifies that the "competency of the authority to grant sanction" is considered an error, but it does not automatically warrant quashing unless justice has been compromised.

The bench pointed out that the High Court should not have quashed the sanction order or the trial proceedings without determining whether the irregularity had caused a failure of justice. It further noted that the High Court should not have intervened after the prosecution had already presented evidence from seven witnesses, indicating that the case was well underway. The Supreme Court held that the High Court's decision lacked any finding of failure of justice, which was a critical element in deciding whether the sanction order could be quashed.

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## REGULATORY

### SECURITIES AND EXCHANGE BOARD OF INDIA

#### **I. Measure for ease of doing business- Settlement of accounts of clients who have not traded in the last 30 days**

Vide the circular bearing no. SEBI/HO/MIRSD/MIRSD-PoD1/P/CIR/2025/1 dated 06.01.2025, SEBI has revised the settlement process for clients' funds held by stock brokers. Previously, Trading Members (TMs) had to settle funds of inactive clients (no transactions in 30 days) within three working days. Now, such funds will be settled on the upcoming monthly settlement date specified by exchanges. If a client trades before this date, the existing settlement preference (monthly/quarterly) will apply. This aims to enhance procedural efficiency while safeguarding investor interests. The circular is effective immediately, and stock exchanges must update their rules and notify members accordingly.

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#### **II. Measures for Ease of Doing Business for Credit Rating Agencies (CRAs) –Timelines**

Vide the circular bearing no. SEBI/HO/DDHS/DDHS-PoD-3/P/CIR/2025/002 dated 07.01.2025, SEBI has modified the timeline requirements for Credit Rating Agencies (CRAs)



from “days” to “working days” for certain processes outlined in the Master Circular dated May 16, 2024. This change, based on recommendations from the CRA Working Group, aims to improve ease of doing business. CRAs often rely on external entities like bankers and debenture trustees to verify delays and defaults in debt servicing, which can be challenging on holidays and weekends. The revised approach ensures smoother compliance with regulatory timelines while addressing practical constraints faced by CRAs.

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### **III. Procedure for seeking waiver or reduction of interest in respect of recovery proceedings initiated for failure to pay penalty.**

Vide the circular bearing no. SEBI/HO/RRD\_PoD\_TPD/P/CIR/2025/05 dated 10.01.2025, SEBI has delegated the power to waive or reduce interest on penalties in recovery proceedings. A panel of Executive Directors can approve waivers below ₹2 crores, while Whole-time Members handle larger amounts. Interest waivers are not applicable for fees due to SEBI or disgorgement orders. Applications must be submitted to the Recovery Officer with supporting documents and only after full payment of the principal amount. Decisions must be made within 12 months, with applicants given a hearing before rejection. The circular is effective immediately, ensuring a structured approach to interest waivers in SEBI’s recovery framework.

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### **IV. Disclosure of Risk adjusted Return-Information Ratio (IR) for Mutual Fund Schemes**

Vide the circular bearing no. SEBI/HO/IMD/IMD-PoD-2/P/CIR/2025/6 dated 17.01.2025, SEBI has mandated the disclosure of the Information Ratio (IR) for equity-oriented mutual fund schemes to enhance transparency and aid investor decision-making. IR, a key financial metric, measures risk-adjusted returns by assessing excess returns relative to a benchmark, adjusted for volatility.

Mutual Funds (MFs) and Asset Management Companies (AMCs) must disclose IR daily on their websites, with AMFI ensuring data availability in a standardized, machine-readable format. The calculation methodology includes using Tier-1 benchmarks and daily return values. AMCs and AMFI will also undertake investor education initiatives on IR and its significance. The circular takes effect within three months.

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**V. Development of Web-based portal: iSPOT (Integrated SEBI Portal for Technical glitches) for reporting of technical glitches.**

Vide the circular bearing no. SEBI/HO/MRD/TPD/CIR/P/2025/08 dated 28.01.2024, SEBI has introduced the Integrated SEBI Portal for Technical Glitches (iSPOT) to streamline the reporting and tracking of technical glitches by Market Infrastructure Institutions (MIIs), including Stock Exchanges, Clearing Corporations, and Depositories. Previously, MIIs reported technical glitches and submitted Root Cause Analysis (RCA) reports via email. With iSPOT, SEBI aims to improve data quality, enhance traceability, and automate compliance monitoring. MIIs will now submit preliminary and final RCA reports through this centralized web-based portal, accessible via SEBI's Intermediary (SI) portal. The provisions of this circular take effect from February 3, 2025, and MIIs must implement necessary system changes and amendments to their regulations accordingly.

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**VI. Framework for Monitoring and Supervision of System Audit of Stock Brokers (SBs) through Technology based Measures**

Vide the circular bearing no. SEBI/HO/MIRSD/TPD/CIR/2025/1 dated 31.01.2025, SEBI, through its Master Circular, has introduced a technology-based framework to enhance the system audit process for Stock Brokers (SBs)/Trading Members (TMs). Stock Exchanges must develop an online portal to monitor audits, ensuring auditor visits via geolocation tracking. Auditors must log details and validate compliance. Standardized audit reports and action plans must be submitted online. Exchanges will empanel qualified auditors and enforce eligibility, reappointment, and de-empanelment criteria. Enhanced audit obligations include monitoring technical glitches, capacity planning, and compliance with disaster recovery protocols. The framework will be implemented from FY 2025-26, with exchanges required to develop the portal within six months.

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## **RESERVE BANK OF INDIA**

### **I. Framework for imposing monetary penalty and compounding of offences under the payment and Settlement Systems Act, 2007**

Vide notification no. RBI/ 2024-25/108 EFD.CO. No.1/02.08.001/2024-25 dated 30.01.2025. The RBI's revised framework under the Payment and Settlements Systems Act, 2007, effective January 30,2025, replaces the 2020 framework keeping in mind the amendments from the Jan Vishwas Act, 2023. It highlights penalties up to ₹10 lakh for violations like unauthorized operations, false information, and non-compliance with RBI directives. Certain offences can be compounded without criminal proceedings. A designated RBI authority will oversee enforcement, and penalties must be paid within 30 days, with public disclosure mandated. Non-compliance may lead to further legal action.

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### **II. Private Placement of Non-Convertible Debentures (NCDs) with maturity period of more than one year by HFCs- review of guidelines**

Vide notification no. RBI/2024-25/107 DOR.FIN.REC. No.58/03.10.136/2024-25 dated 29.01.2025. The RBI revised guidelines for Housing Finance Companies (HFCs) regarding the private placement of Non-Convertible Debentures (NCDs) with maturities exceeding 1 year. The RBI decided that the guidelines outlined in paragraph 58 of the "Master Direction – Reserve Bank of India (Non-Banking Financial Company – Scale Based Regulation) Directions, 2023" will now apply to HFCs as well. Also, the existing guidelines under Chapter XI of the "Master Direction – Non-Banking Financial Company – Housing Finance Company (Reserve Bank) Directions, 2021" have been repealed. These revised guidelines are effective immediately and apply to all new private placements of NCDs by HFCs from the date of the circular.

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### **III. Guidelines on Settlement of Dues of borrowers by ARCs**

Vide notification no. RBI/2024-25/106 DoR.SIG.FIN.REC.56/26.03.001/2024-25 dated 20.01.2025. The RBI has issued revised guidelines for Asset Reconstruction Companies

(ARCs) on borrower settlements Further, ARCs must have a Board-approved policy, ensuring settlements are considered only after other recovery methods. The Net Present Value (NPV) of settlements should not be lower than the realizable security value. For cases above ₹1 crore, an Independent Advisory Committee must review proposals, with final approval from the Board, including two independent directors. These guidelines are effective immediately under the updated Master Directions for ARCs.

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#### **IV. Prevention of financial Frauds perpetrated using voice calls and SMS- Regulatory prescriptions and Institutional safeguards**

Vide notification no. RBI/2024-25/105 CEPD.CO.OBD.No.S1270/50-01-001/2024-25 dated 17.01.2025. The RBI issued guidelines to Regulated Entities (REs) to prevent financial frauds via voice calls and SMS consequently, REs are advised to utilize the Mobile Number Revocation List (MNRL) from the Department of Telecommunications to update customer records and monitor accounts linked to revoked numbers. They should provide verified customer care numbers to the "Sanchar Saathi" portal and use designated numbering series for calls.

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#### **V. Coverage of customers under the nomination facility**

Vide notification no. RBI/2024-25/104 Ref.No.DoS.CO.PPG/SEC.13/11.01.005/2024-25 dated 17.01.2025. The RBI has directed banks and deposit-taking NBFCs to ensure wider adoption of the nomination facility for deposit accounts, safe custody articles, and lockers. Institutions must encourage nominations, review coverage periodically, train staff, and report progress quarterly via the DAKSH portal starting March 31, 2025, while also updating account opening forms and raise customer awareness through various media channels.

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#### **VI. Foreign Exchange Management (Mode of Payment and reporting of Non-Debt Instruments) (Third Amendment) Regulations, 2025**

Vide notification no. FEMA 395(3)/2025-RB dated 14.01.2025. The RBI has amended regulations on the mode of payment and reporting for non-debt instruments in foreign exchange transactions clarifying payment methods, issuance timelines, and remittance procedures for equity instruments between residents and non-residents. Key changes include allowing payment via inward remittance or designated accounts, requiring equity issuance within 60 days of receiving funds, and mandating refunds if issuance is delayed. Also, Indian companies can open foreign currency accounts for these transactions, and sale proceeds can be remitted abroad or credited to repatriable accounts which further streamline foreign investment processes in India.

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## **VII. Master Direction- Reserve Bank of India (Non-resident investment in Debt Instruments) Directions**

Vide notification no. RBI/2024-25/126 FMRD.FMD. No.10/14.01.006/2024-25 dated 07.01.25. The RBI issued the Master Direction on Non-resident Investment in Debt Instruments which consolidates existing regulations and guidelines governing non-resident investments in India's debt instruments, including those outlined in the Foreign Exchange Management (Permissible Capital Accounts Transactions) Regulations, 2000, the Foreign Exchange Management (Borrowing and Lending) Regulations, 2018, and the Foreign Exchange Management (Debt Instruments) Regulations, 2019. The Master Direction aims to provide clarity and streamline the regulatory framework for such investments, ensuring compliance with the Foreign Exchange Management Act, 1999, and the Reserve Bank of India Act, 1934.

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## **VIII. Master Direction- Reserve Bank of India (Credit information Reporting) Directions**

Vide notification RBI/DoR/2024-25/125 DoR.FIN.REC. No.55/20.16.056/2024-25 dated 06.01.2025. The RBI issued directions consolidating existing instructions to regulated entities on credit information reporting. These directions apply to all commercial banks (excluding payment banks), cooperative banks, financial institutions, non-banking financial companies (including housing finance companies), asset reconstruction companies, and credit information companies and these comprehensive guidelines cover aspects such as membership with credit

information companies, data submission formats, data validation, quality indices, dissemination of credit information, correction procedures, customer service, grievance redressal mechanisms, and best practices for credit institutions and credit information companies. The aim is to standardize and improve the accuracy and efficiency of credit information reporting across the financial sector.

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