

MONTHLY NEWSLETTER

JANUARY 2024

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Dear Readers,

We bring you a concise analysis of important developments, recent publications and judgements and noteworthy regulatory amendments in the corporate and financial sectors on a monthly basis.

Our newsletter will cover updates from RBI, FEMA, Foreign Trade, Corporate Laws, Securities Laws and Capital Markets, Competition Laws, Trade & Indirect Taxes and Customs, Intellectual Property Laws, Environmental Laws etc.

Perceiving the significance of these updates and the need to keep track of the same, we have prepared this newsletter providing a concise overview of the various changes brought in by our proactive regulatory authorities and the Courts!

Feedback and suggestions from our readers would be appreciated. Please feel free to write to us at mail@lexport.in.

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Regards,
Team Lexport

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ABOUT US

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

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

The firm also provides Transaction, Regulatory and Compliance Services. Our detailed profile can be seen at our website www.lexport.in.

OUR LEGAL TEAM

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~~Anirudh Ramanathan~~
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BANKING LAWS & FEMA

S. No.	Particulars	Link
1.	<p>The Reserve Bank of India laid down additional steps that haves to be followed by the Paytm Payments Bank Ltd. ('Paytm Bank') along with the business restrictions that were imposed on the Paytm Bank earlier.</p> <p>Need-</p> <ul style="list-style-type: none"> To ensure seamless digital payments by UPI customers using "@paytm" handle. To minimize the risk in the UPI system by having multiple payment application providers. <p>Additional Steps:</p> <ul style="list-style-type: none"> RBI has advised the National Payments Corporation of India ('NPCI') to examine the request of One97 Communication Ltd. ('OCL') to become a Third-Party Application Provider ('TRAP') for UPI channel for continued UPI operation of the Paytm app. Further, it has been advised that in case NPCI grants TRAP status to OCL, the migration of "@paytm" handles should be migrated in a seamless manner from Paytm bank to other any other newly identified bank. No new users will be added by the TRAP until all existing users have been migrated to a new handle. NPCI can facilitate certification of 4-5 banks as Payment Service Provider ('PSP') Banks having capabilities to process high volume UPI transactions to make the migration seamless. 	

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S. No.	Particulars	Link
	<ul style="list-style-type: none"> This will also minimize concentration risk. OCL can open settlement accounts with one or more PSP Banks for the merchants using PayTM QR Codes. <p>Clarification:</p> <ul style="list-style-type: none"> No action is required for customers having UPI address other than "@paytm". Customers having underlying account/ wallet with Paytm Bank, holders of Fastag and National Common Mobility Cards have been advised to make alternative arrangements with other banks before 15.03.2024. 	
2.	<p>In exercise of its powers under Section 35-A of Banking Regulation Act, 1949, the Reserve Bank of India, gave following directions to the Paytm Payments Bank Ltd :</p> <ul style="list-style-type: none"> No further deposits or credit transactions or top ups shall be allowed in any customer accounts, prepaid instruments, wallets, FASTags, NCMC cards, etc. after 29-02-2024, other than any interest, cashbacks, or refunds which may be credited anytime. Withdrawal or utilisation of balances by its customers from their accounts including savings bank accounts, current accounts, prepaid instruments, FASTags, National Common Mobility Cards, etc. are permitted without any restrictions, up to their available balance. No other banking services, other than those referred in (ii) above, like fund transfers (irrespective of name and nature of services like AEPS, IMPS, etc.), BBPOU and UPI facility should be provided by the bank after 29-02-2024. The Nodal Accounts of One97 Communications Ltd. and Paytm Payments Services Ltd. are to be terminated at the earliest, in any case not later than 29-02-2024. Settlement of all pipeline transactions and nodal accounts (in respect of all transactions initiated on or before 29-02-2024) shall be completed by 15-02-2024 and no further transactions shall be permitted thereafter. 	
3.	<p>The Reserve Bank of India (RBI) has decided to enhance the bulk deposit limit for Scheduled Primary (Urban) Co-operative Banks, in Tier 3 and 4, to ₹1 crore and above from ₹15 lakh and above which was the meaning of bulk deposits as per a previous Master Direction.</p> <p>Accordingly, "Bulk Deposit" for Primary (Urban) Co-operative Banks would now mean:</p> <ul style="list-style-type: none"> Single Rupee term deposits of Rupees one crore and above for Scheduled UCBs categorised as Tier 3 and 4 UCBs under the revised regulatory framework. 	CLICK HERE

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S. No.	Particulars	Link
	<ul style="list-style-type: none"> Single Rupee term deposits of Rupees fifteen lakh and above for all other UCBs (i.e., other than Scheduled UCBs in Tier 3 and 4). 	
4.	The Reserve Bank of India (RBI) has revised guidelines for classifying accounts and deposits as inoperative accounts and unclaimed deposits by banks. As per the norms, account holders can reactivate their inoperative accounts/ unclaimed deposits by submitting know your customer (KYC) documents afresh at all branches, including non-home branches, of banks in which they have an account.	CLICK HERE
5.	<p>Reserve Bank of India (Commercial Paper and Non-Convertible Debentures of original or initial maturity up to one year) Directions, 2024</p> <p>The highlights of this direction are as stated:</p> <p>CPs and NCDs may be issued by the following entities subject to the condition that all fund-based facilities availed, if any, by the issuer from banks/ AIFIs / NBFCs are classified as Standard at the time of issue:</p> <ul style="list-style-type: none"> Companies; NBFCs, including Housing Finance Companies (HFCs); InvITs and REITs; All India Financial Institutions (AIFIs); Any other body corporate with a minimum net worth of ₹100 crores, provided that the body corporate is statutorily permitted to incur debt or issue debt instruments in India; and Any other entity specifically permitted by the Reserve Bank. <p>Co-operative societies and limited liability partnerships with a minimum net worth of ₹100 crores, may also issue CPs under these Directions, subject to the condition that all We're offline availed, if any, by the issuer from banks/AIFIs/NBFCs are classified as Standard at the time of issue.</p>	CLICK HERE
6.	The Reserve Bank of India (RBI) has recently made amendments to the Credit and Investment concentration norms on 15 January, 2024, with a specific focus on Base and Middle Layer Non-Banking Financial Companies (NBFCs). The guidelines introduce significant changes to promote uniformity and consistency among NBFCs when calculating concentration norms. The guidelines shall apply to all Non-Banking Financial Companies including Housing Finance Companies.	CLICK HERE
7.	The Reserve Bank of India (RBI) issued the revised eligibility norms for inclusion of UCBs in the Second Schedule to the Reserve Bank of India Act, 1934.	CLICK HERE

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CORPORATE LAWS, SECURITIES LAWS AND CAPITAL MARKETS

S. No.	Particulars	Link
1.	<p>Securities and Exchange Board of India (Alternative Investment Funds) (Amendment) Regulations, 2024.</p> <p>Key Points:</p> <p>All the AIFs are required to hold their investments in dematerialized form, subject to conditions as may be prescribed by SEBI, except in the following investments:</p> <ul style="list-style-type: none"> Investments in instruments which are not eligible for dematerialization; Investments held by a liquidation scheme of AIFs that are not available in the dematerialized form; Investments as may be notified by SEBI, from time to time. 	CLICK HERE
2.	<p>The Insolvency and Bankruptcy Board of India (“IBBI”) has amended the Insolvency and Bankruptcy Board of India (Model Bye Laws and Governing Board of Insolvency Professional Agencies) Regulations, 2016 (“IPA Regulations”), with effect from 31.01.2024.</p> <p>The IBBI has amended the IPA Regulations and in Schedule, in para VI, in clause 12A, for sub-clause (6), the following sub-clause shall be substituted, namely:</p> <p><i>(6) An authorisation for assignment issued or renewed by the Agency shall be valid for a period of one year from the date of its issuance or renewal, as the case may be:</i></p> <p><i>Provided that an authorisation for assignment issued or renewed by the Agency shall be valid till 30th of June of the year where the expiry of the period of one year falls from 1st of January to 30th of June, or till 31st of December of the year where the expiry of the period of one year falls from 1st of July to 31st of December:</i></p> <p><i>Provided further that if the professional member attains the age of seventy years during this period, the authorisation for assignment shall be valid till such date.”</i></p>	CLICK HERE
3.	<p>Insolvency and Bankruptcy Board of India (Voluntary Liquidation Process) (Amendment) Regulations, 2024.</p> <p>The Amendment Regulations are effective from 31-01-2024.</p> <p>Key Points:</p> <p>Additional Disclosures :</p> <p>The following additional disclosures needs to be made by directors of the corporate person who are proposed to liquidate the corporate person:</p> <ul style="list-style-type: none"> Pending proceedings or assessments before statutory authorities and pending litigations. 	CLICK HERE

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	<ul style="list-style-type: none"> Whether sufficient provision has been made to meet the likely obligations arising, if any, on account of the pending proceedings. <p>Reduced Timelines for call a meeting of the contributories of the corporate person:</p> <ul style="list-style-type: none"> If the liquidator fails to liquidate the corporate person within stipulated period of 90 days or 270 days as the case may be, he shall hold a meeting of contributories of the corporate person and present a status report within fifteen days from the end of such period and thereafter at the end of every such succeeding period. Liquidator shall mention the reasons for not completing the process within the stipulated time and communicate the additional time required for completing the process. <p>Stake holder claims Post-Final Report Period:</p> <ul style="list-style-type: none"> After the final report submission and before the company is dissolved, stakeholders can claim funds from the Corporate Voluntary Liquidation Account by applying to the liquidator. The liquidator will check these claims and ask the Board to release the funds for distribution. 	
4.	<p>Insolvency and Bankruptcy Board of India (Bankruptcy Process for Personal Guarantors to Corporate Debtors) (Amendment) Regulations, 2024.</p> <p>The Insolvency and Bankruptcy Board of India has issued the Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Personal Guarantors to Corporate Debtors) (Amendment) Regulations, 2024.</p> <p>The amendment provides that the resolution professional shall place the repayment plan in a meeting of the creditors for its consideration. Where no repayment plan has been received within such period the resolution professional shall notify the same in a meeting of creditors.</p>	CLICK HERE
5.	<p>Competition Commission of India (General) Amendment Regulations, 2024</p> <p>The Competition Commission of India notified the Competition Commission of India (General) Amendment Regulations, 2024 to amend the Competition Commission of India (General) Regulations, 2009. The provisions came into force on 12-1-2024.</p> <p>Key Points:</p> <ol style="list-style-type: none"> The definition of “Interlocutory Application” has been inserted which means: <i>“an application filed before the Commission in a case instituted under section 19 of the Act, except those filed in compliance of any order or direction of the Commission;”</i> Regulation 15 relating to “Procedure for scrutiny of information or reference” has been revised and a new provision, sub-rule (6), for Interlocutory Application (‘IA’) has been inserted which says: <ul style="list-style-type: none"> Every IA should be registered and numbered. 	CLICK HERE

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	<ul style="list-style-type: none"> All IA should be scrutinized within 7 days. Any defects in the application should be removed within 5 days of receipt of communication by the party making IA. In case of exceeding the time limit for removing defects, the IA will be treated as invalid. <p>3. Regulation 49 relating to “Fee under clause (a) of sub-section (1) of Section 19 of the Act” has been revised and the provisions relating to IA received under Regulation 15 (6) has been inserted:</p> <p>(a) IA should be accompanied by proof of fee paid. (b) Fee Structure:</p> <ul style="list-style-type: none"> Individual/ HUF: Rs. 500 Non- Government Organization/ Consumer Association/ Co-operative Society: Rs. 1000 Firm (including proprietorship, partnership or Limited Liability Partnership)/ Company (including one person company) having turnover in the preceding year up to Rs. 2 crores : Rs. 1000 Other Cases: Rs. 5000. 	
6.	<p>Ansal Crown Heights Flat Buyers Association (Regd.) V M/S. Ansal Crown Infrabuild Pvt. Ltd. & Ors., Civil Appeal No(S). 4480-4481 Of 2023</p> <p>The Supreme Court has held that the imposition of moratorium under Section 14 of the Insolvency and Bankruptcy Code, 2016 (“IBC”) has no effect on the execution of a decree against the Directors or Officers of the Company (Corporate Debtor), which is undergoing Corporate Insolvency Resolution Process (“CIRP”) under IBC.</p>	CLICK HERE
7.	<p>Sanjeev Mitla v Mr. Madhusudhan Rao Gonugunta & Anr., Company Appeal (AT) (CH) (Ins) No. 387 of 2023</p> <p>NCLAT, Chennai has directed the Liquidator to convene a meeting of the Stakeholders Consultation Committee (SCC) to re-consider the compromise scheme submitted by a shareholder, in the presence of such shareholder.</p> <p>A shareholder of the Corporate Debtor had submitted a compromise scheme under Section 230 of the Companies Act, 2013 to the Liquidator. The Liquidator placed the Scheme before the Stakeholders Consultation Committee in absence of the shareholder and the same was rejected. The shareholder submitted that it could not persuade the SCC in respect of the Scheme due to his absence.</p>	CLICK HERE
8.	<p>IDBI Bank Ltd. and Ors. v. Mr. Sumit Binani, RP of KSK Mahanadi Power Company Ltd., Company Appeal (AT) (CH) (INS.) No. 385 / 2023</p> <p>NCLAT, Chennai held that the Resolution Professional is empowered under Section 25(1) of Insolvency and Bankruptcy Code, 2016 to reject the proposal of Committee of Creditors for renewal of Bank Guarantees provided by the Corporate Debtor.</p>	CLICK HERE

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9.	CA Jai Narayan Gupta (Liquidator of Barcle Enterprises Limited) vs. Radhasiriya Properties Pvt. Ltd., Company Appeal (AT) (Insolvency) No.1473 of 2023 NCLAT, New Delhi has held that the Liquidator is entitled to his fee under Section 34 of the Insolvency and Bankruptcy Code, 2016 and Regulation 4 of Insolvency and Bankruptcy Board of India (Liquidation Process) Regulations, 2016 ('Liquidation Regulations') and Cost under Regulation 2B of Liquidation Regulations.	CLICK HERE
10.	Mr. Mukesh Kumar Jain vs. Navin Kumar Upadhyay & Anr., Company Appeal (AT) (Insolvency) No. 930-931 of 2023 NCLAT, New Delhi Bench held that RP cannot be directed to hand over the charge of Corporate Debtor to the Ex-management, once CIRP wa has stayed.	CLICK HERE

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INDIRECT TAX

S. No.	Particulars	Link
1.	The Central Government constitutes the Principal Bench of the Goods and Services Tax Appellate Tribunal (GSTAT) at New Delhi.	CLICK HERE
2.	The CBIC has notified special procedure which shall be followed by registered persons engaged in manufacturing of Pan Masala & Tobacco products from 01.04.2024.	CLICK HERE
3.	Re: Paragon Polymer Products Pvt. Ltd., AR No: WBAAR 23 of 2023 The West Bengal Authority of Advance Ruling has held that in cases of sale and buyback transactions, the input tax credit is admissible in respect of goods purchased from outsourced vendors when payment is settled through book adjustment against the debt created on outward supplies to those vendors.	CLICK HERE
4.	Re: IBA Molecular Imaging (India) P. Ltd., AR No. 32/2023 The Uttar Pradesh Authority of Advance Ruling has held that 18% GST is applicable on F-18 drugs used for cancer diagnosis. The bench has observed that F18 is a radioisotope and fluorodeoxyglucose (18F-FDG) is a compound. The products being radioactive and compounds of the radioisotope 18F merit classification under heading 2844 only, although they satisfy the condition mentioned in Chapter 30, i.e., a diagnostic reagent designed to be administered to the patient.	CLICK HERE
5.	Re: Unique Welding Products P. Ltd., AR No. GTJJ/GNAIVIV2024/OI The Gujarat Authority of Advance Ruling has ruled that roof-top solar systems with installation and commissioning constitute plant and machinery. The bench has observed that applicants are eligible to avail of ITC on rooftop solar systems with installation and commissioning under the GST Act.	CLICK HERE

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6.	Pacharia Exports Private Limited Vs. The Special Commissioner, Commercial Taxes, West Bengal & Ors., W.P.T.T. 1 of 2023 The Calcutta High Court has held that the writ petitioner is not entitled to the benefit of input tax credit as he has not paid the amount to the selling dealer but to a third party. The bench has observed that the writ petitioner is precluded from adding words to a statute to state that he will be entitled to the benefit of the input tax credit, though he has not paid the amount to the selling dealer to a third party based on certain instructions.	CLICK HERE
7.	Principal Commissioner of Central G.S.T. & Central Excise, Ranchi Versus Bihar Foundary and Casting Ltd, Tax Appeal No. 05 of 2020 The Jharkhand High Court has held that the determination of the value of the excisable goods for the purpose of assessment falls within the exclusive jurisdiction of the Supreme Court of India under Section 35L of the Central Excise Act, 1944.	CLICK HERE
8.	M/S Eastern Machine Bricks And Tiles Industries vs. State Of U.P. And Others [WRIT TAX No. - 1507 of 2023] The Allahabad High Court has held that once the registration of the assessee is cancelled, any notice for proceedings under the Central Goods and Service Tax Act, 2017 shall be served on the address of the assessee. The Court observed that merely uploading notice on the web portal without any intimation to the assessee will vitiate any subsequent action as being bad in law.	CLICK HERE
9.	M/S. Hindustan Herbal Cosmetics vs. State Of U.P. And 2 Others [WRIT TAX No. - 1400 of 2019] The Allahabad High Court has held that a minor typographical error in the e-way bill without any other material establishing an intention to evade tax will not attract a penalty under Section 129 of the Goods and Service Tax Act, 2017.	CLICK HERE
10.	M/S Ashoka P.U. Foam (India) Pvt. Ltd. vs. State Of U.P. And 3 Others [WRIT TAX No. - 228 of 2020] The Allahabad High Court held that the burden to prove intention to evade tax lies solely on the Department. The Court held penalties in tax laws should not be imposed solely on insignificant technical errors which do not have any financial consequences.	CLICK HERE

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CUSTOMS, SEZ AND FOREIGN TRADE

S. No.	Particulars	Link
1.	DGFT amends import policy and policy condition for specified screws covered under HS code 73182 The import policy of specified screws covered under Indian Trade Classification (Harmonized System of Nomenclature) [ITC (HS)] 7318 is changed from 'free' to 'prohibited', and will be free only if the cost, insurance, and freight value is	CLICK HERE

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	INR129/ kg or above and subject to compliance with Steel Importing System, which continues to be applicable.	
2.	The CBIC has issued notification to provide that Customs Duty shall be levied at rate of 10% on import of Screw, SIM socket, or other mechanical items of Metal for cellular mobile phone.	CLICK HERE
3.	M/s Global Technologies and Research versus Principal Commissioner of Customs, New Delhi (Import), Civil Appeal No. 9385 Of 2022 The Supreme Court held that under the Customs Act, the Importer's Bill of Entry of subsequent imported goods can be discarded if the subsequent imported goods are undervalued to the previously imported identical or similar goods.	CLICK HERE
4.	NCR Corporation India Pvt. Ltd. Versus Commissioner Of Customs, (2024) 14 Centax 360 (Tri.-Bang) Software licence in paper form is classifiable under Tariff Item 4907 00 30 of Customs Tariff Act, 1962 and eligible for benefit of NIL rate of duties under Sl. No.157 of Custom Notification No. 212002, dated 1-3-2002.	CLICK HERE
4.	Commissioner Of Customs (Preventive), Jamnagar Versus Nayara Energy Ltd. (2024) 14 Centax 373 (S.C.) Classification of Qatar Low Sulphur Condensate (Qatar LSC) as crude petroleum oil under Heading 2709 of Customs Tariff Act.	
5.	The CBIC has issued notification to extend the exemption on import of several goods such as Solar tempered glass, hot rolled coils, hot rolled annealed and pickled coils, etc. till 30 th September, 2024.	CLICK HERE
6.	Commissioner Of Customs Versus Snom Technology India Pvt. Ltd., (2024) 14 Centax 292 (Tri.-Bang) Crossmatch L Scan Guardian FLSE [®] imported by appellant being a machine having individual function and sold as fingerprint reader, is classifiable under Tariff Item 8543 7099 of Customs Tariff Act, 1975.	CLICK HERE
7.	Hazel Mercantile Ltd. Versus Commissioner Of Customs, Cochin, (2024) 14 Centax 270 (Tri.-Bang) Value declared at the time of import accepted by assessing authority and only when audit observed import of similar goods at higher rate, demand was made; Goods imported by appellant cannot be considered at par with import made by other importer, times of import and quantity being different, therefore, transaction value is acceptable.	CLICK HERE
8.	The CBIC has issued notification to provide that Agriculture Infrastructure and Development Cess (AIDC) shall be levied on Spent catalyst or ash containing precious metals, Gold or silver findings and coins of precious metals.	CLICK HERE
9.	Lovable Lingerie Ltd. Versus Commissioner Of Customs (Appeals), (2024) 14 Centax 224 (Tri.-Bang) Bra cups are undoubtedly being used as part of Brassier, are more akin to description given under Chapter 6212 and, therefore, rightly classifiable under Chapter Heading 6212 90; duty is to be charged on value of a pair of bra cups.	CLICK HERE

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INTELLECTUAL PROPERTY RIGHTS

S. No.	Particulars	Link
1.	<p>Van Tibolli & Anr. Vs K. Srinivas Rao & Anr. CS(COMM) 339/2021</p> <p>In this matter the plaintiffs contended that the defendants’ trademark “GK WELLNESS” and associated logos infringed upon the plaintiffs’ trademark “GK HAIR,” prompting them to seek an interlocutory injunction. The Delhi High Court noted that the registration of the defendant’s trademark was granted contrary to the law, as the Registry failed to consider the extended period for filing oppositions during the COVID-19 pandemic, incorrectly rejecting the plaintiff’s opposition. Additionally, the Court emphasized the visual similarity of the logos, with “GK” prominently displayed and “WELLNESS” and “HAIR” being displayed in smaller fonts, potentially causing confusion among the consumers. Consequently, the injunction was granted, prohibiting the defendant from using the contested mark and logos.</p>	CLICK HERE
2.	<p>Lotus Herbal Private Limited v DPKA Universal Consumer Ventures Private Limited & Ors., CS(COMM) 454/2023</p> <p>The Delhi High Court recently dismissed an application filed by cosmetic and beauty products company, Lotus Herbal to restrain actress Deepika Padukone’s firm from using the mark ‘Lotus Splash’ for a facewash/ face cleanser product. Lotus Herbal had sued Deepika Padukone and her company, claiming that the mark ‘Lotus Splash’ infringes on the ‘Lotus’ trademark.</p>	CLICK HERE
3.	<p>Sequoia Capital Operations LLC v John Doe and Others, CS(COMM) 69/2024</p> <p>The Delhi High Court recently ordered messaging platforms WhatsApp and Telegram to delete all groups/community groups and accounts/channels which are defrauding people by misusing the trademark of venture capital firm Sequoia Capital. This was after Sequoia moved the Court stating that unknown persons were duping people by offering financial trading and investment related advice in Sequoia’s name.</p>	CLICK HERE
4.	<p>Ms. Kent RO Systems Ltd v. The Advertising Standards Council of India through its General Secretary & Ors, CS(OS) 44/2024</p> <p>The Delhi High Court recently stayed an order passed by the Advertising Standards Council of India (ASCI) directing Kent RO to withdraw its tagline “Kent deta hai sabse shudh paani (Kent gives the purest water)”. In past, ASCI had passed an order directing Kent to withdraw its claim that its RO systems gave the purest water because there was no data to substantiate the same.</p>	CLICK HERE
5.	<p>Starbucks Corporation and Anr v. National Internet Exchange of India and Ors, CS(COMM) 224/2023</p> <p>The Delhi High Court on Monday directed Google LLC to suspend URLs of certain Google forms seeking invitations for a ‘Starbucks franchise’. It is pertinent to note that Starbucks does not operate on a franchise model in India. The Court said that</p>	CLICK HERE

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	Starbucks was entitled to relief on account of the forms being posted by imposter to elicit private information and data from the general public.	
6.	Rupa Gujral & Ors v Daryaganj Hospitality Private Limited & Ors CS(COMM) 26/2024 The proprietors of Trademarks Moti Mahal have filed a case against the owners of Daryaganj restaurant in the Delhi High Court. The plaintiffs alleges that the use of the tagline “Inventors of Butter Chicken and Dal Makhani,” by defendants, is creating confusion and misleading the public about any association with Moti Mahal, since they are the inventors of Butter Chicken and Dal Makhani. The defendants have denied all the accusations, and claims made by the plaintiffs. The court has issued notice and scheduled it for further proceedings on 29th May, 2024.	CLICK HERE
7.	Allied Blenders @ Distillers Private Limited V. Hermes Distillery Private Limited CS(COMM) 274/2021 The Delhi High Court granted an injunction against Hermes Distillery, restricting the production and sale of whisky or similar liquor products under the 'PEACE MAKER' label. This decision came after plaintiffs. sought relief against the use of a red and white color combination identical to their 'OFFICERS CHOICE' label. The court identified multiple similarities, such as color schemes, gold lines, lettering, trademark placement., concluding that the Defendant engaged in an act of "smart copying". The court emphasized the prominent similarities, granting an injunction and allowing a 30-day period for exhausting existing stock.	CLICK HERE
8.	Living Media India Limited & Anr. V. Jay Jayeshbhai Tank & Ors CS(COMM) 949/2023 The Delhi High Court, has issued an Injunction against the defendants, prohibiting the use of the mark 'AAJ TAK WATCH NEWS' or any similar trademarks to "AAJ TAK" registered by Living Media India Limited across digital media platforms. The court specifically barred the use of the impugned mark in the domain names 'aajtakwatch.in' and 'aajtakwatchnews.com'. In the event that Defendants do not comply, the court issued directives to the Domain Name Registrars (DNRs) to suspend the mentioned domain names. Additionally, the court ordered the suspension/deactivation of Defendants social media handles, including the YouTube channel.	CLICK HERE

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ARBITRATION

1.	Atheli Mallikarjun v. S.S.B. Constructions, Arbitration Application No. 169 of 2022 The High Court of Telangana has held that mere negotiations between the parties related to the dispute would not delay the cause of action for the purpose of limitation for the appointment of the arbitrator.	CLICK HERE
2.	Sushil Kumar Mishra vs. State Of U.P. And Another [Appeal Under Section 37 Of Arbitration And Conciliation Act 1996 No. - 874 of 2023] The Allahabad High Court has held that the District Judge exercising jurisdiction under Section 34 of the Arbitration and Conciliation Act, 1996 does not have the	CLICK HERE

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	power to modify an award. The Court held that though parts of an award can be severed and set aside, provided such severance does not affect the remaining award.	
3.	State of Bihar v. Bihar Rajya Vikas Bank Samiti, Miscellaneous Appeal No. 238 of 2021 The High Court of Patna has held that no dispute can be referred to arbitration by a Court exercising powers under Article 226 of the Indian Constitution when there is no agreement between the parties. The bench held that the remedy of arbitration is the creature of a contract and the same cannot be utilized in absence of a written agreement between the parties as provided under Section 7 of the A&C Act.	CLICK HERE

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[End of Newsletter]
