

# LEXPORT NEWSLETTER

## APRIL 2026 | WEEK 3 & 4

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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# Indirect Tax

## Extended Limitation Not Invokable When Facts Known Through Audit

**CASE TITLE:** Eveready Industries India Ltd. Versus Commissioner of Central Excise, Kolkata-I  
**CITATON:** (2026) 39 Centax 44 (Tri.-Cal)

The CESTAT, Kolkata has held that the extended period of limitation cannot be invoked where all material facts were already within the knowledge of the Department through audit proceedings. The dispute arose in relation to valuation of goods cleared to a job worker and subsequently to depots. The Department issued a show cause notice in July 2015 for the period June 2010 to December 2013, invoking the extended limitation period. The Tribunal noted that a detailed audit had already been conducted in 2012, followed by a spot memo and audit objection in 2013, to which the assessee had duly responded. Despite this, the Department issued the SCN after a considerable delay by invoking extended limitation. It was held that once the relevant facts were within the knowledge of the Department through audit, suppression or misstatement cannot be alleged, and therefore, invocation of extended period is legally unsustainable. Accordingly, the demand was held to be time-barred and set aside. The Tribunal also held that no penalty could be imposed in such circumstances. The impugned order was set aside and all appeals were allowed, in favour of the assessee.

### No Extended Limitation After Audit Knowledge



CESTAT Kolkata held that once all material facts are already known through audit, the Department cannot allege suppression later to invoke the extended limitation period.

**Cause Title:** Eveready Industries India Ltd. Versus Commissioner of Central Excise, Kolkata-I  
**Citation:** (2026) 39 Centax 44 (Tri.-Cal)



**Shelly Singh**



# Indirect Tax

**SEZ refund allowed on basis of precedent; name defects in invoice, approval objections, etc. rejected absent contrary material**

**CASE TITLE: ACCENTURE SOLUTIONS PVT LTD. Versus COMMISSIONER OF CENTRAL TAX, NAVI MUMBAI CITATION: (2026) 39 Centax 41 (Tri.-Bom)**

CESTAT The CESTAT, Mumbai has held that refund of service tax to an SEZ unit cannot be denied on procedural grounds such as invoices not being in the name of the SEZ unit or absence of approval from the Approval Committee, in the absence of contrary material. The appellant had claimed refund of service tax paid on specified services used within the SEZ under Notification No. 40/2012-ST. The Department rejected the claims primarily on grounds that invoices were not issued in the name of the SEZ unit and that certain services lacked approval. The Tribunal noted that identical issues in the appellant's own case had already been decided in its favour in an earlier order. No material was placed on record by the Revenue to show that such decision had been stayed or set aside. Following the principle of judicial discipline, the Tribunal held that the earlier decision was binding and must be followed. It further observed that procedural lapses, in the absence of substantive violation or contrary evidence, cannot defeat legitimate refund claims. Accordingly, the impugned orders were set aside and refund claims were allowed with consequential relief, in favour of the assessee.

## Procedural Lapses Cannot Defeat Substantive Rights



In the absence of any contrary material on record, procedural defects cannot defeat otherwise legitimate refund claims.

**CASE TITLE: ACCENTURE SOLUTIONS PVT LTD. Versus COMMISSIONER OF CENTRAL TAX, NAVI MUMBAI**

**CITATION: (2026) 39 Centax 41 (Tri.-Bom)**

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**Shelly Singh**



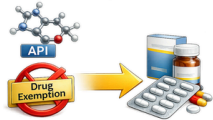
# Indirect Tax

## API Not 'Drug': Exemption Denied for Non-Compliance with Procedure

CASE TITLE: Glenmark Generics Ltd. Versus Commissioner of CE & ST, LTU, Mumbai  
CITATON: (2026) 41 Centax 35 (Tri.-Bom)

The CESTAT, Mumbai in Glenmark Generics Ltd. v. Commissioner held that Amiodarone Hydrochloride, being an Active Pharmaceutical Ingredient (API), qualifies as a "bulk drug" and not a "drug", thereby disentitling the assessee from claiming unconditional exemption under Sl. No. 47(A) of Notification No. 4/2006-CE. The assessee had cleared the product without payment of duty by treating it as a "drug". However, the Tribunal held that APIs, which require further processing before human consumption, cannot be treated as finished drugs. Accordingly, the applicable entry was Sl. No. 47(B) relating to bulk drugs, which mandates compliance with prescribed procedures. Since the assessee admittedly failed to follow the procedure under the concessional rate rules, the exemption was held to be unavailable. The Tribunal emphasized that specific entries prevail over general entries and that exemption notifications must be strictly construed. On limitation, the Tribunal held that extended period cannot be invoked merely due to a differing interpretation of the notification, in absence of intent to evade duty. It was further held that amounts paid under Rule 6 of the CENVAT Credit Rules must be adjusted against the duty demand, and penalty under Section 11AC was set aside. Accordingly, the appeals were partly allowed, with demand sustained on merits but relief granted on limitation, adjustment, and penalty.

### Correct Classification Is Key to Claiming Exemption



Active Pharmaceutical Ingredients (APIs) are classified as bulk drugs and in the absence of compliance with prescribed procedures, cannot avail exemptions applicable to finished pharmaceutical products.

CASE TITLE: Glenmark Generics Ltd. Versus Commissioner of CE & ST, LTU, Mumbai  
CITATON: (2026) 41 Centax 35 (Tri.-Bom)



**Shelly Singh**



# Indirect Tax

**Builder liable to return profiteered ITC benefit with interest as per DGAP report; proceedings closed:**

**CASE TITLE:** DG Anti Profiteering, Director General of Anti-Profiteering, DGAP Versus Duville Estates (P.) Ltd. **CITATON:** (2026) 41 Centax 189 (Tri. - GST - Delhi)

GSTAT The GST Appellate Tribunal, Delhi Bench, in DGAP v. Duville Estates (P.) Ltd., held that the builder is liable to return the profiteered amount arising from non-passing of input tax credit benefit to homebuyers, along with applicable interest. The DGAP, in its report dated 18.12.2024, computed a profiteered amount of ₹17,75,622 on account of failure to pass on ITC benefits under Section 171 of the CGST Act. It was noted that out of 109 homebuyers, only 34 confirmed receipt of benefit, while several either did not respond or had already transferred their units. During the proceedings, the respondent-builder submitted that, in order to bring finality to the dispute, it was willing to accept the DGAP report. Accepting the report, the Tribunal directed the builder to pass on the entire profiteered amount along with applicable interest to eligible homebuyers, in terms of Rule 133(3)(b) of the CGST Rules. Accordingly, directions were issued for compliance through jurisdictional authorities, and the proceedings were closed. The ruling was against the assessee.

## Builder Must Pass ITC Benefit to Buyers



GSTAT Delhi held that a builder must return the profiteered ITC benefit to eligible homebuyers along with applicable interest, ensuring fair pricing and consumer protection.

**CASE TITLE:** DG Anti Profiteering, Director General of Anti-Profiteering, DGAP Versus Duville Estates (P.) Ltd. **CITATON:** (2026) 41 Centax 189 (Tri. - GST - Delhi)



**Shelly Singh**



# Indirect Tax

**Rule 86A permits restriction of available ITC only; negative blocking of electronic credit ledger held invalid: HC**

**CASE TITLE:** Dwarkadhish Metals Versus Union of India  
**CITATION:** (2026) 41 Centax 190 (P&H.)

The Punjab & Haryana High Court in Dwarkadhish Metals v. Union of India held that Rule 86A of the CGST Rules permits only restriction of available input tax credit and does not authorise creation of a negative balance in the electronic credit ledger. The petitioner's electronic credit ledger was blocked twice, resulting in a negative balance, thereby preventing utilisation of future ITC. The Court noted that Rule 86A can be invoked only where credit is available in the ledger and there exists a "reason to believe" that such credit is fraudulently availed or ineligible. Relying on consistent judicial precedent, the Court held that the provision merely enables temporary restriction on utilisation of existing ITC and does not permit debit entries or negative blocking. Where no credit is available, invocation of Rule 86A is without jurisdiction. The Court further observed that recovery of ineligible credit must be undertaken through statutory mechanisms under Sections 73 or 74, and not through artificial ledger adjustments. Accordingly, the impugned blocking entries were set aside to the extent they created a negative balance, while granting liberty to the authorities to proceed in accordance with law, in favour of the assessee.

## Rule 86A Cannot Create Negative ITC Balance



The Punjab & Haryana High Court held that Rule 86A allows restriction only of available ITC. Authorities cannot block future credit by creating a negative balance in the electronic credit ledger.

**CASE TITLE:** Dwarkadhish Metals Versus Union of India  
**CITATION:** (2026) 41 Centax 190 (P&H.)



**Shelly Singh**



# Indirect Tax

**DGFT restricts low-value imports of Glufosinate and its salts for 6 months: Notification NOTIFICATION NO.: 10/2026-27 Dated 13.04.2026**

The Directorate General of Foreign Trade (DGFT), vide Notification No. 10/2026-27 dated 13 April 2026, has amended the import policy for Glufosinate and its salts falling under Chapter 38 of ITC (HS) 2022. As per the notification (pages 1–4), imports of Glufosinate and its salts under multiple HS codes, including 38089193, 38089199, 38089361, 38089391, 38089399, 38089912, 38089991 and 38089999, shall remain “Free” in principle but subject to additional restrictive conditions. A key restriction introduced is price-based. Import of Glufosinate and its salts shall be treated as “Restricted” where the combined CIF value and applicable anti-dumping duty, calculated on a per kilogram basis, is less than INR 1,154 per kg. This effectively imposes a minimum import price threshold. Additionally, imports remain subject to existing policy condition no. 07 of the chapter and, in certain cases, require registration with the Central Insecticides Board and Registration Committee. The notification further clarifies (page 4) that this restriction will remain operative for a period of six months from the date of publication. Accordingly, the amendment introduces a calibrated restriction mechanism aimed at regulating low-value imports of Glufosinate, balancing trade facilitation with domestic industry protection.



**Shelly Singh**



**Appeal within 7 months held maintainable under section 107; SLP dismissed as infructuous: SC**

**CASE TITLE:** Union of India Versus Rana Engineering **CITATION:** (2026) 41 Centax 172 (S.C.)

The Supreme Court in *Union of India v. Rana Engineering* dismissed the Special Leave Petition as infructuous, while leaving the question of limitation under Section 107 of the CGST Act open. The dispute arose from cancellation of GST registration due to non-filing of returns. The assessee’s appeal against cancellation, filed within seven months, was rejected by the appellate authority as time-barred. The High Court, however, held that the delay was condonable under Section 107(3) and (4), and the appeal ought to have been entertained. It also observed that the assessee could alternatively seek revocation under Section 30. During pendency of the SLP, the appellate authority revoked the GST registration, rendering the dispute academic. In view of this development, the Supreme Court held that the SLP had become infructuous and dismissed it. However, it expressly clarified that the question of law regarding interpretation of limitation under Section 107 remains open and that the High Court’s ruling shall not be treated as a precedent. Accordingly, the matter was closed, in favour of the assessee.



**Shelly Singh**



# Indirect Tax

**Refund denial for unverified shipping line and illegible document set aside; fresh adjudication directed: HC**

**IDT CASE TITLE:** Indorama India Pvt. Ltd. Versus State of West Bengal **CITATION:** (2026) 41 Centax 248 (Cal.)

The Calcutta High Court in *Indorama India Pvt. Ltd. v. State of West Bengal* held that refund of IGST on ocean freight cannot be denied solely on procedural grounds such as illegible documents or lack of verification, without granting an opportunity to the assessee to rectify the deficiencies. The petitioner had claimed refund of IGST paid on ocean freight based on the Supreme Court's ruling in *Mohit Minerals*. The refund was initially sanctioned, but subsequently reversed by the appellate authority on the ground that the bill of lading was illegible and the status of the shipping line was not verified. The Court observed that the denial was premised on curable defects and that principles of natural justice require that the assessee be given an opportunity to produce legible documents and supporting evidence. Accordingly, the Court directed the appellate authority to reconsider the matter afresh after granting an opportunity to the petitioner to submit a legible bill of lading and other relevant documents. The matter was thus remanded for fresh adjudication on merits, in favour of the assessee.



**Shelly Singh**



**SCN proposing GST on ENA stayed; issue to be decided along with connected writ petitions: HC**

**CASE TITLE:** RADICAL BIO ORGANICS LTD. Versus UNION OF INDIA **CITATION:** (2026) 41 Centax 253 (Telangana)

The Telangana High Court in *Radical Bio Organics Ltd. v. Union of India* granted interim relief by staying a show cause notice proposing levy of GST on Extra Neutral Alcohol (ENA), and directed tagging of the matter with connected writ petitions involving the same issue. The petitioner, engaged in manufacture and supply of ENA to bottling units for production of alcoholic liquor, challenged the show cause notice and audit report proposing GST liability for the period April 2022 to March 2024. It was contended that ENA used for manufacture of alcoholic liquor falls outside the GST regime, and continues to be subject to State taxation. The Court noted that identical issues were already pending consideration in earlier writ petitions and that the present matter required consistency in adjudication. Accordingly, the Court ordered that the present petition be tagged with connected matters and granted interim stay on the impugned show cause notice. The issue of taxability of ENA under GST remains open and subject to final determination. The interim relief was granted in favour of the assessee.



**Shelly Singh**



# Indirect Tax

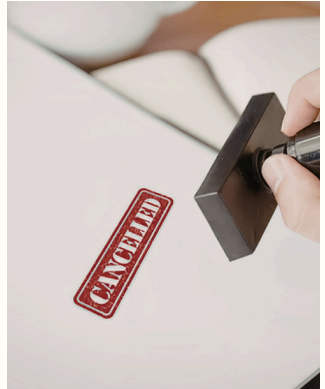
## Wrong Jurisdiction Not Ground to Reject GST Appeal; Orissa High Court Restores Matter

CASE TITLE: LIFE INSURANCE CORPORATION OF INDIA LTD. Versus COMMISSIONER CGST AND CENTRAL EXCISE (APPEAL) CITATION: (2026) 41 Centax 235 (Ori.)

The Orissa High Court in *Life Insurance Corporation of India Ltd. v. Commissioner CGST* held that rejection of an appeal on the ground of “wrong jurisdiction” due to administrative lapses is unsustainable, and directed restoration of the appeal. The petitioner’s appeal, filed under Section 107 of the CGST Act against a common Order-in-Original covering multiple jurisdictions, was rejected by the appellate authority at Bhubaneswar stating that it was filed in the wrong jurisdiction. Upon examining departmental instructions, the Court noted that at the relevant time there was no mechanism to electronically transfer appeals to the correct jurisdiction, and the rejection resulted from an administrative error on part of the authorities. The Court held that such procedural or technical lapses cannot defeat substantive rights of appeal. Without examining the merits, the Court set aside the rejection order and directed restoration of the appeal. It was further directed that the appeal be transmitted to the appropriate jurisdictional appellate authority within a prescribed timeline and be adjudicated in accordance with law. Accordingly, the matter was remanded for fresh consideration, in favour of the assessee.



**Shelly Singh**



## Retrospective GST Cancellation Invalid Without Specific SCN and 7-Day Opportunity

CASE TITLE: AMC TRADE LINK Versus STATE OF PUNJAB CITATION: (2026) 41 Centax 313 (P&H.)

The Punjab & Haryana High Court in *AMC Trade Link v. State of Punjab* held that retrospective cancellation of GST registration is invalid where no specific show cause notice proposing such action is issued with the mandatory response period. The petitioner was initially issued a show cause notice proposing cancellation of registration, but without any reference to retrospective effect. A subsequent communication sought to treat the earlier notice as one for retrospective cancellation; however, it was received on the same day the cancellation order was passed. The Court held that such action violates Rule 22 of the CGST Rules, which mandates that the assessee must be granted at least seven working days to respond to a show cause notice. It was further observed that retrospective cancellation carries serious civil consequences and therefore requires strict compliance with principles of natural justice and a clear, specific proposal in the notice. Since no valid notice granting adequate opportunity was issued, the retrospective cancellation was held to be vitiated. Accordingly, the impugned order was set aside with liberty to the authorities to initiate fresh proceedings in accordance with law, in favour of the assessee.



**Shelly Singh**

# Indirect Tax

## DGFT Extends Interest Subvention Benefit to Chapter 72 Tariff Lines for MSME Exporters

Notice No.: TRADE NOTICE NO. 01/2026-27

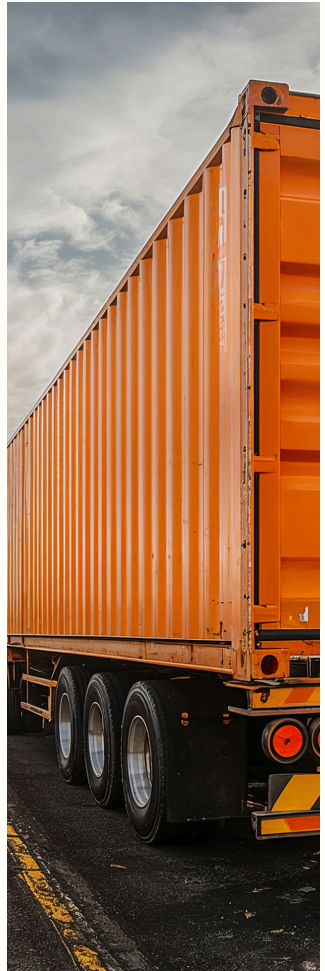
The Directorate General of Foreign Trade (DGFT), vide Trade Notice No. 01/2026-27 dated 20 April 2026, has expanded the scope of interest subvention support by including additional tariff lines under Chapter 72 (iron and steel) for Micro and Small Enterprises (MSEs). As specified on page 1, the benefit is available only to Micro and Small Enterprises and excludes Medium Enterprises. The inclusion has been made under Annexure-IIA to the earlier Trade Notice governing interest subvention for pre- and post-shipment export credit. The detailed list, spanning pages 2 to 11, covers 167 tariff lines at the HS six-digit level, primarily relating to iron, steel, ferro-alloys, flat-rolled products, bars, rods, and other semi-finished and finished steel products. The Trade Notice clarifies that:

- The benefit is prospective, applicable only to eligible export credit disbursed on or after the date of issuance
- Existing provisions of earlier trade notices remain unchanged
- The scheme continues to operate within the Export Promotion Mission (EPM) framework

This amendment significantly broadens sectoral coverage for interest subvention, aiming to enhance export competitiveness of MSMEs in the iron and steel segment.



**Shelly Singh**



# Intellectual Property Rights

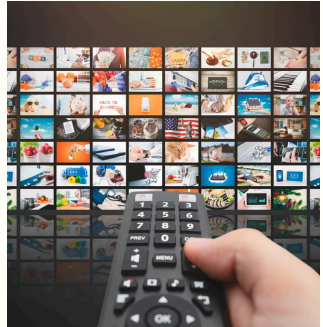
## Delhi High Court Records Settlement in OZEMPIC Dispute, Dr Reddy's Drops "OLYMPIQ" Mark

The Delhi High Court disposed of Novo Nordisk's trademark infringement suit after Dr Reddy's Laboratories agreed to discontinue use of the mark "OLYMPIQ," which was alleged to be deceptively similar to Novo Nordisk's well known diabetes drug mark "OZEMPIC." The defendant undertook to cease manufacture, sale, promotion and all commercial use of the impugned mark, withdraw its pending trademark applications, and transition to a new mark "OLYMRA." The Court accepted these undertakings and decreed the suit accordingly. Considering public interest, it permitted Dr Reddy's to sell its existing stock of semaglutide injections within 30 days, noting that the product is a prescription drug and there were no quality concerns. Any remaining stock is to be donated to government hospitals. The Court also awarded costs to Novo Nordisk, directing payment of 30 percent of the claimed costs, while recording that damages were not pressed.

Novo Nordisk A/S & Anr. v Dr Reddy's Laboratories Ltd., CS(COMM) 317/2026 (Delhi High Court)



Anushka Tripathi



## Delhi High Court Blocks Rogue Streaming Sites Ahead of Euphoria 3 Release, Grants Dynamic Injunction

The Delhi High Court granted an ex parte ad interim injunction in favour of Home Box Office Inc, restraining multiple rogue websites including moviebox.ph and others from illegally streaming or distributing its popular series Euphoria ahead of the release of Season 3. The Court noted that HBO owns exclusive copyright in the series and has not authorised any of the defendants to host or disseminate the content. Justice Tushar Rao Gedela observed that the initial release window is commercially critical, and any parallel availability of pirated content would cause substantial financial loss and dilute the value of the show. The defendant websites were found to enable streaming, downloading and linking of infringing content, operating as rogue platforms. The Court restrained the defendants from hosting or communicating the series, directed domain registrars to suspend the domains and disclose KYC details, and ordered ISPs to block access within 72 hours. A dynamic injunction was also granted, allowing real time blocking of mirror and redirect websites to curb evolving piracy.

Home Box Office Inc v Moviebox.ph & Ors., CS(COMM) 358/2026 (Delhi High Court)



Anushka Tripathi



# Intellectual Property Rights

## Hon'ble Delhi HC Protects "SOCIAL" Mark; Injunction Against "SOCIAL LIVING ELEVATED"

The Hon'ble Delhi High Court granted an ex parte ad-interim injunction restraining the defendant from using the mark "SOCIAL LIVING ELEVATED" for hospitality services. The Hon'ble Court noted that the plaintiff's mark "SOCIAL" is a well-known trademark with extensive registrations and nationwide reputation. It found that the defendant's mark wholly incorporated and subsumed the plaintiff's mark without justification. The services offered by both parties were held to be allied and cognate, increasing the likelihood of consumer confusion. Applying the test of an average consumer with imperfect recollection, the Hon'ble Court held that confusion and association were inevitable. A strong prima facie case, balance of convenience, and irreparable harm were found in favour of the plaintiff. Accordingly, the defendant was restrained from using the impugned mark across all platforms, including domain names and social media.



Ananya Singh



## Hon'ble Delhi HC Grants Injunction in Crocs Design, Patent & Trademark Infringement Case

The Hon'ble Delhi High Court granted an ex parte ad interim injunction in favour of Crocs against a defendant selling slavishly copied footwear and accessories. The Hon'ble Court found that the defendant had blatantly imitated Crocs' registered designs, the "JIBBITZ" patent system, and trademarks including "CROSLITE" and its 3D shape mark. It held that such wholesale copying of the product's design, trade dress, and overall look was likely to deceive consumers of average intelligence. The defendant's conduct was found to lack bona fides and aimed at riding on Crocs' goodwill and reputation. A strong prima facie case, balance of convenience, and likelihood of irreparable harm were established. Accordingly, the defendant was restrained from manufacturing, selling, advertising, or dealing in infringing products. The Hon'ble Court also directed immediate takedown of listings across websites, e-commerce platforms, and social media. Additionally, the defendant was ordered to preserve accounts relating to the infringing goods. [Crocs Inc. & Anr vs Summersalt Lifestyle Private Limited (CS(COMM) 388/2026)]



Ananya Singh



# Intellectual Property Rights

## Hon'ble Delhi HC Denies Injunction in "WATER BOX" Passing Off Dispute; Imposes Territorial Restriction

The Hon'ble Delhi High Court refused to grant an interim injunction in a passing off dispute concerning "WATER BOX" marks, holding that the plaintiff failed to establish the essential element of goodwill and prior continuous use. The Hon'ble Court observed that the plaintiff's evidence of use since 2018 was inconsistent and unsupported by sales or promotional records, weakening its claim of reputation. As goodwill was not prima facie established, the Hon'ble Court did not examine misrepresentation and damage. It further noted that neither party demonstrated substantial market presence beyond their respective states. On a prima facie view, the plaintiff's own trademark filings indicated "proposed to be used," undermining claims of prior use. Considering the balance of convenience and equitable factors, the Hon'ble Court declined injunctive relief. However, to avoid conflict, it directed both parties to restrict sales within their respective home states Gujarat (plaintiff) and Maharashtra (defendant) pending trial. The Court clarified that these findings are tentative and subject to final adjudication. [More Than Water Private Limited vs Nesco Limited (CS(COMM) 125/2026)]



**Ananya Singh**



# Litigation

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## Commercial Purpose Must Be Clearly Established



The burden to establish commercial purpose squarely lies on the party asserting it, and cannot be discharged on the basis of mere assumptions or unsubstantiated claims.

**Case Title:** Mr. Hans Batra Vs. HDFC Bank, FA/143/2022

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### Mr. Hans Batra Vs. HDFC Bank, FA/143/2022

The Delhi State Consumer Disputes Redressal Commission allowed the appeal against HDFC Bank, holding that the District Commission wrongly dismissed the complaint as being for a “commercial purpose” without proper factual analysis. It clarified that merely availing an overdraft facility does not automatically render a transaction commercial, and such determination must be made on a case-specific basis under Section 2(1)(d) of the Consumer Protection Act, 1986. Relying on Shrikant G. Mantri Vs. Punjab National Bank, Laxmi Engineering Works Vs. PSG Industrial Institute, and Kavita Ahuja Vs. Shipra Estates Ltd., it reiterated that the burden to prove commercial purpose lies on the party asserting it. As HDFC Bank failed to establish that the overdraft was for business or profit activity, the complainant was held to be a “consumer,” the impugned order was set aside, and the matter was remanded for fresh adjudication on merits.



**Shyam Kishor Maurya**

### Subodh C. Korde Vs. Union of India and Others, Writ Petition No. 11990 of 2023


The Bombay High Court directed HDFC Bank to refund Rs. 38.04 lakh to a Pune businessman defrauded through SIM swapping/cloning, holding that no negligence could be attributed to the customer. The Court rejected the bank’s defence of having sent SMS/OTP alerts, noting that the petitioner never received them and that the fraudulent transactions were executed using a different IP location, indicating impersonation. It found that the customer acted promptly upon discovering the fraud and that the bank failed to prove any carelessness or sharing of credentials on his part. Applying the Reserve Bank of India circular dated July 6, 2017, the Court granted the benefit of “zero liability” to the customer and ordered reimbursement within eight weeks, failing which interest at 8% p.a. would apply.



**Shyam Kishor Maurya**

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## Zero Liability Applies Where Customer Negligence Is Not Established



In cases of fraudulent transactions where no negligence can be attributed to the customer, liability cannot be imposed on them, and the bank is obligated to ensure full reimbursement in accordance with RBI guidelines

**Case Title:** Subodh C. Korde Vs. Union of India and Others, Writ Petition No. 11990 of 2023


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# Litigation

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**Quick Bites**

## Drastic Powers Require Strict Compliance with Law



In the absence of tangible material, a properly formed opinion, and prior notice, the exercise of provisional attachment constitutes an arbitrary action and cannot be sustained in law.

**Case Title:** Vinara Infradevelopers LLP Vs. Union of India and Others, 2026: BHC-OS:9038-DB

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## Vinara Infradevelopers LLP Vs. Union of India and Others, 2026: BHC-OS:9038-DB

The Bombay High Court held that continued attachment of a bank account without complying of statutory safeguards violates the right to property under Article 300A of the Constitution of India and causes serious civil consequences. It ruled that provisional attachment is a drastic power requiring prior formation of opinion based on tangible material and strict adherence to due process, which was absent in the present case. The Court found the action arbitrary, noting that the attachment was imposed and continued without proper notice despite objections and offer of alternate security, effectively paralysing the petitioner's business. Consequently, the impugned orders were quashed and costs of Rs. 25,000 were imposed on the concerned officer, payable to the Maharashtra State Legal Services Authority.



**Shyam Kishor Maurya**

## Arvind Kumar Vs. Smt. Namita, 2026: RJ-JD:15612

The Rajasthan High Court held that a husband can invoke Section 94 BNSS to seek his estranged wife's employment and income records for opposing a maintenance claim, especially when such facts are not disclosed by her. Relying on Rajnesh Vs. Neha, the Court reiterated that both parties must make full and frank disclosure of income and may seek relevant documents from each other. It was found that the wife's employment details were a material factor for fair adjudication and that Section 94 applies where information is held by a private institution. Setting aside the trial court's rejection, the High Court directed summoning of records from the hospital, holding such documents necessary and desirable for proper determination of maintenance.



**Shyam Kishor Maurya**



# Litigation



## Wife and Her Family Cannot Be Prosecuted for Dowry Giving Based Solely on Her Complaint Alleging Dowry Demand by Husband

The Supreme Court of India held that a wife and her family cannot be prosecuted for giving dowry solely based on statements made in their complaint against dowry demand. Interpreting Section 7(3) of the Dowry Prohibition Act, the Court ruled that such statements by aggrieved persons are protected and cannot form the basis of prosecution under Section 3. It clarified that prosecution for dowry giving is possible only if supported by independent evidence beyond such statements. Since the husband relied solely on the wife's complaint, the Court upheld the Magistrate's refusal to register an FIR and dismissed the appeal.

Rahul Gupta versus Station House Officer and others, Special Leave Petition (Crl.) No. 13755 of 2025



Ananya Jain


## Accused Discharged at Pre Trial Stage has a More Favourable Position than one Acquitted after Trial

The Supreme Court of India held that an accused who is discharged stands on a stronger footing than one acquitted after trial, as discharge reflects absence of material even to proceed to trial. The Court clarified that discharge is a pre trial termination due to lack of evidence, whereas acquittal follows trial and may result from insufficient proof or benefit of doubt. Setting aside the dismissal of an ex Air Force officer, the Court termed the disciplinary action "non est" and held that a discharged person cannot be placed in a worse position than an acquitted individual and is entitled to consequential service benefits.

EX. SQN. LDR. R. SOOD VS. UNION OF INDIA & ORS., CIVIL APPEAL Nos. 6929 - 6930 OF 2009



Ananya Jain


Quick Bites

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## Discharge Stronger Than Acquittal

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graph TD
    A[ALLEGATION] --> B[DISCHARGE (PRE TRIAL)]
    A --> C[TRIAL]
    B --> D[CASE FILED BEFORE TRIAL]
    C --> E[ACQUITTAL (AFTER TRIAL)]
    
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The Supreme Court held that an accused discharged before trial stands on a more favourable footing than one acquitted after trial, as discharge reflects lack of sufficient material even to proceed.

CASE TITLE: EX. SQN. LDR. R. SOOD VS. UNION OF INDIA & ORS., CIVIL APPEAL Nos. 6929 - 6930 OF 2009

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# Litigation



## Delhi High Court Upholds Denial of Age and Attempt Relaxation for EWS Candidates

The Delhi High Court dismissed petitions seeking age relaxation and additional attempts for Economically Weaker Sections candidates in Central Government recruitments. The Court held that the Union's policy granting 10% reservation without corresponding relaxations is neither arbitrary nor violative of Articles 14 and 16. It ruled that such relaxations involve policy considerations like administrative feasibility and fall within the domain of the legislature and executive. Finding no enforceable right, the Court declined to issue directions, emphasizing that eligibility conditions in recruitment rules cannot be judicially expanded in the absence of a governing policy.

ANISH ARUN & ORS v. UNION OF INDIA & ORS, W.P.(C) 8477/2024



**Ananya Jain**

## Delay In Connected Proceedings No Ground To Deny Possession

The Punjab and Haryana High Court directed the Haryana Shehri Vikas Pradhikaran (HSVP) to hand over vacant possession of plots in Faridabad to 21 allottees within four months. A bench of Justice Suvir Sehgal and Justice Deepak Manchanda rejected the State's plea to defer proceedings due to a pending 2009 petition with status quo. The Court held that prolonged pendency cannot defeat rightful claims, especially when acquisition has attained finality and full consideration has been paid, terming continued denial of possession unjustified.

Hemant Kumar Mittal v/s Haryana Shehri Vikas Pradhikaran and others & Batch, CWP-17042-2025 and connected petitions



**Ananya Jain**



# Litigation



## Child Care Leave Policy Safeguards Motherhood and its Denial Undermines Rights of Both Mother and Child

The Bombay High Court emphasized that the Child Care Leave policy recognizes a woman's vital role in childcare and family stability and must be effectively implemented. The Court held that CCL protects not only the rights of working mothers but also the child's right to care and support. It found lapses by authorities in not following the prescribed procedure while rejecting extended leave. However, as the purpose of the leave no longer survived due to passage of time, the petition was disposed of, with a direction that officials must adhere to CCL policy objectives in future.

Valencio D'Souza vs The Director, Institute of Psychiatry and Human Behaviour [Writ Petition 764 of 2023 (Filing No)]



**Ananya Jain**

## Civil Courts Lack Jurisdiction in Municipal Limits Determination

The Supreme Court of India, held that disputes concerning determination of municipal limits cannot be adjudicated by civil courts. Upholding the Bombay High Court, it ruled such determinations under the Maharashtra Municipal Corporations Act are legislative functions. Even where factual disputes exist, civil courts lack jurisdiction if the subject matter falls outside their domain. Consequently, the Panchayat's appeal challenging municipal limits was dismissed and interim relief vacated.

UNCHGAON VILLAGE PANCHAYAT VERSUS KOLHAPUR MUNICIPAL CORPORATION AND ANOTHER (with connected matter), CIVIL APPEAL NO. 4684 OF 2026



**Ananya Jain**

### Civil Courts Cannot Decide Municipal Limits



The Supreme Court held that disputes over municipal boundary determination are legislative matters and fall outside the jurisdiction of civil courts.

**CASE TITLE:** UNCHGAON VILLAGE PANCHAYAT VERSUS KOLHAPUR MUNICIPAL CORPORATION AND ANOTHER (with connected matter), CIVIL APPEAL NO. 4684 OF 2026

# Litigation

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## When Inordinate Delay Defeats the Ends of Justice



Inordinate and unexplained delay in criminal proceedings strikes at the very root of the right to a speedy trial under Article 21 and, in appropriate cases, may justify quashing to prevent abuse of process.

CASE TITLE: KAILASH CHANDRA KAPRI v. STATE OF UTTAR PRADESH, SLP (Cr.) No(s).6564/2026

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### Inordinate Delay as a Ground for Quashing

The Supreme Court of India, comprising Justice J. B. Pardiwala and Justice Vijay Bishnoi, stayed criminal proceedings against a police officer noting a 35-year delay, and indicated possible quashing after hearing the State. The case highlights the constitutional guarantee of a speedy trial under Article 21 of the Constitution of India. Courts have consistently held that inordinate and unexplained delay can vitiate proceedings, especially where it causes prejudice to the accused. While the Allahabad High Court declined interference under Section 482 CrPC citing factual disputes, the Supreme Court emphasized that delay alone, in appropriate cases, can justify quashing to prevent abuse of process.

KAILASH CHANDRA KAPRI v. STATE OF UTTAR PRADESH, SLP (Cr.) No(s).6564/2026



**Ananya Jain**

### Government Grants Act Overrides Rent Control Act

The Supreme Court of India held that premises governed by the Government Grants Act, 1895 are regulated exclusively by the terms of the grant, overriding rent control laws such as the Delhi Rent Control Act. A bench of Justice Sanjay Karol and Justice Prashant Kumar Mishra set aside eviction proceedings against the Union of India, holding that Section 3 of the Act gives primacy to the grant's terms over any conflicting law. The Court ruled that eviction cannot be inferred unless expressly provided in the lease deed. In absence of such a clause, the lessor's remedy is limited to recovery of rent, not eviction.

UNION OF INDIA VERSUS SIR SOBHA SINGH AND SONS PVT. LTD., CIVIL APPEAL NO. 4686 OF 2026



**Ananya Jain**



# Litigation



## **V.K. John Vs. S. Mukanchand Bothra and HUF (Died) Represented by LRs & Ors., 2026 INSC 393**

The Supreme Court has held that a legal representative aggrieved by an arbitral award must challenge it by filing an application under Section 34 of the Arbitration and Conciliation Act, 1996, and not through Article 227 of the Constitution or Section 115 CPC. The Court observed that the Arbitration Act is a complete code in itself, and the term “party” under Section 34 includes legal representatives who step into the shoes of the deceased party. It further held that arbitration proceedings do not abate on death, as Section 35 binds not only parties but also persons claiming under them. Accordingly, the Court upheld the High Court’s order and directed the appellant to avail the statutory remedy under Section 34.



**Shyam Kishor Maurya**

## **Nagreeka Indcon Products Pvt. Ltd. Vs. Cargocare Logistics (India) Pvt. Ltd., 2026 INSC 384**

The Supreme Court held that use of the word “can” in a dispute resolution clause does not create a binding arbitration agreement, as it merely indicates a possibility and not a mandatory obligation to arbitrate. Reaffirming earlier rulings, the Court observed that a valid arbitration clause must clearly show the parties’ definite intention to refer disputes to arbitration and be bound by the arbitral award. Applying this principle, the Court found that Clause 25 of the Bill of Lading, stating disputes “can be settled by arbitration,” lacked the essential attributes of an enforceable arbitration agreement. Consequently, the appeal challenging the Bombay High Court’s decision was dismissed.



**Shyam Kishor Maurya**



# Litigation



## **Maharashtra State Electricity Distribution Company Limited (MSEDCL) & Ors. Vs. RZ Malpani, 2026 INSC 342**

The Supreme Court reiterated that a mere general reference in a Letter of Intent (LOI) to tender documents containing an arbitration clause does not amount to a valid arbitration agreement. It held that an arbitration clause from another document can be incorporated only through a clear and specific reference showing the parties' explicit intention to adopt that clause. The Court further observed that an LOI ordinarily expresses an intention to contract in future and does not by itself create binding contractual obligations unless consensus ad idem and a concluded contract are clearly established. Accordingly, finding no prima facie arbitration agreement, the Court set aside the Bombay High Court's order appointing an arbitrator.



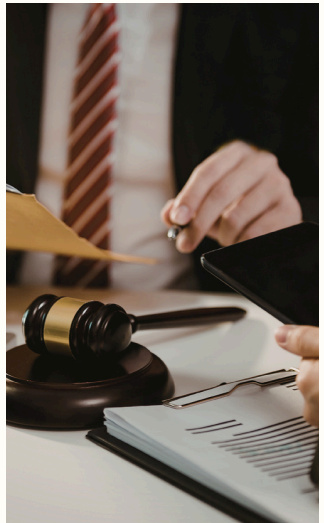
**Shyam Kishor Maurya**

## **J&K Economic Resolution Agency Vs. Rash Builders India Private Limited, 2026 INSC 368**

The Supreme Court reiterated that the designated seat of arbitration determines exclusive supervisory jurisdiction, and merely holding hearings or signing the award at another place does not shift such jurisdiction. The Court held that once parties had expressly chosen Srinagar as the seat, only courts at Srinagar could entertain proceedings under Section 34 of the Arbitration and Conciliation Act, 1996, unless the seat was expressly changed by mutual agreement. It clarified that a venue is only a convenient geographical location for conducting proceedings and has no jurisdictional consequence by itself. Accordingly, the Court set aside the Jammu & Kashmir and Ladakh High Court's order and restored the Section 34 challenge before the Srinagar court.



**Shyam Kishor Maurya**



## 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.

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