

# LEXPORT NEWSLETTER

## FEBRUARY 2026 | WEEK 1

**Dear Readers,**

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

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

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

Feedback and suggestions will be much appreciated. Please feel free to write to us at [mail@lexport.in](mailto:mail@lexport.in).

Regards,  
Team Lexport



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# Intellectual Property Rights

## Delhi High Court Sends Voicemonk's Patent Suit Against Google to Mediation

The Delhi High Court referred the patent infringement suit filed by Voicemonk Inc against Google LLC and its affiliates to mediation after both sides signalled a willingness to explore settlement. Voicemonk claims that Google's Gemini AI and Android operating system infringe two of its Indian patents, including features that provide consolidated search results on one page and technology that tracks user behaviour to predict follow-on actions. Justice Jyoti Singh urged the parties to resolve the dispute amicably and directed them to appear before the Delhi High Court Mediation and Conciliation Centre on 12 February 2026, with mediation to be completed within four weeks. Google told the Court that it was open to mediation and had earlier discussed settlement on one patent but that talks had not covered both. Voicemonk maintained its infringement claims and emphasised that the allegedly infringing products are accessible throughout India, including in Delhi.

Voicemonk Inc v Google LLC & Ors., CS(COMM) 119/2026

**Voicemonk was represented by the law firm Lexport, with Advocate Rajeshwari Hariharan leading the arguments.**

### Delhi HC Sends Voicemonk-Google Patent Case to Mediation



Delhi High Court Referred Voicemonk's Patent Dispute Against Google to Mediation, Emphasising Amicable Resolution and Highlighting the Growing Role of ADR in Complex Technology Disputes.

Cause Title: Voicemonk Inc v Google LLC & Ors., CS(COMM) 119/2026

This matter had been filed by LEXPORT on behalf of Plaintiff Voicemonk

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**Anushka Tripathi**



# Intellectual Property Rights

## Trademark Rights Cannot Be Cancelled Without Due Process: Madras High Court

In a significant judgment, the Madras High Court set aside an arbitrary order of the Trade Marks Registry that had unilaterally cancelled a long-standing trademark registration without notice or hearing. The case involved the trademark "SAKTHI", adopted as early as 1977 for food products and duly registered in 2005 under Certificate No. 400179. After nearly 18 years of continuous validity and periodic renewals, the registration was abruptly treated as "abandoned" based on a public notice issued in 2023, allegedly for failure to file a counter-statement in an opposition. Shockingly, this action was taken despite the fact that the trademark already stood registered and without affording the proprietor any opportunity of being heard.

The Court examined the entire sequence and found the Registrar's actions to be fundamentally flawed. It held that once a trademark registration is granted, it cannot be cancelled unilaterally by the Registry. Any challenge to a registered mark must be through rectification proceedings as contemplated under the Trade Marks Act, 1999. The Court further noted that the Registry's conduct violated principles of natural justice, especially after the Controller General had undertaken before the Delhi High Court to withdraw the very public notices on which the impugned action was based.

Calling the procedure "arbitrary" and "unsustainable in law", the Court allowed the appeal and directed reinstatement of the trademark registration within four weeks.

## Trademark Registrations Can't Be Erased Without Due Process



A registered trademark stands unless lawfully challenged.  
Administrative shortcuts have no place in IP law.

**Case Title:** Perundurai Chennimalai Gounder Duraisamy (trading as Sakthi Trading Company) v. The Registrar of Trade Marks & Anr.  
**Citation:** CMA (TM) No. 16 of 2025, High Court of Judicature at Madras

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**Swagita Pandey**

# Trademark

# Intellectual Property Rights

## Delhi High Court Clarifies Jurisdiction in Online Defamation Cases

In a detailed and precedent-setting judgment, the Delhi High Court dismissed a defamation suit relating to allegedly defamatory content in a web series named The Ba\*\*\*ds of Bollywood, holding that the Court lacked territorial jurisdiction to entertain the matter. The plaintiff Mr. Sameer Dnyandev Wankhede, a senior government officer, had approached the Delhi High Court seeking injunctions and damages against the producers Red Chillies Entertainment, streaming platform Netflix, and social media intermediaries for allegedly defamatory content aired in a widely viewed series called The Baxxds of Bollywood. The plaintiff contended that since the content was accessible in Delhi and allegedly harmed his reputation among colleagues and authorities based in Delhi, the Delhi courts had jurisdiction.

Rejecting this argument, the Court undertook an extensive analysis of Section 19 of the Code of Civil Procedure and the evolving jurisprudence on online defamation, particularly reaffirming and clarifying the principles laid down in Escorts Ltd. v. Tejpal Singh Sisodia. The Court emphasized that in cases of online defamation, jurisdiction cannot be invoked merely because content is accessible everywhere. The "wrong" of defamation is committed where the defamatory content is actually accessed and read by third parties who know the plaintiff, resulting in reputational harm.

Crucially, the Court reiterated the "Merger Rule" where the place of publication of the alleged defamatory content coincides with the place of residence or business of the defendant, the suit must be instituted only in that forum. It also endorsed the "Maximum Wrong Rule", aimed at preventing forum shopping and libel tourism in internet-based disputes.

Applying these principles, the Court found that the plaintiff himself admitted that the alleged harm occurred in Mumbai, where the principal defendants were based. The attempt to invoke Delhi jurisdiction was held to be artificial and unsustainable. Consequently, the plaint was held to be not maintainable before the Delhi High Court.

## Online Defamation Has a Real Jurisdiction



Mere online accessibility does not create jurisdiction. Courts will look at where the content was actually consumed and where real reputational harm occurred, not where it could theoretically be viewed.

Case Title: Sameer Dnyandev Wankhede v. Red Chillies Entertainments Pvt. Ltd. & Ors., CS (OS) 698/2025, decided on 29 January 2026 (Delhi High Court)

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**Swagita Pandey**

# Intellectual Property Rights

## Copyright Suit Against NVIDIA Raises Key Questions for the AI Industry

A significant copyright class action filed before the U.S. District Court for the Northern District of California has brought renewed focus on the legal boundaries of training large language models using copyrighted material. The complaint has been instituted by a group of well-known authors against NVIDIA Corporation, alleging that their copyrighted books were unlawfully copied and used to train NVIDIA's large language models under the NeMo Megatron series. According to the plaintiffs, NVIDIA trained its models on "The Pile" dataset, which includes the controversial Books3 collection, an aggregation of nearly 200,000 books sourced from so-called "shadow libraries" containing pirated works.

The authors contend that NVIDIA reproduced their copyrighted works multiple times during the training process without consent, attribution, or compensation. The complaint explains that large language models function by ingesting massive quantities of text and encoding protected expression into internal "weights," which are later relied upon to generate human-like responses. This process, the plaintiffs argue, amounts to direct copyright infringement under U.S. law. The suit seeks statutory damages, injunctive relief, destruction of infringing copies, and class-wide remedies on behalf of all U.S. copyright owners whose works were allegedly used to train the models. Importantly, the plaintiffs also allege that NVIDIA's public release and licensing of these models encourages downstream infringement.

### AI Training on Copyrighted Works Under Legal Scrutiny



Training innovation cannot bypass copyright law; technological advancement must operate within legal boundaries.

**Case Title:** Nazemian v. NVIDIA Corp., No. 3:24-cv-01454 (N.D. Cal. filed Mar. 8, 2024)

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**Swagita Pandey**



# Intellectual Property Rights

## Delhi High Court Orders Takedown of Defamatory Videos Targeting PhysicsWallah, Restrains Use of "WALLAH" Marks

The Delhi High Court granted an ex parte ad interim injunction in favour of PhysicsWallah Limited, directing the removal of multiple YouTube, LinkedIn and Instagram posts uploaded by its former employee Nikhil Kumar Singh and restraining him from further disparagement or misuse of the "Physics Wallah" brand. The Court found that the impugned videos and social media posts prima facie contained defamatory, abusive and derogatory statements branding the company a "scam," while also using lookalike marks such as "Emotion Wallah" and "Scam Wallah" for competing coaching services. Justice Jyoti Singh held that freedom of speech does not extend to defamatory or malicious speech that harms reputation, particularly where it is driven by commercial rivalry. Comparing the rival marks and services, the Court found clear trademark infringement and an inevitable likelihood of confusion. Google, LinkedIn and Meta were directed to block specific URLs if the defendant failed to comply within five days, and compliance affidavits were sought. Pending final hearing, the defendant was restrained from using PhysicsWallah's trademarks or posting any disparaging content against the company or its founder.

Physicswallah Limited v Nikhil Kumar Singh & Ors., CS(COMM) 70/2026

### Speech Ends Where Defamation Begins



Courts protect free speech but not commercial vilification.

Brand reputation and trademarks remain legally enforceable boundaries.

**Cause Title:** Physicswallah Limited v Nikhil Kumar Singh & Ors., CS(COMM) 70/2026

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**Anushka Tripathi**



# Intellectual Property Rights

## Delhi High Court Acts Against Fake Delhivery Franchise Scam, Orders Domain Takedowns and Bank Freezes

The Delhi High Court granted ex parte ad interim relief to Delhivery Limited against a network of defendants running a fraudulent franchise and distributorship scam using the DELHIVERY mark. The Court noted that unidentified actors were impersonating Delhivery representatives, collecting registration fees and refundable security deposits, and luring individuals through fake emails and lookalike websites such as delhevery.com, delhiverycourierfranchise.com, and delhiverypartner.com. Justice Jyoti Singh found that the defendants were using marks visually and phonetically identical to Delhivery's registered trademarks and had also copied its franchise prospectus, amounting to trademark infringement, copyright violation, and passing off. Given Delhivery's extensive nationwide operations, reputation, and evidence of consumer complaints, the Court held that confusion and irreparable harm were inevitable. The Court restrained the defendants from using any DELHIVERY marks, directed registrars to suspend the infringing domains, ordered banks to disclose KYC details and block related accounts, and directed telecom providers to reveal identity details of key accused persons.

Delhivery Limited v John Doe & Ors., CS(COMM) 61/2026



Anushka Tripathi

# SCAM

## Non-Speaking Orders Don't Survive Judicial Scrutiny



A bare rejection without reasons violates procedural fairness. Trademark authorities must engage with evidence and explain why a claim fails.

Case Title: Veerendra Kumar Sinha v. Registrar of Trade Marks, C.A. (Comm. IPD-TM) 4/2026

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## Delhi High Court Remands Rejection of "VNS Legal Partners" Trademark, Flags Non-Speaking Order

The Delhi High Court set aside the Trade Marks Registry's rejection of advocate Veerendra Kumar Sinha's application to register "VNS LEGAL PARTNERS" in Class 45 and remanded the matter for fresh consideration. The appellant had sought registration claiming continuous use of the mark since 2008, relying on documents such as a magazine article in Witness, vendor bills, and income tax records. The Court found that the Assistant Registrar had rejected the application in a cursory manner, merely stating that the evidence was "not satisfactory" without giving reasons or engaging with the material on record. The Court emphasised that a speaking order is mandatory for quasi-judicial authorities, as applicants are entitled to know the grounds of rejection.

Holding that potentially relevant evidence, including the magazine publication, had not been considered, the Court directed the Registrar to issue a fresh hearing notice, grant a physical hearing, permit filing of additional documents, and decide the application expeditiously.

Veerendra Kumar Sinha v Registrar of Trade Marks, C.A. (COMM. IPD-TM) 4/2026



Anushka Tripathi

# Intellectual Property Rights

## Hon'ble Delhi HC Injuncts Use of "mediamonk.ai" \* \*for Infringing MEDIA MONKS Mark

Hon'ble Delhi HC Injuncts Use of "mediamonk.ai" for Infringing MEDIA MONKS Mark. The Hon'ble Delhi High Court granted ex-parte ad-interim relief in a trademark infringement suit filed by MediaMonks, holding that the defendant's use of the domain [mediamonk.ai](http://mediamonk.ai) and the mark "MediaMonk" for allied digital marketing and technology services was deceptively similar to the plaintiff's coined and well-known MEDIA MONKS / MediaMonks marks; the Hon'ble Court noted MediaMonks' long-standing global use, registrations, domain ownership since 2001, substantial Indian operations, marquee multinational clientele, and international awards establishing strong goodwill and reputation, and found that mere deletion of the letter "s" did not obviate visual, phonetic, structural, or conceptual similarity, making consumer confusion and false association likely; a *prima facie* case of infringement, passing off, and dilution was made out, the balance of convenience favoured the plaintiff, irreparable harm was likely absent relief, and accordingly the defendant was restrained from using the infringing marks and domains, with notice issued and timelines fixed for pleadings and service pending trial. [Mediamonks Multimedia Holding B.V vs Systemry Global Tech (Opc) Pvt. Ltd (CS(COMM) 71/2026)]

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### Coined Marks Are Not Up For Grabs



Dropping a letter doesn't drop liability. Well-known trademarks stay protected - even in the digital age.

**Case Title:** Mediamonks Multimedia Holding B.V vs Systemry Global Tech (Opc) Pvt. Ltd (CS(COMM) 71/2026)

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**Ananya Singh**

# Intellectual Property Rights

## Hon'ble Delhi HC Grants Ex-Parte Injunction Protecting STERLING AGRO's "NOVA" Ghee Packaging

The Hon'ble Delhi High Court registered a suit filed by Sterling Agro Industries Ltd. Alleging trademark, trade-dress and copyright infringement of its long-standing NOVA mark and packaging for ghee, granted exemptions from pre-institution mediation and procedural requirements, and held that a strong *prima facie* case of infringement and passing off was made out in light of multiple deceptive similarities and discrepancies in the defendant's goods, including misuse of the NOVA logo and get-up, incorrect corporate address, inconsistent packaging features, and batch details suggestive of counterfeiting; noting the identical trade channels and consumer base and the likelihood of confusion and irreparable harm to goodwill, the Hon'ble Court passed an ex-partie ad-interim injunction restraining the defendant from manufacturing, selling, advertising or dealing in goods bearing the NOVA mark or any deceptively similar indicia, directed disclosure on affidavit of stock, sales and revenues earned from the infringing goods, ordered compliance with takedown and disclosure obligations, and fixed timelines for pleadings and service pending trial. [Sterling Agro Industries Ltd vs Giriraj Gupta (CS(COMM) 58/2026)]

**Ananya Singh**

## Hon'ble Delhi HC Injunction Against Fraudulent "ASIAN PAINTS" Token-Redemption Scheme

The Hon'ble Delhi High Court granted an ex-partie ad-interim injunction in a suit by Asian Paints Limited, holding that the defendants' operation of a token-redemption scheme through the website paintertoken.com and a mobile app unlawfully used the well-known ASIAN PAINTS trademark to misrepresent affiliation, deceive painters and contractors, and collect sensitive KYC data; noting Asian Paints' long-standing registrations, global reputation, and exclusive control over its "Masterstrokes" loyalty programme, the Hon'ble Court found a *prima facie* case of trademark infringement and passing off, with identical trade channels and a common consumer base creating a likelihood of confusion, and held that the balance of convenience and irreparable harm favoured the plaintiff; accordingly, the defendants were restrained from using the ASIAN PAINTS mark or any deceptively similar indicia, directed to block specific infringing URLs and suspend the domain paintertoken.com, and procedural timelines were fixed for service and pleadings pending trial. [Asian Paints Limited vs Sheuly Datta And Ors (CS(COMM) 54/2026)]

**Ananya Singh**

# Intellectual Property Rights

## Article:

### **From Streaming To Stealing: A Copyright Analysis Of Stream Ripping”**

The article has been written by Vikalp Chaturvedi from Symbiosis Law School, Noida (Intern) and Ms. Anushka Tripathi (Associate) under the supervision of Ms. Rajlatha Kotni (Partner).

<https://shorturl.at/J2zM0>



# Indirect Tax

## Revenue Sharing Parking Arrangement Is Parking Service, Not Leasing: CESTAT Chennai

CASE TITLE: CHENNAI CITI CENTRE HOLDINGS (P) LTD. Versu COMMISSIONER OF GST & CENTRAL EXCISE, CHENNAI

CITATION: (2025) 36 Centax 274 (Tri.-Mad)

The CESTAT, South Zonal Bench, Chennai, has held that a revenue sharing arrangement between a shopping mall owner and a professional parking operator constitutes a parking service and not leasing of space, making it eligible for service tax exemption under Sl. No. 24 of Notification No. 25/2012-ST

The appellant, Chennai Citi Centre Holdings Pvt. Ltd., owned a shopping mall and engaged Smart Parking India Pvt. Ltd., an expert parking operator, to operate and manage the mall's parking facilities. Under the agreement, parking charges collected from visitors were first deposited into the appellant's bank account and subsequently shared between the parties after adjusting operating expenses. The revenue share varied from month to month.

The Department alleged that the arrangement amounted to leasing of space for parking, which is specifically excluded from the exemption, and raised a service tax demand for the period July 2012 to March 2013. The Commissioner (Appeals) upheld the demand, despite an earlier appellate order for a previous period on identical facts having dropped similar demands and having attained finality.

Allowing the appeal, the Tribunal held that the substance of the agreement was for operation and management of parking services and not leasing of parking space. It noted that the receipts were in the nature of profit sharing and could not be treated as rent. The Tribunal further emphasized that quasi judicial discipline requires authorities to follow binding orders passed on identical facts for earlier periods.

Accordingly, the impugned order was set aside and the appeal was allowed with consequential relief, reinforcing certainty and consistency in tax administration.



## Revenue Sharing in Parking Arrangements Constitutes a Service



Where parking charges are collected, expenses are adjusted and the balance is shared, the arrangement reflects operation and management of parking services rather than leasing of space.

Cause title: Chennai Citi Centre Holdings (P) Ltd. v. Commissioner of GST & Central Excise, Chennai  
Citation: (2025) 36 Centax 274 (Tri.-Mad)

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**Shelly Singh**



# Indirect Tax

**Conversion of Laminated and Metallised Sheets into Packing Material Amounts to Manufacture: CESTAT Chandigarh**

**CASE TITLE: FIRST FLEXIPACK CORPORATION Versus COMMISSIONER OF C.E. AND CGST, JAMMU**

**CITATION: (2025) 36 Centax 258 (Tri.-Chan)**

The CESTAT, Chandigarh Bench, has held that conversion of laminated and metallised plastic sheets into customised packing material constitutes “manufacture” under Section 2(f) of the Central Excise Act, 1944. The Tribunal allowed the appeals filed by First Flexipack Corporation and connected assessees, setting aside demands for denial of CENVAT credit, recovery of refunds and penalties.

The assessees were engaged in converting laminated and metallised plastic films into packaging material through processes such as gluing multiple layers, curing in hot rooms, slitting and cutting into customer specific sizes for use in packing pan masala, gutkha and FMCG products. The Revenue alleged that these activities did not amount to manufacture and relied heavily on the Supreme Court’s decision in Metlex (I) Pvt. Ltd.

Rejecting the Revenue’s stand, the Tribunal held that the process undertaken resulted in a distinct and marketable product with a new name, character and use. The final product was not merely plastic film but finished packaging material manufactured to customer specifications. At the very least, the activity was incidental or ancillary to manufacture.

The Tribunal also emphasised judicial discipline, noting that identical issues had earlier been decided in favour of assessees by coordinate benches and upheld by multiple High Courts. Having accepted refunds and duty payments for earlier periods, the department could not adopt a contradictory stand for subsequent periods in the absence of any change in law.

Accordingly, the Tribunal held that the assessees were entitled to CENVAT credit and benefits under Notification No. 56/2002-CE, and that recovery proceedings under Section 11A were unsustainable. The appeals were allowed in full.



## From Plastic Film to Finished Product: A Case of Manufacture

- New Name**  
Packing Material
- New Character**  
Multi-layered, cured, slit
- New Use**  
Ready-to-pack FMCG products

When processing creates a new name, character and use, the activity squarely falls within the scope of manufacture under excise law.

**Case Title:** First Flexipack Corporation Versus Commissioner of C.E. And Cgst, Jammu  
**Citation:** (2025) 36 Centax 258 (Tri.-Chan)

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**Shelly Singh**



# Indirect Tax

## Wireless Standard Module Classifiable Under CTH 8529; Supreme Court Dismisses Revenue Appeal on Low Tax Effect

**CASE TITLE:** COMMISSIONER OF CUSTOMS AND CENTRAL EXCISE, HYDERABAD-II Versus LINKWELL TELESYSTEM LTD

**CITATION:** (2026) 38 Centax 311 (S.C.)

The Supreme Court has dismissed the Revenue's appeals challenging the classification of Wireless Standard Modules (WISMO) imported by Linkwell Telesystem Ltd., holding that the Customs, Excise and Service Tax Appellate Tribunal (CESTAT) was correct in classifying the goods under Customs Tariff Heading 8529 and granting concessional duty.

The dispute arose over whether WISMO, a ready-to-use wireless communication module containing digital baseband and radio frequency hardware and software, should be classified under Heading 8517 relating to telephony apparatus or under Heading 8529 as parts suitable for use with transmission apparatus. The CESTAT had held that the modules were not telephony equipment as such, but components used in cellular devices, and therefore rightly classifiable under CTH 8529 90 90. On this basis, the Tribunal also extended the benefit of concessional rate of duty under Notification No. 21/2002-Cus.

The CESTAT further held that the extended period of limitation could not be invoked, as the Department itself was uncertain about the correct classification and had, at different points, advised the assessee to classify the goods under different headings.

When the matter reached the Supreme Court, the Revenue fairly submitted that although the issue involved classification, it was not recurring in nature and the appeals were covered by the CBIC circular on withdrawal of cases involving low tax effect. Accepting this submission, the Supreme Court dismissed the appeals as withdrawn on the ground of low tax effect, thereby allowing the CESTAT order to attain finality in favour of the assessee.



**Shelly Singh**



# Indirect Tax

## RBI's 2026 FEMA Regulations Bring Service Exporters Under Mandatory EDF

The Reserve Bank of India has notified the Foreign Exchange Management (Export and Import of Goods and Services) Regulations, 2026, effective from 1 October 2026, ushering in a uniform compliance framework for all exporters of goods and services.

Until now, service exports excluding software were largely exempt from Export Declaration Form (EDF) or SOFTEX filings under FEMA. While GST law indirectly ensured realization of export proceeds through refund-linked conditions, RBI noted that non-realizations and write-offs by service exporters were escaping FEMA reporting, leading to foreign exchange leakage.

Under the 2026 Regulations, all exporters, including service and software exporters, must file EDFs for every export invoice. For software exporters, EDF will replace SOFTEX filings. Service exporters must report invoice details, exporter category, authorized dealer bank, mode of realization, contract details and recipient country.

EDF filings must generally be made within 30 days from the end of the month in which the invoice is raised, with a facility for consolidated monthly filings. Export proceeds must be realized within 15 months for foreign currency invoices and 18 months for INR invoices, subject to extensions by AD Banks.

The framework significantly enhances the role of AD Banks in monitoring, reporting and closing export transactions on the EDPMs portal, while prohibiting them from levying penalties for regulatory delays.

Though compliance burdens will increase, especially for MSME service exporters, the regime aims to bring transparency, accountability and parity across all export sectors.

<https://www.livelaw.in/articles/fema-framework-service-exports-521116>



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## Mandatory EDF for All Exporters Under FEMA 2026



Goods, software and service exporters are now brought under a single, uniform export reporting framework.

LiveLaw, "New FEMA Compliance Framework for Service Exports," January 30, 2026

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**Shelly Singh**



# Indirect Tax

## ENVIRONMENTAL LAW

### Solid Waste Management Rules, 2026: Strengthening Accountability, Segregation and Sustainability

The Ministry of Environment, Forest and Climate Change has notified the Solid Waste Management Rules, 2026, bringing a comprehensive overhaul to India's framework governing municipal and non-hazardous solid waste. Notified on 27 January 2026 under the Environment (Protection) Act, 1986, the new rules will come into force from 1 April 2026 and replace the Solid Waste Management Rules, 2016.

The 2026 Rules have a wide footprint and apply across urban and rural local bodies, government and private establishments, industrial townships, SEZs, railways, airports, ports, defence establishments, religious and heritage sites, as well as all categories of waste generators, including households, institutions and commercial entities. Industrial, hazardous, biomedical, e-waste, battery and radioactive waste continue to be regulated under separate regimes.

A key thrust of the new framework is strict source segregation. Every waste generator must segregate waste into four streams namely wet, dry, sanitary and special care waste, and ensure handover only to authorised collectors. Open dumping, burning and littering are expressly prohibited. User fees for waste management are made mandatory, and events with over 100 persons must ensure segregation at source.

Gated communities, RWAs and institutions exceeding 5,000 square metres are required to implement in-house biodegradable waste processing through composting or biomethanation, where feasible. Bulk Waste Generators must register on a centralised digital portal, comply with Extended Bulk Waste Generator Responsibility, submit annual returns and engage only authorised handlers.

The Rules introduce digital registration, reporting and public disclosure obligations for waste processors, strengthen decentralised processing and reinforce accountability across the waste management chain. Overall, the 2026 Rules signal a decisive shift towards transparency, compliance and a circular economy driven approach to solid waste management in India.



### Four-Stream Waste Segregation Under The Solid Waste Management Rules, 2026



By requiring segregation into wet, dry, sanitary and special care waste, the rules strengthen traceability and sustainable handling across the waste management chain.

Citation: Solid Waste Management Rules, 2026 (MoEFCC Notification, 27 January 2026).

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**Shelly Singh**



# Indirect Tax

## Madras High Court Allows Time-Barred GST Appeal Subject to Additional Deposit

CASE TITLE: SRI AMMAN AND CO. Versus STATE TAX OFFICER, COIMBATORE

CITATION: (2026) 38 Centax 271 (Mad.)

The Madras High Court has granted relief to an assessee whose statutory GST appeal was rejected as time-barred, holding that the matter deserves fresh consideration on merits, subject to compliance with additional pre-deposit conditions.

In Sri Amman and Co. v. State Tax Officer, Coimbatore (2026) 38 Centax 271 (Mad.), the petitioner had received an assessment order for the period 2018–19, which was preceded by a show cause notice issued in Form GST DRC-01. The petitioner duly filed a reply to the show cause notice. However, the assessing authority rejected the explanation and confirmed tax, interest and penalty aggregating to over ₹11.23 lakh.

The petitioner filed an appeal under Section 107 of the CGST Act along with the mandatory pre-deposit of 10 percent of the disputed tax. The appellate authority, however, rejected the appeal solely on the ground that it was filed beyond the prescribed limitation period.

Entertaining the writ petition, the High Court noted that the assessee had participated in the adjudication proceedings and that the demand had been confirmed after considering the reply to the show cause notice. Following its consistent line of decisions in similar matters, the Court held that the dispute ought to be adjudicated on merits rather than being shut out on technical grounds.

Accordingly, the Court remanded the matter to the assessing authority for fresh consideration on merits, subject to the assessee depositing an additional 40 percent of the disputed tax, over and above the 10 percent already paid. The Court also directed that upon such compliance, the bank attachment shall stand lifted and the authority shall pass a fresh order after granting an opportunity of hearing.

This ruling reinforces the High Court's approach of balancing procedural discipline with substantive justice in GST matters.



### Justice Shouldn't Stop At Limitation



The Madras High Court allowed reconsideration of a delayed GST appeal, balancing procedural discipline with substantive justice.

Case Title: SRI AMMAN AND CO. Versus STATE TAX OFFICER, COIMBATORE

CITATION: (2026) 38 Centax 271 (Mad.)

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**Shelly Singh**



# Indirect Tax

**Baggage Rules, 2026: What You Can Bring**

₹75,000  
Duty-free

Higher duty-free allowances and simplified rules designed for faster, smoother customs clearance.

PIB Release ID 2222384, Ministry of Finance, Government of India, dated 02.02.2026.

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## India Notifies Baggage Rules, 2026 to Simplify Customs Procedures

The Government of India has notified the Baggage Rules, 2026, along with new Customs Baggage (Declaration and Processing) Regulations and a Master Circular, to modernise baggage procedures for international travellers. The reforms focus on simplification, transparency, and digital processing through electronic and advance declarations for faster clearance. Duty-free allowances have been revised for different passenger categories to reflect present-day travel realities. Transfer of residence benefits have been rationalised with value-based caps and a single list of eligible articles. Jewellery allowances are now prescribed on a weight basis for eligible returning residents and tourists of Indian origin. The rules also introduce provisions for temporary import and re-import of goods to avoid detention. Duty-free import of one laptop for passengers above 18 years and pets has been incorporated. Overall, the framework promotes uniform implementation, reduces delays, and enhances passenger convenience while supporting India's image as a tourism-friendly destination.



**Anirban Roy**



# Litigation

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**Quick Bites**

**Section 37 Of Arbitration & Conciliation Act,  
1996 Has A Line. Don't Cross It.**



Appellate courts cannot substitute their own view  
absent perversity or arbitrariness.

**Case Title:** M/s Saisudhir Energy Ltd. Vs. M/s NTPC Vidyut Vyapar Nigam Ltd., with M/s NTPC Vidyut Vyapar Nigam Ltd. v. M/s Saisudhir Energy Ltd., 2026 INSC 103

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**M/s Saisudhir Energy Ltd. Vs. M/s NTPC Vidyut Vyapar Nigam Ltd., with M/s NTPC Vidyut Vyapar Nigam Ltd. v. M/s Saisudhir Energy Ltd., 2026 INSC 103**

The Hon'ble Apex Court restored the Delhi High Court single judge's award of Rs. 27.06 crore as liquidated damages to NTPC Vidyut Vyapar Nigam Limited for delay by Saisudhir Energy in commissioning a 20 MW solar project under a 2012 PPA. It held that the Division Bench exceeded its limited jurisdiction under Section 37 of the Arbitration and Conciliation Act by re-working the quantum of compensation without finding arbitrariness or perversity in the Section 34 decision. The Court reiterated that appellate courts cannot substitute their own assessment of reasonable compensation and that proof of actual loss is not mandatory where liquidated damages are stipulated under Section 74 of the Contract Act. Considering the public interest nature of the National Solar Mission project, the Court allowed NNVNL's appeals and reinstated the single judge's order.



**Shyam Kishor Maurya**

**M/s Eminent Colonizers Private Limited Vs. Rajasthan Housing Board and Ors, 2026 INSC 116**

The Hon'ble Apex Court held that where a party has accepted a pre-2015 Section 11 order appointing an arbitrator and allowed it to attain finality, it cannot later challenge the existence or validity of the arbitration clause in proceedings under Section 34. Relying on SBP & Co.(2005), the Court ruled that the Section 11 determination on existence and validity of the arbitration agreement binds the parties not only before the arbitral tribunal but also at the Section 34, Section 37, and Supreme Court stages. It found that the Commercial Court and the High Court erred in re-examining Clause 23 after the Housing Board had accepted the arbitrator's appointment without appeal. Accordingly, the impugned orders were set aside and the appeal was allowed.



**Shyam Kishor Maurya**

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**Finality Of Section 11 Determinations**



**Once the arbitration clause is upheld under Section 11, it cannot be re-examined in later proceedings.**

**Cause Title:** M/s Eminent Colonizers Private Limited Vs. Rajasthan Housing Board and Ors, 2026 INSC 116

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# Litigation



## Allahabad High Court Closes PIL on Caste Based Political Rallies

The Allahabad High Court (Lucknow Bench) disposed of a 2013 PIL seeking a ban on caste based political rallies and cancellation of party registrations. The Court noted that the Uttar Pradesh Government has already imposed a complete prohibition on such rallies to maintain public order and stressed strict and unbiased implementation. It accepted the stand of the Election Commission of India that it lacks jurisdiction to act during non election periods. The Court observed that lasting solutions lie in value based education and social reform. Liberty was granted to revive the case if implementation fails.

Moti Lal Yadav vs. Chief Election Commissioner Election Commisn.of India and Ors, PUBLIC INTEREST LITIGATION (PIL) No. - 5889 of 2013

**Ananya Jain**

## Temple Trust Not an Industry, Hon'ble Supreme Court Upholds Termination with Compensation

The Supreme Court of India held that a temple trust does not fall within the definition of an "industry" under Section 2(j) of the Industrial Disputes Act and upheld the termination of an accountant employed by such a trust. The Court affirmed findings of the Labour Court and the Gujarat High Court that a temple and charitable institution is not engaged in industrial or profit making activity. However, considering the appellant's twelve years of continuous and blemish free service and termination without inquiry, the Court directed payment of lump sum compensation of ₹12 lakhs in full and final settlement.

INDRAVADAN N. ADHVARYU PIPALA FALI MODHVADA VERSUS LAXMINARAYAN DEV TRUST, CIVIL APPEAL NO.7549 OF 2011

**Ananya Jain**

### Temple Trusts Are Not Industries



Charitable and religious institutions fall outside the Industrial Disputes Act, though equity may warrant compensation.

**Case Title:** Indravadan N. Adhvaryu Pipala Fali Modhvada Versus Laxminarayan Dev Trust, Civil Appeal No.7549 of 2011

# Litigation

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## Motherhood Cannot Disqualify Medical Training



Maternity leave stands apart from regular leave and cannot be used to cancel medical training.

**Case Title:** Susan K. John V. National Board of Examinations in Medical Sciences, W.P.(C) No.48652 of 2025

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## Maternity Leave Is a Right, Cannot Be Clubbed to Cancel NBEMS Trainee

The Kerala High Court held that maternity leave is a statutory and constitutional right and cannot be clubbed with other regular leaves to cancel the candidature of an National Board of Examinations in Medical Sciences trainee. Allowing relief to trainee who exceeded the one year leave limit due to maternity leave and cancer treatment, the Court ruled that leave rules must not be applied mechanically in exceptional cases. It held that maternity leave stands on a different footing from discretionary leave and directed NBEMS to reconsider her leave afresh without terminating her training.

**Case Title:** Susan K. John v. National Board of Examinations in Medical Sciences, W.P.(C) No.48652 of 2025

**Ananya Jain**

## Status of Absconding Co-Accused is Relevant while Deciding NDPS Bail

The Delhi High Court held that the absconding status of a co accused is a relevant factor while considering bail under Section 37 of the NDPS Act. Refusing bail to a foreign national accused of possessing commercial quantity of heroin, the Court noted that an absconding co accused raises a real risk of the applicant fleeing from justice. It further observed that the accused had committed the offence while already on bail in another NDPS case, indicating continuing criminal conduct. With trial at an early stage and twin conditions under Section 37 not satisfied, the bail plea was dismissed.

**Case Title:** Okoli Anayo Franklin v. The State NCT Of Delhi, BAIL APPLN. 4027/2025

**Ananya Jain**Interpreting India  
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## NDPS Bail and the Risk of Flight



The absconding status of a co-accused significantly heightens the risk of flight and weighs heavily against the grant of bail under Section 37 of the NDPS Act.

**Case Title:** Okoli Anayo Franklin v. The State NCT of Delhi, BAIL APPLN. 4027/2025

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# Corporate

## FSSAI Issues Draft Licensing Amendment Regulations, 2026 to Ease Compliance for Non-Manufacturing Food Businesses

The Food Safety and Standards Authority of India (FSSAI) has notified the draft Food Safety and Standards (Licensing and Registration of Food Business) Amendment Regulations, 2026, proposing targeted changes to the existing licensing framework under the Food Safety and Standards Act, 2006. The draft regulations have been issued under Section 92(2)(o) read with Section 92(1) of the Act and have been released for public consultation.

Stakeholders may submit objections or suggestions within 30 days from the date of availability of the Gazette notification. Representations may be addressed to the Chief Executive Officer, FSSAI, at FDA Bhawan, New Delhi, or emailed to [regulation@fssai.gov.in](mailto:regulation@fssai.gov.in). All submissions received within the prescribed timeline will be considered by the Authority.

A key proposal under the draft amendments relates to daily production and raw material utilisation records. While the existing framework mandates such records for all licensed food businesses, the draft limits this requirement only to manufacturing food businesses, thereby exempting traders, distributors, storage units, and other non-manufacturing entities. This change is expected to significantly reduce routine compliance burdens for non-manufacturing licensees.

Another important amendment concerns FIFO and FEFO storage norms under hygienic and sanitary practice requirements. While manufacturers and processors must continue to follow First-In-First-Out and First-Expire-First-Out principles, retailers have been expressly exempted from this obligation, acknowledging practical operational constraints in retail settings.

Overall, the draft regulations signal FSSAI's move toward a risk-based and differentiated compliance regime, easing regulatory requirements for non-manufacturing and retail food businesses while retaining core food safety safeguards. Stakeholders are encouraged to review the draft and participate in the consultation process.



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### FSSAI Draft 2026: Smarter Compliance, Same Safety

#### Differentiated Compliance Framework



Manufacturers stay tightly regulated, while distributors and retailers get practical relief.

A clear shift toward risk-based, business-friendly food regulation.

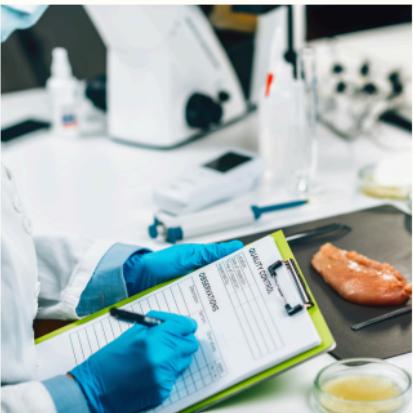
FSSAI, Draft Food Safety and Standards (Licensing and Registration of Food Businesses) Amendment Regulations, 2026.

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**Akshita Agarwal**



# Corporate

## SEBI Announces Twin Reforms to Simplify Securities Transfers and Dematerialisation

The Securities and Exchange Board of India (SEBI) has announced a set of coordinated reforms aimed at removing procedural bottlenecks in securities transfers and dematerialisation. Through two circulars issued on January 30, 2026, SEBI has addressed long-standing investor concerns relating to delays under the Letter of Confirmation (LOC) mechanism and unresolved transfers of physical securities from the pre-2019 period.

A major reform is the elimination of the Letter of Confirmation requirement for credit of securities into demat accounts. Under the existing framework, investors were required to obtain an LOC from listed companies or Registrars to an Issue and Share Transfer Agents and submit it to their Depository Participant for dematerialisation. This process was time-consuming, paper-heavy, and often resulted in delays of up to 150 days. Under the revised system, listed companies and RTAs will directly credit securities to the investor's demat account after completing due diligence, with depositories enabling seamless system-level integration. This change is expected to reduce the overall credit timeline to around 30 days. The new framework will take effect from April 2, 2026, with LOCs issued prior to that date remaining valid for their original 120-day period.

SEBI has also introduced a one-time special window for transfer-cum-dematerialisation of physical securities acquired before April 1, 2019. The window will remain open from February 5, 2026 to February 4, 2027, covering both fresh transfer requests and previously rejected or unprocessed applications. Securities transferred under this window will be credited only in dematerialised form and will be subject to a mandatory one-year lock-in period to safeguard market integrity.

Together, these reforms demonstrate SEBI's commitment to streamlining investor services, resolving legacy issues, and modernising market infrastructure. Investors and intermediaries are advised to prepare for timely implementation to fully benefit from the revised framework.



### SEBI Streamlines Dematerialisation by Removing LOC Requirement



By eliminating the letter of confirmation process, SEBI enables direct system-level credit of securities into demat accounts, substantially reducing timelines and procedural friction.

SEBI Circulars dated January 30, 2026 (Securities transfer and dematerialisation reforms).

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**Akshita Agarwal**

# Corporate

## MCA Proposes Amendments to IEPFA Rules to Simplify and Speed Up Investor Refunds

The Ministry of Corporate Affairs (MCA), through the Investor Education and Protection Fund Authority (IEPFA), has invited public comments on proposed amendments to the IEPFA (Accounting, Audit, Transfer and Refund) Rules, 2016, as part of the government's broader initiative to enhance investor protection and ease of compliance. The consultation was issued on January 29, 2026.

The IEPFA administers the Investor Education and Protection Fund under the Companies Act, 2013, and facilitates refunds of unclaimed dividends, shares, matured deposits, debentures, and other eligible amounts transferred to the Fund. While the refund framework has evolved over time, procedural complexities and prolonged timelines have continued to pose challenges for investors. The proposed amendments seek to address these concerns by simplifying procedures and introducing faster disposal mechanisms.

A key proposal under the draft amendments is the introduction of a streamlined process for low-value claims, aimed at reducing documentation requirements and processing time. Low-value claims have been defined as physical shares with a market value of up to ₹5 lakh, dematerialised shares with a market value of up to ₹15 lakh, and dividend claims of up to ₹10,000. For such claims, the Authority proposes a significantly reduced disposal timeline of 30 days, relying primarily on the verification report submitted by the concerned company.

In addition to expediting refunds, the amendments focus on improving procedural clarity by rationalising documentation requirements and clearly delineating the responsibilities of companies involved in the verification process. Another notable proposal is the introduction of a formal appeal mechanism for claimants whose refund applications are rejected, providing a structured avenue for grievance redressal.

Overall, the proposed amendments reflect MCA's intent to make the IEPFA refund framework more investor-centric, transparent, and efficient, particularly benefiting small investors. Stakeholders are encouraged to review the consultation paper and submit comments within the timeline specified by the Authority.



**Akshita Agarwal**



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## Joint Insolvency Proceedings in Integrated Real Estate Projects



Multiple Companies



Single Petition

Where multiple entities function as a unified project vehicle, a single insolvency petition under Section 7 of the IBC is legally maintainable.

Cause Title: Satinder Singh Bhasin v. Col. Gautam Mullick & Ors.  
Citation: 2026 LiveLaw (SC) 100

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The Supreme Court held that a single insolvency petition under Section 7 of the IBC can be maintained against more than one corporate entity in a real estate project if the entities are intrinsically connected in its execution and marketing.

Upholding the NCLAT, the Court noted that the developer and marketing company had common directors, interchangeable communications with homebuyers, shared payment receipts, and intertwined operations, justifying a joint CIRP. It applied the group of companies doctrine, reiterating that where entities act together as a unified project vehicle, insolvency proceedings can lie against them jointly.

The appeals were dismissed.

Case: Satinder Singh Bhasin v. Col. Gautam Mullick & Ors.  
Citation: 2026 LiveLaw (SC) 100



Siddharth Dewalwar

The Supreme Court held that an arbitral award delivered after expiry of the tribunal's mandate under Section 29A is not void, and can be validated if the court subsequently extends the mandate under Section 29A(5).

The Court clarified that Section 29A permits courts to extend time even after expiry of the mandate and even after the award is rendered. Such an award is initially ineffective and unenforceable, but does not become a nullity nor bar the court from granting extension. If extension is granted, the award can be given effect without requiring it to be set aside under Section 34.

Case: C. Velusamy v. K. Indhera  
Citation: 2026 LiveLaw (SC) 105



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## Expiry of Mandate Does Not Invalidate the Award



An arbitral award rendered after the tribunal's mandate lapses is not void. Upon judicial extension of time, the award can be validated and enforced in law.

Cause Title: C. Velusamy v. K. Indhera  
Citation: 2026 LiveLaw (SC) 105

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# Corporate

Interpreting India  
for commerce**Quick Bites****SC Examines NCLT President's Power to Order Inter-State Transfers**

Supreme Court Issued Notice to Decide Whether the NCLT President Can Order Inter-State Transfers Administratively, Leaving the Scope of Such Powers Open.

**Case Title:** Anitha Rayapati & Ors. v. Arcelor Mittal Nippon Steel India Pvt. Ltd. & Ors.

**Citation:** SLP (C) Diary No. 71659/2025, Supreme Court of India.

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The Supreme Court has issued notice to examine whether the NCLT President has the power to transfer cases across States by administrative orders.

A Bench of CJI Surya Kant and Justice Joymalya Bagchi expressed *prima facie* doubt over a Gujarat High Court ruling which held that such inter-State transfers cannot be ordered administratively. The Court will consider whether the NCLT President could transfer matters from the Ahmedabad Bench to the Mumbai Bench while related objections were pending on the judicial side.

The issue arises from post-resolution proceedings in the Essar Steel CIRP, where following recusals by NCLT Ahmedabad members, the NCLT President transferred the matters to Mumbai. The Gujarat High Court quashed the recusal and transfer orders, restoring the cases to Ahmedabad.

The Supreme Court has limited the notice to this legal question and left the issue of the President's transfer powers open for determination.

**Case:** Anitha Rayapati v. Arcelor Mittal Nippon Steel India Pvt. Ltd.

**Siddharth Dewalwar**

## About Us

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## Our Legal Team

### Srinivas Kotni

Managing Partner, Lexport

### Litigation Team

Rohan Garg

Rohit Dutta

Shyam Kishor Maurya

Ananya Jain

### IPR Team

Rajlatha Kotni

Swagita Pandey

Ananya Singh

Anushka Tripathi

### IDT Team

Srinivas Kotni

Gurdeep Singh

Akshay Kumar

Rishabh Dev Dixit

Shelly Singh

### Corporate Team

Rajiv Sawhney

Akshita Agarwal

Siddharth Dewalwar

Ananya Jain

## Contact

### Delhi:

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

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

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

### Bangalore:

**Call us:** +91-08048501471

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

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



**Anirban Roy, Editor**

Chief Operating Officer, Lexport