

LEXPORT NEWSLETTER

MAY 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.

Regards,
Team Lexport



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Intellectual Property Rights

Hon'ble Delhi HC Cancels "S.S. WHITE" Mark for Bad Faith & Registry Lapses

The Hon'ble Delhi High Court allowed rectification proceedings filed by S.S. White Burs Inc. and cancelled the respondent's "S.S. WHITE" trademark registrations in Classes 5 and 10. The Court held that the respondent's adoption was dishonest, involving slavish imitation of the petitioner's well-known and distinctive mark, supported by longstanding global use. It found that the respondent had falsely claimed user in Class 5 without any bona fide business, evidencing bad faith under the Trade Marks Act. Crucially, the Hon'ble Court censured the Trade Marks Registry for failing to conduct a mandatory search under Rule 33 and for ignoring a detailed protest petition highlighting prior conflicting marks. The Registrar's inaction and failure to exercise powers under Section 19 read with Rule 38 vitiated the registration process. Rejecting delay and acquiescence arguments, it reaffirmed that rectification is an independent remedy. The respondent's mark was ordered to be removed from the register, while the cross-rectification against the petitioner was dismissed. [S.S. White Burs Inc vs The Registrar Of Trade Marks, & Anr (C.O. (COMM.IPD-TM) 448/2022)]

Bad Faith Can Defeat Trademark Rights



The Delhi High Court cancelled the impugned registrations after finding dishonest adoption, false user claims, and failure of mandatory trademark scrutiny safeguards.

CASE TITLE: [S.S. White Burs Inc vs The Registrar Of Trade Marks, & Anr (C.O. (COMM.IPD-TM) 448/2022)]

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Ananya Singh



Intellectual Property Rights

Sanofi Secures Permanent Injunction Against “CLAVIX” for Pharmaceutical Trademark Infringement

The Hon’ble Delhi High Court decreed a permanent injunction in favour of Sanofi, proprietor of the well-known pharmaceutical mark “PLAVIX”, against the defendants’ use of “CLAVIX” for identical anti-thrombosis drugs. The Court held that “CLAVIX” was deceptively similar both phonetically and structurally, differing only by one letter. Applying the stricter standard for medicinal products laid down in Cadila Healthcare, the Hon’ble Court observed that confusion in pharmaceutical products could have serious public health consequences. The Hon’ble Court rejected the defendants’ plea of honest adoption and prior use, finding the explanation for adoption of “CLAVIX” dishonest and unsupported by due diligence or trademark searches. It further held that the defendants could not claim protection under Section 34 of the Trade Marks Act due to the plaintiff’s earlier registrations and the dishonest adoption. Accordingly, the Court restrained further use of “CLAVIX”, directed delivery-up of infringing materials, and awarded nominal damages and costs in favour of Sanofi. [Sanofi Aventis vs Intas Pharmaceuticals Ltd. & Anr (CS(COMM) 120/2016)]



Quick Bites

Medicinal Confusion Can Endanger Public Health



The Delhi High Court restrained use of the mark “CLAVIX”, holding that deceptive similarity in pharmaceutical products can create serious risks for consumers and patient safety.

Case Title: [Sanofi Aventis vs Intas Pharmaceuticals Ltd. & Anr (CS(COMM) 120/2016)]

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Ananya Singh



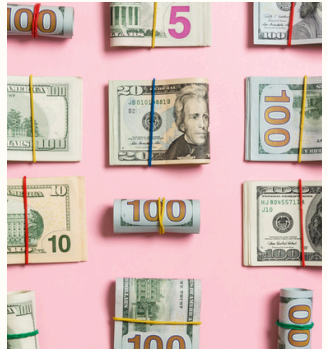
Intellectual Property Rights

Hon'ble Delhi High Court Protects Grupo Bimbo's "Osito Bimbo" Bear Device

The Hon'ble Delhi High Court granted an ex-parte ad-interim injunction in favour of Grupo Bimbo in a trademark and trade dress infringement action concerning its well-known "Osito Bimbo" bear device. The plaintiffs alleged that the defendants were manufacturing and selling "HELLO PANDAA" cookies with packaging and mascot artwork deceptively similar to the plaintiffs' registered marks and copyrighted artistic works. Upon comparing the rival products, the Hon'ble Court found striking similarities, including slavish imitation of the mascot, chef hat, overall trade dress, and even the red letter "B" appearing on the hat. The Hon'ble Court observed that the competing products were identical goods targeting the same consumer base, thereby creating a strong likelihood of confusion and deception. Considering the prima facie case of infringement and passing off, the Hon'ble Court restrained the defendants from manufacturing, importing, advertising, or selling the impugned products and directed disclosure of the supply chain and source of infringing goods. [Grupo Bimbo S.A.B. De C.V. And Anr. & Anr vs M/S. Inder Store & Ors - CS(COMM) 424/2026]



Ananya Singh



Delhi High Court Restrains "PMGIndia," Finds Deliberate Copying of Global Banknote Authentication Brand

The Delhi High Court granted an ex parte ad interim injunction in favour of Paper Money Guaranty LLC, restraining PMGIndia and its operators from using marks deceptively similar to the plaintiff's globally recognised "PMG" brand for banknote grading and authentication services. The Court noted that the defendants had adopted the mark "PMGIndia" along with the expansion "Paper Money Grading," closely imitating the plaintiff's "Paper Money Guaranty" mark and operating in the identical field of business. Justice Jyoti Singh observed that the defendants' conduct went beyond trademark imitation. The defendants, one of whom was previously a customer and collector member of the plaintiff, had allegedly copied the plaintiff's website layout, grading process descriptions, social media branding and even encapsulation techniques used for certified banknotes. The Court also noted that the defendants admitted that their use of "PMGIndia" had caused confusion on social media platforms. Finding a strong prima facie case of infringement and passing off, the Court restrained use of the impugned marks, directed suspension of the domain <pmgindia.org>, and ordered takedown of the infringing Instagram and Facebook accounts.

Paper Money Guaranty LLC v PMGIndia & Ors.,
CS(COMM) 432/2026



Anushka Tripathi

Intellectual Property Rights

Delhi High Court Grants Quia Timet Injunction to Novartis, Restrains Intas from Launching Dabrafenib Products

The Delhi High Court granted an ex parte ad interim injunction in favour of Novartis in a quia timet patent infringement action concerning its anti cancer drug Dabrafenib, marketed in India as RAFINLAR. The Court restrained Intas Pharmaceuticals from manufacturing, stockpiling, exporting or dealing in Dabrafenib APIs and formulations covered by Novartis' patent IN 275655, valid until 2029. Justice Tushar Rao Gedela held that Novartis had established a credible apprehension of infringement based on RTI responses from the Gujarat FDCA and an independent investigation report showing that Intas had obtained manufacturing approvals for Dabrafenib products and was preparing for commercial launch in domestic and international markets. The investigation also indicated that Intas had developed Dabrafenib APIs in house and was working on formulation scale up in approved dosage strengths. Recognising the suit as a valid quia timet action, the Court held that Novartis need not wait for an actual market launch before seeking protection of its statutory patent rights. However, the Court clarified that Intas' rights under Section 107A of the Patents Act, including Bolar exemptions, would remain protected.

Novartis AG & Anr. v Intas Pharmaceuticals Limited, CS(COMM) 433/2026



Anushka Tripathi



Litigation



Tabassum Qadir Parray Vs. High Court of Jammu and Kashmir and Another, 2026:JKLHC-SGR:87; SWP No. 1577/2018

The Jammu & Kashmir and Ladakh High Court dismissed the challenge to the 2011 seniority list of Munsiffs, holding that the 2008 selection process ended with appointments against 31 notified vacancies. The Court held that appointments made later against future vacancies were irregular and could not grant retrospective seniority over regularly appointed candidates. Relying on Rule 24 of the J&K CCA Rules and State of U.P. v. Rafiquddin, it reiterated that seniority is determined by the date of first valid appointment and not merely by merit in the select list. The petition was also dismissed on grounds of delay and laches, as a settled seniority position cannot be disturbed after several years.



Shyam Kishor Maurya

Bolla Kiran Vs. The State of Andhra Pradesh & 5 Others, Writ Petition No. 9972/2026

The Andhra Pradesh High Court held that service of a remand report containing grounds of arrest upon the accused before remand proceedings constitutes valid communication under Article 22(1) of the Constitution, even if notices under Sections 47 and 48 BNSS do not separately mention such grounds. The Court clarified that mere mention of grounds in the remand report without serving it upon the accused would not amount to compliance with the constitutional mandate. Distinguishing *Vihaan Kumar v. State of Haryana*, the Bench held that actual communication to the arrestee is essential and not merely recording the grounds in official documents. Finding no violation of Articles 21 or 22(1), and noting absence of any plea regarding language comprehension, the Court dismissed the habeas corpus petition challenging the arrest and remand.



Shyam Kishor Maurya

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Quick Bites

Communication Of Arrest Grounds Is Mandatory

Service of a remand report containing the grounds of arrest before remand proceedings was held sufficient compliance with Article 22(1) of the Constitution.

Case Title: Bolla Kiran Vs. The State of Andhra Pradesh & 5 Others, Writ Petition No. 9972/2026

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Litigation



Aijaz Hussain Sahaf Vs. State of J&K & Ors., 2026:JKLHC-SGR:89

The J&K and Ladakh High Court held that closure of a preliminary verification does not prohibit subsequent registration of an FIR where fresh material discloses cognizable offences, as a preliminary inquiry is only meant to ascertain prima facie facts and is not a final adjudication. Relying on documentary evidence, J&K Board of School Education verification, service records, and an FSL report confirming tampering of the petitioner's date of birth, the Court found sufficient material to justify continuation of criminal proceedings. Referring to Vinod Kumar Pandey v. Seesh Ram Saini, the Court reiterated that allegations involving abuse of official position and corruption mandate registration of FIR under Section 154 Cr.P.C. The Court further held that exoneration in departmental proceedings does not automatically justify quashing of criminal prosecution, and inherent jurisdiction cannot be exercised to conduct a mini trial or reassess investigative evidence.



Shyam Kishor Maurya

Ravinder Panwar and Others Vs. Varinder and Others, 2026:HHC:13032

The Himachal Pradesh High Court dismissed the appeal seeking injunction against alleged encroachment on joint land in District Solan, holding that the plaintiff approached the Court after considerable delay despite knowledge of the construction. The Court noted that the plaintiff himself admitted during cross-examination that the construction had been completed in 1994, contrary to his pleadings alleging construction in 1998. Treating these incorrect averments as a material contradiction affecting the plaintiff's credibility, the Court observed that injunction is an equitable and discretionary relief, not a matter of right. Considering the longstanding construction, prior family arrangement, and delayed challenge, the High Court refused to grant injunction and dismissed the appeal.



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Delay Can Defeat Equitable Relief



The Himachal Pradesh High Court refused injunction against longstanding construction, holding that delayed challenge and inconsistent pleadings weakened the plaintiff's entitlement to equitable relief.

CASE TITLE: Ravinder Panwar and Others Vs. Varinder and Others, 2026:HHC:13032

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Litigation



Documents in Chargesheet Need No Formal Proof if Genuineness Is Undisputed

The Supreme Court of India held that documents already forming part of the chargesheet and prosecution record can be exhibited by the defence without formal proof of signatures if their genuineness is not disputed. Distinguishing Sections 294 and 296 of the CrPC, the Court clarified that Section 294 concerns admission or denial of documentary evidence, while Section 296 relates to affidavit evidence of a formal character. Holding that the Madras High Court wrongly relied on precedent under Section 296, the Court remitted the matter for fresh consideration, while permitting the State to contest admissibility or genuineness.

R. GANESH VERSUS THE STATE OF TAMIL NADU, SLP (Cr.) No. 1383 of 2026



Ananya Jain

Revenue Entries Are Not Proof of Ownership Without Valid Title Documents

The Supreme Court of India reiterated that revenue records and mutation entries serve only fiscal purposes and do not confer ownership or title over property. The Court held that such entries may indicate possession but cannot substitute valid title documents. Summarising settled principles, it clarified that mutation neither creates nor extinguishes title and that isolated revenue entries cannot prevail over consistent contrary records. Dismissing the appeal concerning forest land in Telangana, the Court held that title disputes involving disputed facts must be adjudicated by civil courts and not in writ proceedings under Article 226.

VADIYALA PRABHAKAR RAO & ORS. VERSUS THE GOVERNMENT OF ANDHRA PRADESH & ORS., (CIVIL) NOS. 27590 OF 2025



Ananya Jain

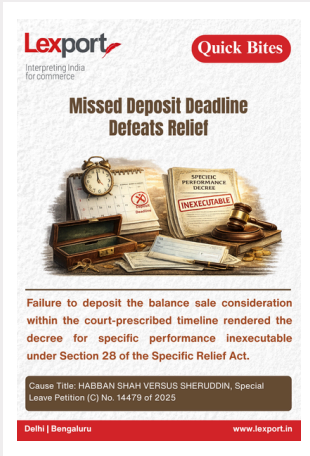
Revenue Entries Don't Create Ownership



The Supreme Court held that mutation and revenue records do not confer ownership. Valid title documents determine property rights, while civil courts decide disputed title claims.

CASE TITLE: VADIYALA PRABHAKAR RAO & ORS. VERSUS THE GOVERNMENT OF ANDHRA PRADESH & ORS., (CIVIL) NOS. 27590 OF 2025

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Quick Bites

Missed Deposit Deadline Defeats Relief

Failure to deposit the balance sale consideration within the court-prescribed timeline rendered the decree for specific performance inexecutable under Section 28 of the Specific Relief Act.

Cause Title: HABBAN SHAH VERSUS SHERUDDIN, Special Leave Petition (C) No. 14479 of 2025

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Failure to Deposit Sale Consideration Within Time Makes Specific Performance Decree Inexecutable

The Supreme Court of India held that a decree for specific performance becomes inexecutable if the decree holder fails to deposit the balance sale consideration within the time stipulated in the decree. The Court ruled that such default results in rescission of the contract under Section 28 of the Specific Relief Act and that a separate application by the judgment debtor for rescission is not mandatory. Observing that the buyer failed to demonstrate continuous readiness and willingness to perform contractual obligations, the Court set aside the High Court's order condoning delay and allowed the seller's appeal.

HABBAN SHAH VERSUS SHERUDDIN, Special Leave Petition (C) No. 14479 of 2025



Ananya Jain

Supreme Court Enhances Compensation to ₹56.83 Lakh for Minor Left 100% Disabled in Road Accident

The Supreme Court of India enhanced compensation to ₹56.83 lakh for a 14 year old boy rendered 100% permanently disabled in a road accident, holding that compensation under the Motor Vehicles Act must be "just, fair and reasonable" and adequately account for lifelong suffering and future care requirements. The Court ruled that notional income should be assessed on the basis of minimum wages and future prospects must also be considered while computing loss of earning capacity. Relying on settled principles governing compensation for permanent disability, the Court substantially enhanced amounts awarded towards attendant charges, pain and suffering, future medical expenses, and loss of marriage prospects.



Ananya Jain



Corporate

Supreme Court Allows Lifting of Corporate Veil to Include Subsidiary Assets in CIRP of Holding Company

The Supreme Court has held that, in appropriate cases, the corporate veil may be lifted during insolvency proceedings to include the assets of subsidiary companies in the Corporate Insolvency Resolution Process (CIRP) of a holding company, particularly where group entities are inextricably linked and such intervention is necessary to protect stakeholder interests.

The ruling came in the context of insolvency proceedings involving Earth Infrastructures Limited (EIL), a real estate developer whose housing projects across the NCR region had stalled, adversely affecting numerous homebuyers. Although various projects were formally held through subsidiary entities, the Supreme Court noted that EIL remained the principal developer and controlling force behind the projects.

Setting aside the NCLAT's decision, which had excluded subsidiary assets from the CIRP of the holding company, the Court observed that the subsidiary companies functioned merely as fronts for EIL's real estate operations. The Court held that where associated or group companies effectively operate as a single economic entity, the corporate veil can be lifted to facilitate effective insolvency resolution.

The dispute arose after the NCLAT set aside approved resolution plans on the ground that leasehold rights and assets of subsidiary companies could not be treated as assets of EIL without the consent of the Greater Noida Industrial Development Authority (GNIDA). Reversing this finding, the Supreme Court restored the NCLAT-approved resolution plans, enabling successful resolution applicants to proceed with completion of stalled projects including Earth Towne, Earth Sapphire Court, and Earth TechOne.

The judgment is significant for insolvency jurisprudence, particularly in the real estate sector, as it recognises the practical realities of group company structures and prioritises completion of projects and protection of homebuyers' interests over rigid corporate separateness in deserving cases.

Case Title: Alpha Corp Development Private Limited vs. Greater Noida Industrial Development Authority (GNIDA) and Ors.
Citation: 2026 LiveLaw (SC) 460



Akshita Agarwal



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Corporate Veils Can Be Lifted In CIRP



Subsidiary assets may be included in CIRP where group companies operate as a single economic entity for effective insolvency resolution.

Case Title: Alpha Corp Development Private Limited vs. Greater Noida Industrial Development Authority (GNIDA) and Ors.

Citation: 2026 LiveLaw (SC) 460

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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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