

LEXPORT NEWSLETTER

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Dear Readers,

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

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

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

Feedback and suggestions will be much appreciated. Please feel free to write to us at mail@lexport.in.

Regards,
Team Lexport



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Intellectual Property Rights

Delhi High Court Protects “Kake Da Hotel” Legacy Brand, Injuncts Multiple Lookalike Restaurant Names

The Delhi High Court granted an ex parte ad interim injunction in favour of Kakas Hospitality, restraining multiple defendants from using deceptively similar marks such as “Kake Daa Hotel,” “Kaka Ka Hotel,” “Kake Ka Dhaba,” and other variants that imitate the iconic “Kake Da Hotel” brand. The plaintiff traced its use of the mark back to 1931, highlighting decades of goodwill, registrations, and nationwide expansion through franchise networks. The Court noted that the defendants were operating identical restaurant and food delivery services and had listed themselves on platforms like Zomato using impugned marks that closely resembled the plaintiff’s brand. The similarity in names, services and consumer base created a clear likelihood of confusion and suggested an attempt to ride on the plaintiff’s longstanding reputation. Finding a strong prima facie case of passing off and unfair competition, the Court restrained the defendants from using the impugned marks in any form, online or offline. It also directed Zomato to take down the infringing listings within 36 hours, recognising the role of online platforms in facilitating consumer confusion.

Kakas Hospitality v Kake Daa Hotel & Ors.,
CS(COMM) 392/2026



Anushka Tripathi



Delhi High Court Injuncts “Home of Diagnostics,” Finds Near Identical Adoption of HOD Mark

The Delhi High Court granted an ex parte ad interim injunction in favour of House of Diagnostics LLP, restraining the defendant from using the marks “HOD Diagnostics” and “Home of Diagnostics,” finding them deceptively similar to the plaintiffs’ registered “H.O.D” and “House of Diagnostics” trademarks. The plaintiffs demonstrated longstanding use since 2008, multiple registrations, and significant goodwill in diagnostic services across North India. Justice Tushar Rao Gedela noted that the defendant’s mark “HOD” was identical to the plaintiffs’ mark except for the absence of dots, and the expanded form “Home of Diagnostics” closely mirrored “House of Diagnostics.” The Court held that such similarity in marks, coupled with identical services and consumer base, created a high likelihood of confusion from the perspective of an average consumer with imperfect recollection. Finding a strong prima facie case of infringement and passing off, the Court restrained the defendant from using the impugned marks and directed immediate removal of listings from platforms such as IndiaMart, Instagram and other websites.

House of Diagnostics LLP & Ors. v Home of
Diagnostics Limited, CS(COMM) 416/2026



Anushka Tripathi

Intellectual Property Rights

Hon'ble Delhi HC Injuncts "Liv-82 DS" as Deceptively Similar to "Liv.52"

The Hon'ble Delhi High Court granted an ex parte ad interim injunction restraining the defendants from using the mark "Liv-82 DS" for liver care products. The Hon'ble Court found striking visual, phonetic, and structural similarity with the plaintiff's well-established "Liv.52" mark, including identical prefixes ("Liv"), similar numerals, and identical suffix "DS". It noted that the goods, trade channels, and consumer base were identical, heightening the likelihood of confusion. The defendants' adoption, including similar packaging and trade dress, was held prima facie dishonest and aimed at riding on the plaintiff's goodwill built since 1955. Applying the test of an average consumer with imperfect recollection, the Hon'ble Court held that deception was inevitable. A strong prima facie case, balance of convenience, and irreparable harm were established in favour of the plaintiff. Accordingly, the defendants were restrained from manufacturing, selling, or advertising products under the impugned mark. The Hon'ble Court also directed disclosure of stock and sales details by the defendants. [Himalaya Global Holdings Ltd & Anr vs Kbir Wellness Private Limited & Anr (CS(COMM) 418/2026)]



Ananya Singh



Hon'ble Delhi HC Protects Personality Rights of Dr. Sanjiv Goenka Against AI Misuse & Defamation

The Hon'ble Delhi High Court granted an ex parte ad interim injunction in favour of Dr. Sanjiv Goenka in a suit alleging violation of personality rights through defamatory posts, deepfakes, and AI-generated content. The Hon'ble Court found a prima facie case of unauthorised commercial exploitation of the plaintiff's name, image, and persona across digital platforms. It restrained all defendants, including John Doe entities, from using or misappropriating his identity in any form, including through AI technologies such as deepfakes and face morphing. The Hon'ble Court directed intermediaries and social media platforms to take down infringing URLs and disclose basic subscriber information of offending accounts. It further permitted the plaintiff to notify additional infringing links for immediate blocking and to implead new offenders. The Hon'ble Court recognised the serious harm caused by digital impersonation and misuse of identity. A strong case of irreparable injury and balance of convenience was found in favour of the plaintiff. [Dr Sanjiv Goenka vs Google Llc & Ors (CS(COMM) 395/2026)]



Ananya Singh

Litigation



Ravi Kant Vs. Central Bureau of Investigation, 2026:UHC:1846

The Uttarakhand High Court held that the requirement under Article 22(1) of the Constitution of India is satisfied if the arrest memo supplied to the accused contains the essential factual allegations constituting the grounds of arrest, and no separate written document is mandatory. In a CBI case involving offences under the IPC, the Court rejected the revisionist's challenge to arrest and remand, holding that meaningful communication of the substance of accusations rather than any rigid format is the constitutional mandate. Distinguishing between "grounds of arrest" and "reasons for arrest," and relying on precedents like *Pankaj Bansal v. Union of India* and *Vihaan Kumar v. State of Haryana*, the Court found substantial compliance as the arrest memo conveyed the necessary facts. Accordingly, it upheld the legality of the arrest and remand and dismissed the revision.



Shyam Kishor Maurya

Aayush Bansal Vs. Tata Sia Airlines Ltd., First Appeal No. SC/4/FA/42/2026

The Chandigarh State Commission held that preponement of the flight without prior intimation constituted a clear deficiency in service, as timely communication of schedule changes is a fundamental obligation of airlines. It noted that the complainants, having reached the airport as per the original schedule, were stranded abroad, suffered inconvenience, and incurred additional expenses including missing a connecting flight. Observing that the compensation awarded by the District Commission was inadequate, it enhanced the relief by granting Rs. 50,000 for mental agony, Rs. 15,000 as litigation costs, and upheld the refund of Rs. 58,641 with 9% interest. The Commission further directed payment within 45 days, failing which the amount would carry 12% interest from the date of default.



Shyam Kishor Maurya



Litigation



Home care Retail Marts Pvt Ltd. Vs. Haresh N. Sanghavi, 2026 INSC415

The Supreme Court of India has held that under the Arbitration and Conciliation Act, 1996, even an unsuccessful party in arbitration can invoke Section 9 post-award, as the term “party” includes all parties to the arbitration agreement without distinction. The Court clarified that interim relief remains available until enforcement of the award, and denying such relief would leave a losing party remediless, especially where the award is under challenge and assets risk dissipation. It rejected the view that Sections 34 and 36 are sufficient substitutes, emphasizing that Section 9 serves a distinct protective function over the subject matter or disputed amount. However, the Court cautioned that such relief must not be granted routinely, and a higher threshold of prima facie case, balance of convenience, and irreparable harm must be strictly satisfied.



Shyam Kishor Maurya

M/s. MCM Worldwide Private Limited Vs. M/s Construction Industry Development Council, 2026 INSC 425

The Apex Court has held that an arbitral tribunal’s rejection of a jurisdictional challenge under Section 16 of the Arbitration and Conciliation Act cannot be independently assailed under Sections 34 or 37, and such challenge can only be raised after the final award. In the present case, although the Respondent’s jurisdictional objection was dismissed by the arbitrator on limitation, both the District Judge and the High Court erred in entertaining and deciding the issue on merits. The Court clarified that Section 16 embodies the principle of kompetenz-kompetenz, vesting exclusive authority in the tribunal to rule on its jurisdiction at that stage. Consequently, the Court set aside the High Court’s decision, holding that the Respondent’s Section 34 application itself was not maintainable, and any challenge to the jurisdictional ruling can only be made in proceedings against the final award.



Shyam Kishor Maurya



Litigation



Gujarat High Court Upholds Family Pension for Customarily Divorced Daughter

The Gujarat High Court upheld the Central Administrative Tribunal's direction to grant family pension to a railway employee's daughter whose marriage had ended through customary divorce. The Court rejected the Railways' contention that a formal divorce decree obtained later disentitled her, noting that her marital status had already changed during her father's lifetime. Relying on precedent, the Court affirmed that a divorced daughter qualifies as a dependent under the rules. It also accepted findings confirming her status. Holding the claim valid, the Court directed payment of pension from the mother's death and dismissed the Railways' appeal.

UNION OF INDIA & ORS. v/s LILAVANTIBEN B. SONEGRA, R/SPECIAL CIVIL APPLICATION NO. 10722 of 2024



Ananya Jain

Denial of Police Clearance Certificate on Security Grounds Is a Reasonable Restriction

The Bombay High Court upheld the Maharashtra Government's refusal to grant a Police Clearance Certificate to an acquitted accused in the 26/11 Mumbai attacks case, holding that such denial does not violate the right to livelihood. The Court found the restriction reasonable, based on the petitioner's criminal antecedents and potential security risk. It noted that employment opportunities were only curtailed, not extinguished, and that the decision followed due verification and policy guidelines. Emphasizing public safety and national security, the Court ruled that authorities were justified in denying PCC in such circumstances.

Fahim Arshad Mohammed Yusuf Ansari vs State of Maharashtra [Criminal Writ Petition (Stamp) 138 of 2025]



Ananya Jain



Litigation



Local authorities cannot deny permission to establish industrial units merely due to unsubstantiated public protests

The Kerala High Court held that local authorities cannot deny permission to establish industrial units merely due to unsubstantiated public protests. The Court found that the entrepreneurs had obtained all statutory clearances and that the Panchayat's repeated denial was unjustified. It emphasized that democratic dissent cannot override lawful approvals in the absence of proven illegality. Invoking the doctrine of deemed permission and its powers under Article 226, the Court set aside the Panchayat's order and directed grant of licence with conditions, warning that such obstruction undermines investor confidence and the rule of law.

Sudheer. S and Anr. v State of Kerala and Ors., WP(C) 34275/ 2025



Ananya Jain

Disputes arising from purely contractual employment lack a public law element

The Punjab and Haryana High Court dismissed a writ petition challenging termination from a private trust, holding that disputes arising from purely contractual employment lack a public law element and are not amenable to writ jurisdiction under Articles 226 and 227. The Court observed that the employer was not "State" under Article 12 and that internal service rules had no statutory force. It ruled that even if an Sanstha performs public functions, employment disputes of non statutory staff remain within the realm of private law, with remedies lying before civil courts, not under constitutional writ jurisdiction.

Pooja Taneja v. The Tribune Trust and others, CWP-13658-2024



Ananya Jain



Corporate

Admission of Claim by Resolution Professional Not Acknowledgment of Debt: Supreme Court

The Supreme Court has clarified that admission of a creditor's claim by a Resolution Professional (RP) during the Corporate Insolvency Resolution Process (CIRP) does not amount to acknowledgment of debt for the purposes of extending limitation under the Limitation Act, 1963.

Setting aside the NCLAT's earlier ruling, the Court held that the role of an Interim Resolution Professional or Resolution Professional under the Insolvency and Bankruptcy Code, 2016 (IBC) is purely administrative, limited to collating and verifying claims. Such admission cannot be treated as a conscious or voluntary acknowledgment of liability under Section 18 of the Limitation Act, which requires a clear and unequivocal admission by the debtor or an authorised person.

The case arose from CIRP applications filed by a creditor in 2024, based on a default that occurred in December 2016. The creditor argued that limitation was extended due to the RP admitting its claim during a prior CIRP in 2022. While the NCLAT accepted this position, the Supreme Court rejected it, holding that such admission is merely a procedural step and does not create a fresh cause of action.

The Court reiterated that the right to initiate CIRP accrues from the date of default, and limitation must be computed accordingly, subject only to legally permissible exclusions. It further emphasised that even valid acknowledgment can extend limitation only if made within the subsisting limitation period.

Applying these principles, the Court held the CIRP application to be time-barred, as it was filed beyond the limitation period even after accounting for permissible exclusions.

Case Title: Shankar Khandelwal v. Omkara Asset Reconstruction Pvt. Ltd.
Citation: 2026 LiveLaw (SC) 438



Akshita Agarwal



Corporate Guarantee Qualifies as Financial Debt Under IBC: Supreme Court

The Supreme Court has held that a corporate guarantee provided by a company to secure borrowings of another entity qualifies as a "financial debt" under the Insolvency and Bankruptcy Code, 2016 (IBC). The ruling reinforces the position that guarantors can be treated as financial creditors in insolvency proceedings where such guarantees are invoked.

The case arose from claims filed by an SBI-led consortium in the Corporate Insolvency Resolution Process (CIRP) of Reliance Infratel Ltd. (RITL). The consortium argued that RITL had executed corporate guarantees in respect of loan facilities extended to group companies, including Reliance Communications and Reliance Telecom. Upon classification of the borrower accounts as non-performing assets, the lenders invoked these guarantees and sought recognition of their claims in RITL's insolvency proceedings.

While the NCLT and NCLAT had rejected these claims, the Supreme Court set aside their decisions. The Court held that liability arising from a corporate guarantee falls squarely within the definition of "financial debt" under Section 5(8) of the IBC, provided the underlying transaction involves disbursement against the consideration for the time value of money.

The Court further reiterated that a guarantor's liability is coextensive with that of the principal borrower, making such obligations legally enforceable. Accordingly, lenders invoking corporate guarantees are entitled to be recognised as financial creditors in CIRP.

This ruling provides significant clarity on the treatment of guarantees in insolvency proceedings and strengthens creditor rights, particularly in group financing structures where cross-collateralisation and guarantees are common.

Case Title: State Bank of India & Ors. vs. Doha Bank Q.P.S.C. & Anr.
Citation: 2026 LiveLaw (SC) 434



Akshita Agarwal

About Us

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

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

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

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