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LEXPORT NEWSLETTER

OCTOBER 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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Indirect Tax

Pre-GST services completed before 1 July 2017 remain governed by Service Tax despite post-facto approval and subsequent billing: Calcutta High Court

GST adjudication order quashed for breach of natural justice where order was uploaded only on portal and no personal hearing was granted: Calcutta High Court

The petitioner challenged the adjudication order dated 09.12.2025 passed under Section 73 of the West Bengal Goods and Services Tax Act, 2017 and the Central Goods and Services Tax Act, 2017, pursuant to a show cause notice in Form DRC-01 demanding tax, interest and penalty. The petitioner submitted that the show cause notice and adjudication order were uploaded on the GST portal under the "Additional Notice and Orders" tab, without separate intimation, and that the hearing date specified in the notice was prior to the date prescribed for filing the reply. Although the petitioner submitted a reply, no opportunity of personal hearing was subsequently afforded, and the ex parte adjudication order was uploaded under the same tab, with the petitioner stating that knowledge of the order was obtained only through a phone call from the GST Department. The petitioner contended that the proceedings violated the principles of natural justice and the procedure prescribed under the GST Act, including Section 75(4). The State respondents opposed the writ petition, submitting that ample opportunities had been granted to the petitioner. The Calcutta High Court, upon considering the records, found that the petitioner had made out a prima facie case and noted, in particular, that the adjudication order had only been uploaded under the "Additional Notice and Orders" tab without separate intimation. The Court accordingly quashed and set aside the adjudication order dated 09.12.2025 and directed the respondent authority to reconsider the matter on merits after considering the petitioner's reply, affording an opportunity of hearing and passing a fresh reasoned adjudication order in accordance with law within 12 weeks, with the decision to be communicated within a further week.

Arup Datta v. State of West Bengal, W.P.A. No. 17892 of 2026, High Court at Calcutta.



Soumya Shrivastava





Indirect Tax

Expired e-way bill and substitution of vehicle without Part-B updation justified penalty under section 129: GSTAT, Agra

A vehicle transporting electrical equipment from M/s Havells India Ltd., Alwar to M/s Anand Enterprises, Agra was intercepted on 03.08.2022, when the e-way bill produced for the consignment had expired on 01.08.2022 and reflected vehicle No. RJ-02-GA-6429, whereas the goods were actually being transported in a different vehicle. The appellant contended that the tax invoice, bilty and e-way bill accompanied the goods and that non-updation of the vehicle details in Part-B was merely a procedural/technical lapse without any revenue implication or intention to evade tax. The GSTAT, Division Bench, Agra noted that the e-way bill showed the distance between Alwar and Agra as 167 km, whereas the goods had been taken to Gurgaon for trans-shipment, despite Gurgaon not falling on the stated route, and that no reply or supporting material had been furnished by the appellant before the proper officer to establish bona fide circumstances for the expiry of the e-way bill. Referring to section 68 of the CGST/UPGST Act, 2017 and Explanation (2) to rule 138(3), the Tribunal held that an e-way bill is not valid for movement of goods unless Part-B is duly filled with the correct vehicle details. It further held that CBIC Circular No. 64/38/2018-GST, which permits minor errors involving one or two digits/characters of the vehicle number, could not be extended to a case involving complete substitution of the vehicle without updating Part-B. Relying also on Union of India v. Dharmendra Textile Processors, the Tribunal observed that mens rea is not an essential element for civil penalties under fiscal statutes unless specifically incorporated in the statutory provision, while noting that intention to evade tax may be gathered from the facts and surrounding circumstances. Following Jhansi Enterprises and B.M. Computers, the Tribunal held that movement of goods with an incomplete/invalid e-way bill gives rise to a rebuttable presumption of intent to evade tax, which the appellant had failed to rebut in the circumstances of the case. Accordingly, the Tribunal found no legal or factual error in the concurrent findings of the lower authorities and dismissed the second appeal, thereby sustaining the penalty under section 129 of the CGST/UPGST Act, 2017.

Anand Enterprises v. Ruby Singh, Additional Commissioner, Grade-II Appeals State Tax, Agra, APL/17/AGR/2026, GSTAT, Division Bench, Agra.



Soumya Shrivastava





Indirect Tax

Parallel GST proceedings not barred under Section 6(2)(b) where proceedings concern distinct subject matters: Delhi High Court

The Petitioner, Vertilink Media Solutions Pvt. Ltd., challenged the show-cause notice dated 29.05.2024 issued under Section 73 of the CGST Act, 2017 and the consequential order dated 29.08.2024 creating a demand of Rs. 10,57,75,250/-, principally contending that the proceedings initiated by the Delhi proper officer were barred under Section 6(2)(b) of the CGST Act since the Directorate General of GST Intelligence (DGGI) had earlier initiated proceedings against the Petitioner and other noticees in respect of the same transactions. The Petitioner was a Delhi-registered company providing script services to Zee Entertainment Enterprises Ltd.; following search proceedings, the investigation was dealt with by the DGGI, Mumbai Zonal Unit, which issued a common show-cause notice dated 31.03.2023 to 45 noticees under the CGST Act, MGST Act and IGST Act alleging fraudulent availment of ITC and consequential liability in cases involving suppression, fraud or wilful misstatement. While those proceedings were pending, the Delhi proper officer issued a separate show-cause notice under Section 73 for the period April 2019 to March 2020 alleging incorrect declaration of tax liability, and the consequential order denied ITC under Section 16(2)(c) on the ground that the taxpayers from whom the Petitioner had availed ITC had not discharged the corresponding tax liability on their outward supplies. The Petitioner relied upon Section 6(2)(b), Section 75(13) and the decision in Amit Gupta v. Union of India , contending that the DGGI proceedings covered the same transactions and period and that the subsequent conclusion of those proceedings should preclude a separate demand. The Delhi High Court first noted that the Petitioner had failed to avail the statutory remedy of appeal against the order dated 29.08.2024 and had instead filed a rectification application, and that the writ petition was instituted after substantial delay; the Court held that the pendency of the rectification application could neither extend the period for challenging the original adjudication order nor satisfactorily explain the delay. On the substantive issue, the Court held that Section 6(2)(b) is intended to prevent parallel proceedings where proceedings concerning the same subject matter have already been initiated by another tax authority, but the mere fact that proceedings concern the same assessee, overlapping periods or transactions having a common factual background does not establish identity of subject matter. In the present case, the proceedings under Section 73 concerned determination of the Petitioner's correct tax liability for April 2019 to March 2020, including admissibility of ITC under Section 16(2)(c) on account of non-payment of tax by suppliers, whereas the DGGI proceedings under Section 74 concerned allegations of fraudulent availment of ITC without actual supply of goods or services and involved 45 noticees; accordingly, the statutory provisions invoked, nature of allegations and liabilities sought to be determined were materially different. The Court therefore held that the bar under Section 6(2)(b) was not attracted and clarified that the provision does not impose a blanket prohibition on every subsequent proceeding initiated by another Central or State GST authority against an assessee who has previously been subjected to proceedings, but is confined to proceedings concerning the same subject matter. The Court further held that the subsequent conclusion of the DGGI proceedings, following payment by the principal noticee, M/s Zee Entertainment Enterprises Ltd., of the ITC demanded together with applicable interest and penalty, pursuant to which the proceedings against the co-noticees including the Petitioner were treated as concluded under Explanation 1 to Section 74, did not automatically extinguish the separate liability determined by the Delhi officer and could not retrospectively invalidate proceedings founded upon a different statutory basis and subject matter. The reliance on Section 75(13) was also rejected since the record did not establish any prior imposition of tax, interest or penalty upon the Petitioner for the same act or omission; mere inclusion of the Petitioner as a co-noticee in the DGGI proceedings was insufficient to attract the statutory protection. The Court also held that transfer of the investigation to the DGGI could not, in the absence of identity of subject matter, operate as a blanket ouster of the jurisdiction otherwise available to another proper officer under the GST enactment. Accordingly, the challenge to the show-cause notice and impugned order failed on account of the availability of an efficacious statutory remedy, unexplained delay and laches, and, on merits, the failure to establish that the two proceedings concerned the same subject matter or that Section 75(13) was attracted; the writ petition was consequently dismissed, with the Court clarifying that its observations were confined to determining whether the Petitioner had made out a case for exercise of writ jurisdiction and would not constitute a final expression on issues that may arise before the competent statutory authority.

Vertilink Media Solutions Pvt. Ltd. v. Anti Evasion Branch, W.P.(C) No. 13077 of 2026 and C.M. Appl. Nos. 60825 and 60826 of 2026, (2026) 46 Centax 425 (Del.), High Court of Delhi.



Soumya Shrivastava

Intellectual Property Right

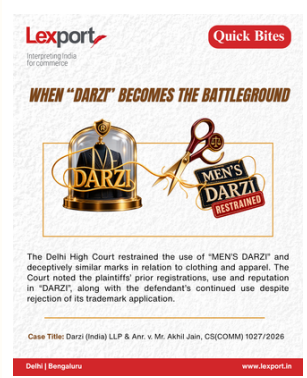
Delhi High Court Restrains "MEN'S DARZI" in "DARZI" Trademark Dispute

The Delhi High Court granted an ex parte ad interim injunction restraining the defendant from using "MEN'S DARZI" or any deceptively similar mark in relation to clothing and apparel. The Plaintiffs relied on their registrations for "DARZI" and "THE DARZI THE SUIT PEOPLE 1981", as well as their prior use and reputation in the mark. The Court noted that the defendant's application for registration of "MEN'S DARZI", filed in 2020, had been rejected following the Plaintiffs' objection. Despite the refusal, the defendant continued using the mark, with "DARZI" forming a prominent part of it. Finding a prima facie case, balance of convenience and likelihood of irreparable injury in favour of the Plaintiffs, the Court restrained the defendant from using "MEN'S DARZI" and the associated device mark pending the next hearing.

Darzi (India) LLP & Anr. v. Mr. Akhil Jain, CS(COMM) 1027/2026



Anushka Tripathi







Intellectual Property Right

Calcutta High Court Sets Aside Injunction Against Criticism of "Zandu Ashwagandha Gold Plus"

The Calcutta High Court set aside an ex parte ad interim injunction restraining Arpit Mangal and his company from publishing or communicating statements concerning Emami's "Zandu Ashwagandha Gold Plus". The Court held that the Bonnard principle, as reaffirmed by the Supreme Court in Bloomberg Television Production Services India Pvt. Ltd. & Ors. v. Zee Entertainment Enterprises Ltd., (2025) 1 SCC 741, applies in Indian defamation proceedings and requires exceptional caution before granting pre-trial injunctions affecting free speech.

The Court found that the appellants had a prima facie defence of truth based on laboratory reports indicating lead and mercury levels exceeding the permissible limits under the Ayurvedic Pharmacopoeia of India. It also held that the impugned video was not an advertisement attracting the ASCI influencer guidelines and that the appellant's qualifications were sufficient, at the prima facie stage, to comment on health and nutritional aspects. The Court held that the plaintiffs had failed to establish that the defence of truth was certain to fail at trial and that the impugned order did not satisfy the applicable standards for an ex parte injunction. The appeal was accordingly allowed, the injunction set aside, and the Court also refused to stay its judgment, noting that doing so would revive the gag order.

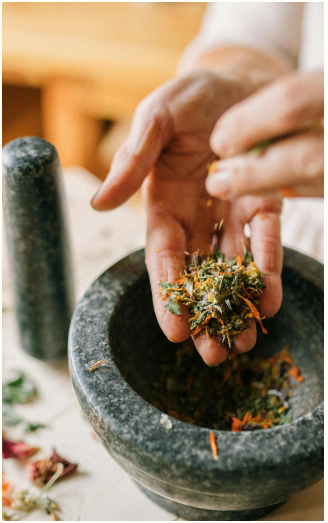
Arpit Mangal & Anr. v. Emami Limited & Ors., F.M.A. No. 1036 of 2025



Anushka Tripathi







Intellectual Property Right

Delhi High Court Decrees "MEDANTA" Trademark Suit Against Ayurvedic Weight-Management Product

The Delhi High Court decreed the suit in favour of Global Health Limited after the defendant continued to remain absent despite service and failed to file a written statement. The dispute concerned the defendant's marketing and sale of an Ayurvedic weight-management medicine, "Medanta Capsule", under the mark "MEDANTA". The Court had earlier granted an interim injunction restraining the defendant from manufacturing, selling, advertising or otherwise dealing in goods/services under "MEDANTA" or any deceptively similar mark, noting the likelihood of confusion and the heightened scrutiny applicable to medicinal products. The defendant subsequently complied with directions to remove references to the impugned product from its website. Finding that the interim relief had been fully availed and that the relief remained unopposed, the Court allowed the application under Order VIII Rule 10 CPC and decreed the suit.

Global Health Limited & Anr. v. Mr. Denish P Kalariya & Ors., CS(COMM) 1005/2024



Anushka Tripathi







Intellectual Property Right

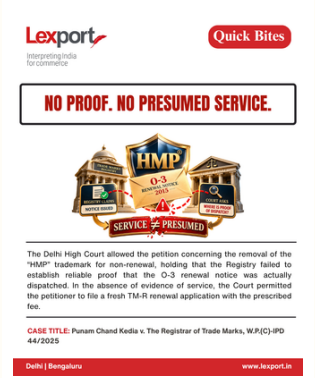
Delhi High Court Allows Renewal of "HMP" Trademark Where Registry Failed to Prove Service of Renewal Notice

The Delhi High Court allowed a petition concerning the removal of the petitioner's registered "HMP" trademark in Class 9 for non-renewal. Although the Trade Marks Registry claimed that an O-3 renewal notice had been issued in 2015, the petitioner disputed having received the notice. The Court held that the material produced by the Registry did not establish that the O-3 notice was actually dispatched to the petitioner. In the absence of reliable evidence of service, the Court declined to accept that the Registry had complied with Section 25(3) of the Trade Marks Act, 1999 read with Rule 64(1) of the Rules. Accordingly, the writ petition was allowed and the petitioner was permitted to file a fresh Form TM-R within two weeks upon payment of the prescribed fee. The Registry was directed to accept and process the renewal application in accordance with law.

Punam Chand Kedia v. The Registrar of Trade Marks, W.P.(C)-IPD 44/2025



Anushka Tripathi







Litigation

Geeta Bai & Ors. v. K. Arjun Singh & Ors.

Compromise decree in a partition suit without impleading a daughter's legal heirs is a nullity; heirs not barred by Order XXIII Rule 3A CPC: Supreme Court

The appellants, legal heirs of Late Smt. Ballo Bai, challenged the Telangana High Court's order of 28.05.2025, which rejected their IA Nos. 1/2022, 3/2022 and 4/2022 in Appeal Suit No. 552 of 2009 as not maintainable. The IAs sought recall of the compromise decree dated 23.09.2020, impleadment in O.S. No. 473 of 2000, and restraint on alienation of the suit property. The appellants contended that Ballo Bai, the daughter of Late Shri Tikaram Singh, was entitled to an undivided 1/4th share under Section 6 of the Hindu Succession Act, 1956, as amended by Act 39 of 2005. She had not been impleaded in the partition suit filed by her brother, nor in the appeal filed by his legal heirs after dismissal of the suit, and the parties entered into a compromise partitioning the property among themselves. The High Court held that the appellants could not seek recall of the post-decretal arrangement and relegated them to a separate suit or an appeal with leave. The Supreme Court, Bench of Justices Vikram Nath and Sandeep Mehta, held that the High Court's view was erroneous and unsustainable. Ballo Bai, being a legal heir of Tikaram Singh, was entitled to stake a claim to a 1/4th share and was undoubtedly a necessary party. The compromise decree obtained without impleading her or her legal heirs was a nullity in law. They could not be treated as strangers to the lis, and the bar under Order XXIII Rule 3A CPC did not disentitle them from challenging the compromise and seeking recall of a decree obtained behind their back. Accordingly, the Court allowed the appeals, set aside the impugned order, and remitted the three applications to the High Court for fresh consideration. The interim order dated 27.05.2026 was continued for two weeks without influencing the High Court's independent decision on stay, and the parties and third-party intervenors were directed to appear before the High Court on 05.10.2026.

Geeta Bai & Ors. v. K. Arjun Singh & Ors., Civil Appeal arising out of SLP (C) Nos. 20008-20010 of 2026, Supreme Court of India, order dated 28.09.2026



Maitreya Mahaley





Litigation

Kanha @ Kanhaiya Singh v. State of Madhya Pradesh & Anr.

Courts must not impose personal views on morality while deciding bail; bail granted after over one year of custody in POCSO case: Supreme Court

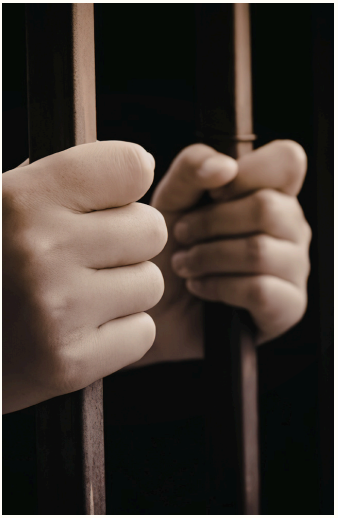
The appellant, accused in Crime No. 548/2025, PS Station Road, Ratlam, under Sections 137(2), 65(2), 64(2)(m) and 87 of the BNS, Sections 3(A), 4(2) and 5(m)/6 of the POCSO Act, and Sections 3(1)(w)(II) and 3(2)(v) of the SC/ST (Prevention of Atrocities) Act, 1989, challenged the Madhya Pradesh High Court (Indore) order dated 20.03.2026 rejecting his regular bail application. The prosecution alleged that the appellant, a tenant in the victim's neighbourhood, had attempted to abduct her elder sister (Crime No. 259/2025) and thereafter sexually exploited the minor victim for about a month. The appellant, in custody since 10.09.2025, contended that the case was a fallout of his relationship with the elder sister and had been registered to harass him. The State opposed bail, submitting that he had been convicted in Crime No. 259/2025 on 01.07.2026, the victim was a minor, the accusation was serious, and only 5 of 15 proposed witnesses had been examined. The Supreme Court, Bench of Justices Ujjal Bhuyan and Atul S. Chandurkar, noted that the High Court had declined bail on the view that it could affect social order and the "morals" of the victim's family. The Court held that courts should refrain from imposing the personal views or value judgments of the presiding judge on morality while adjudicating bail, or even a criminal trial. Noting that the appellant had undergone more than one year of incarceration and the trial would take more time to conclude, the Court held that a case for bail was made out. Accordingly, the Court allowed the appeal, set aside the High Court's order, and directed that the appellant be produced before the jurisdictional Special Court within 7 days and released on bail on appropriate terms. The bail was made subject to the appellant being in custody in the connected criminal appeal against his conviction.

Kanha @ Kanhaiya Singh v. State of Madhya Pradesh & Anr., Criminal Appeal arising out of SLP (Crl.) No. 9810 of 2026, Supreme Court of India, order dated 23.09.2026.



Maitreya Mahaley





Litigation

Insolvency and Bankruptcy / Fraudulent Initiation of CIRP

CIRP Need Not Be Set Aside Merely Because Section 9 Application Was Fraudulently Filed: Supreme Court

The Supreme Court has held that where a Section 7, 9 or 10 IBC application is found to have been initiated through fraud or collusion, the Adjudicating Authority has the power to recall the admission. However, such finding does not automatically require termination of the entire CIRP. Where the process has advanced and involves other stakeholders, the Adjudicating Authority may continue the CIRP if doing so serves the larger interests of insolvency resolution.

The case concerned the CIRP of Three C Shelters Pvt. Ltd., initiated on a Section 9 application filed by Straight Edge Contracts Pvt. Ltd. The Supreme Court affirmed the concurrent finding that the operational creditor and corporate debtor had colluded and that the alleged debt forming the basis of the Section 9 application did not actually exist. The Court held that such fraudulent representation of a jurisdictional fact can justify recall of the CIRP admission.

At the same time, the Court emphasised that admission of a CIRP changes the character of the proceedings from in personam to in rem. Once admitted, the interests of all creditors and other stakeholders become involved, management vests with the IRP/RP, and the process cannot be treated as merely a dispute between the original applicant and corporate debtor. Accordingly, where continuation of CIRP is necessary to protect the interests of other stakeholders, the Adjudicating Authority has jurisdiction to continue it after hearing the RP, CoC and other stakeholders.

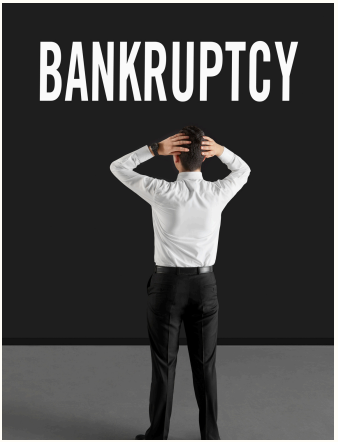
The Supreme Court therefore set aside the NCLAT's direction terminating the entire CIRP and restored the proceedings before the NCLT. The NCLT was directed to determine whether the CIRP should continue despite the fraudulent and collusive initiation, after considering the interests of the RP, CoC, homebuyers and other stakeholders. The Court also held that the original fraudulent applicant should be excluded from participating and that proceedings under Section 65 IBC may be initiated where appropriate.

Orris Infrastructure Private Limited v. Rakesh Kumar Gupta & Ors.2026 INSC 1070





Meyank Pandey



Litigation

Waris v. State of Madhya Pradesh

Mother's testimony on sexual offence and murder within the home needs no rigid corroboration; death sentence commuted to life imprisonment for the remainder of natural life without remission: Supreme Court

The appellant, convicted under Sections 376(2)(f), 376(2)(n), 376AB, 302 and 201 IPC and Sections 5 and 6 POCSO Act for the rape and throttling of his six-year-old step-daughter, challenged the Madhya Pradesh High Court (Indore) judgment of 18.11.2019, which confirmed the Trial Court's death sentence. The prosecution case rested on the solitary eyewitness account of the victim's mother (PW-1). She deposed that the appellant sexually assaulted the child on the night of 21.04.2018 and throttled her on 23.04.2018. PW-1 had been cross-examined by a legal aid counsel appointed on the same day, so by order dated 08.05.2025 the Supreme Court directed a further cross-examination, which was held on 14.06.2025. The appellant attacked her credibility on grounds of omissions from her Section 161/164 CrPC statements, internal contradictions, unnatural conduct, the call detail record, and an alleged contradiction with PW-4 and false implication. The Supreme Court, Bench of Justices Vikram Nath, Sandeep Mehta and Vijay Bishnoi, held that the defect in the original cross-examination stood cured by the further cross-examination. The Court held that a related witness is not an interested witness and that the maxim falsus in uno, falsus in omnibus is not a rule of law in India. It held that omissions amount to contradictions only if irreconcilable with the court testimony and material to the core, and that courts must not judge a woman's conduct against stereotyped notions of how an abused woman should behave. The Court found PW-1's core account reliable and corroborated by the post-mortem findings (asphyxia due to throttling and a fresh fourchette tear), the call detail record (two calls at 09:20:30 and 09:21:24 hours), the child's disclosure to her mother admissible under Section 32(1) and Section 6 of the Evidence Act, the extra-judicial confession and the appellant's conduct. The Court also relied on Section 106 of the Evidence Act, noting that the accused, as an inmate of the home, owed an explanation. The alibi was rejected because it did not cover the date of the murder, the defence version of DW-3 was held false, and the investigative lapses were held not to vitiate the case.

The DNA evidence was treated as corroborative only. The conviction was upheld. On sentence, the Court held that the Trial Court's recording of conviction and imposition of death on the same day fell short of Section 235(2) CrPC. It accepted the mitigation material: childhood deprivation, no criminal antecedents, satisfactory jail conduct, and family ties. It held that the State had led no evidence to exclude the possibility of reformation. The Court rejected the High Court's "crime test 100%, criminal test 0%" approach and, following Union of India v. V. Sriharan, held that the alternative to death was not foreclosed. It commuted the death sentence to imprisonment for the remainder of the appellant's natural life without remission. The other sentences were affirmed and made to run concurrently.

Waris v. State of Madhya Pradesh, Criminal Appeal Nos. 429-430 of 2020, 2026 INSC 1050, Supreme Court of India, judgment dated 24.09.2026.



Maitreya Mahaley



Litigation

Arbitration / Interim Measures

Arbitral Tribunal Cannot Exercise Appellate Jurisdiction Over Section 9 Orders by Treating Section 37 Appeal as Section 17 Application: Supreme Court

The Supreme Court has held that proceedings arising from a Section 9 application cannot be remitted by the High Court to an Arbitral Tribunal and treated as an application under Section 17 of the Arbitration and Conciliation Act, 1996. The appellate jurisdiction under Section 37(1)(b) is vested exclusively in the Court, and an Arbitral Tribunal exercising powers under Section 17 does not possess appellate jurisdiction over a Section 9 order.

The dispute arose from a contract awarded by the Union of India to Hariom Projects Pvt. Ltd. for infrastructure works at NDA Khadakwasla. After the contractual Dispute Resolution Board rejected the respondent's claims, the respondent invoked arbitration and filed a Section 9 application seeking, inter alia, an injunction against cancellation or termination of the contract. The District Judge dismissed the application, leading to a Section 37 appeal before the Bombay High Court. During the proceedings, the High Court appointed a Sole Arbitrator and directed that the pending Section 37 proceedings be remitted to the Tribunal to be treated as a Section 17 application.

The Supreme Court held that the nature and source of jurisdiction under Sections 37 and 17 are distinct and cannot be interchanged merely by consent or by remitting proceedings to the Tribunal. At most, once the Tribunal was constituted, the High Court could have granted liberty to the claimant to independently approach the Tribunal under Section 17 for interim measures available in law. Further, since the contract had subsequently been terminated, any fresh interim relief would have to be considered in light of the subsequent events and the relief actually sought.

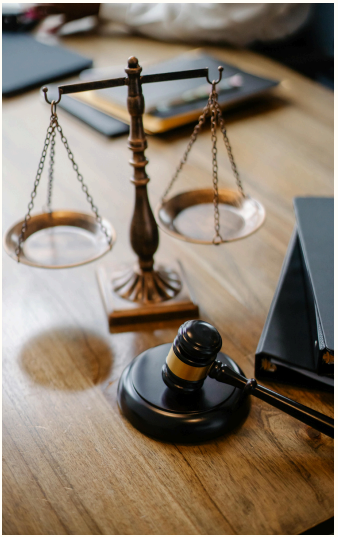
Accordingly, the Supreme Court set aside the High Court's direction only to the extent that it converted the Section 37 appeal into a Section 17 application. Since the Tribunal had already commenced proceedings and the parties had subsequently entered into a Supplementary Agreement, the remaining disputes were left to be adjudicated by the Tribunal, with both parties free to raise their contentions in accordance with law.

Union of India & Ors. v. Hariom Projects Pvt. Ltd.
Citation: 2026 INSC 1044



Meyank Pandey





Litigation

Poonam Patwal v. Government of NCT of Delhi & Ors., W.P.(C) 6127/2026

The Delhi High Court dismissed the challenge to the CAT order rejecting the Petitioner's claim for 10 years' age relaxation for appointment as Teacher (Primary) in the MCD. The Petitioner relied on the 01.11.1980 Notification issued under Rule 43 of the DSE Rules, which granted women candidates a general 10 year relaxation. However, the MCD post was governed by separate Recruitment Rules prescribing an upper age limit of 30 years, and the Petitioner could not show that the 1980 Notification had ever been adopted or incorporated into those Rules.

The Court held that the mere fact that the Notification remained formally operative until 06.03.2020 did not make it applicable to the MCD recruitment advertised in 2018. An executive instruction issued within one statutory framework cannot automatically govern recruitment under a distinct set of Recruitment Rules. Relying on Seema Kapoor, the Court reiterated that an age relaxation cannot be enlarged beyond the language of the provision granting it. The fact that MCD is a local/autonomous body of GNCTD, or that the Petitioner's post had a promotional connection with the DoE, did not alter this position.

The Court further held that participation pursuant to an interim order did not create a substantive right to appointment. The Petitioner's 123.01 marks, including marks higher than the last selected candidate, could not cure her failure to satisfy the prescribed eligibility condition. Vacancies or administrative necessity likewise cannot substitute statutory eligibility requirements.

Law: An age relaxation cannot be imported into a recruitment merely from an executive notification applicable to another statutory framework; eligibility must flow from the Recruitment Rules and recruitment advertisement governing the post.



Hardik Jain







Litigation

M/s Alpro Industries & Ors. v. Union of India & Anr., W.P.(C) 12818/2026

The Delhi High Court dismissed the challenge to the constitutional validity of Section 19 of the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts (Amendment) Act, 2018. Section 19 provides that the Amendment Act, including the reduced specified value of ₹3 lakh, applies only to commercial disputes instituted on or after 03.05.2018. The Petitioners contended that this created an arbitrary classification between similarly situated commercial disputes and violated Article 14.

The Court held that the date of institution constitutes an intelligible differentia and bears a rational nexus with the legislative object. Applying the reasonable classification test under Article 14, the Court observed that Parliament is entitled to prescribe a temporal cut-off when introducing a new legislative regime. Retrospective application of the Amendment Act would unsettle pending suits at different stages of trial, including matters where evidence had already been recorded, thereby causing procedural and administrative complications and potentially defeating the objective of expeditious disposal.

Relying on Satyanarain Khandelwal v. Prem Arora, the Court reiterated that Section 19 is clear and unambiguous and that the expression "save as otherwise provided" does not confer a new right or mandate retrospective application. Prospective operation of legislation, by itself, does not violate Article 14. The Petitioners also failed to rebut the presumption of constitutionality or demonstrate any clear transgression of constitutional principles.

Law: A legislative cut-off date based on the date of institution is constitutionally valid where it constitutes an intelligible differentia having a rational nexus with the legislative object; prospective operation alone does not offend Article 14.



Hardik Jain







Litigation

Govt. of NCT of Delhi & Ors. v. Shri Hari Singh & Ors. & Connected Matters, LPA 18/2026 & Connected Matters

The Delhi High Court considered applications seeking condonation of substantial delays ranging from 1,182 to 1,436 days in filing LPAs against a common judgment concerning computation of the Special Rehabilitation Package (SRP). The Government explained the delay through a detailed chronology of internal examination, legal opinions, administrative approvals, a Review Petition, and subsequent decision-making, ultimately culminating in filing of the Appeals.

The Court reiterated that the length of delay is not by itself determinative. The controlling consideration is whether the explanation is genuine, reasonable and sufficient. While the State is not entitled to condonation merely by invoking bureaucratic red tape, a detailed, date-specific and verifiable explanation may constitute sufficient cause. The Court distinguished Post Master General and Bheru Lal, where the explanations were broad and lacking in particulars.

The Court further held that dismissal of a delayed Review Petition does not create a bar against subsequently pursuing an Appeal, provided the delay in the subsequent remedy is independently explained. Participation in contempt proceedings also does not amount to waiver of the independent right to challenge the underlying judgment.

Considering the substantial public interest involved in determining the correctness of the SRP computation, the Court held that the Appeals should be adjudicated on merits. The delays were therefore condoned, subject to costs of ₹15,000 in each application.

Law: In condonation of delay, the decisive factor is the quality and particularity of the explanation, not merely the length of delay; even substantial delay may be condoned where sufficiently explained and bona fide.



Hardik Jain







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Litigation

Parag Garg v. Commissioner, Adjudication, CGST Delhi West & Anr., W.P.(C) 13883/2026 & Connected Matters

The Delhi High Court examined the scope and temporal applicability of Section 122(1A) of the CGST Act, 2017, which imposes penalty on "any person" who retains the benefit of specified fraudulent transactions and at whose instance such transactions are conducted. The Court held that the expression "any person" is deliberately wider than "taxable person" and includes a person who is neither registered nor liable to be registered under the GST Act. However, personal liability cannot arise merely from a person's designation as a director; the statutory twin requirements must independently be established.

The Court held that Section 122(1A) contains two cumulative conditions: the person must have retained the benefit of the transaction, and the transaction must have been conducted at that person's instance. Both requirements must be established before penalty can be imposed. Thus, the provision can extend to individuals behind a corporate entity, but liability remains dependent upon proof of personal benefit and involvement contemplated by the provision.

On temporal applicability, the Court held that Section 122(1A), introduced with effect from 01.01.2021, operates prospectively. Its applicability must be determined with reference to the date of the underlying transaction, not the date of the SCN. The Court rejected the contrary approach in Bhupender Kumar and held that imposing a penal consequence upon transactions preceding 01.01.2021 would offend the principle underlying Article 20(1).

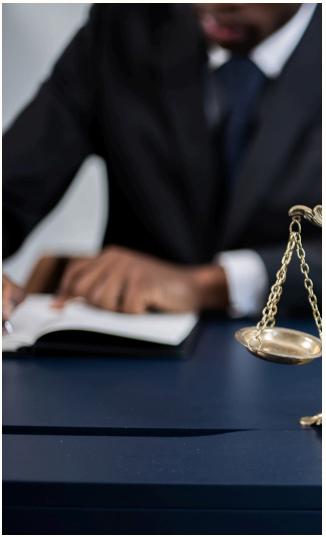
Law: Section 122(1A) applies to any person satisfying both statutory conditions, but only for transactions or acts occurring on or after 01.01.2021.



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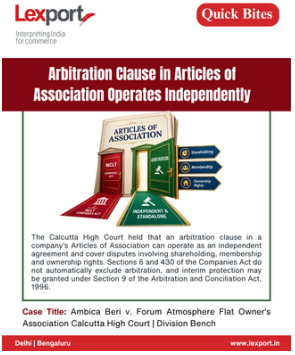
Corporate

Arbitration Clause in Articles of Association Operates Independently of Companies Act: Calcutta High Court

The Calcutta High Court, in Ambica Beri v. Forum Atmosphere Flat Owner's Association, held that an arbitration clause contained in a company's Articles of Association constitutes an independent and standalone agreement and is not confined to disputes arising solely under the Companies Act, 2013. The Division Bench comprising Justices Sabyasachi Bhattacharyya and Sandip Kumar De observed that the arbitration clause operates independently of the Articles and may cover disputes concerning shareholding, membership and ownership rights. The Court rejected the contention that Sections 6 and 430 of the Companies Act oust arbitration in favour of the NCLT, clarifying that Section 430 primarily bars the jurisdiction of civil courts and does not exclude arbitration unless the dispute is inherently non-arbitrable or a statute expressly provides an exclusive forum. Accordingly, the Court held that the dispute concerning Beri's ownership, shareholding and voting rights fell within the arbitration clause and granted interim protection under Section 9 of the Arbitration and Conciliation Act, 1996.



Rishav Sagar







Corporate

NCLT Allahabad Approves Magnum Ventures' Demerger of Paper Business into Magnum Paperz

The Allahabad Bench of the National Company Law Tribunal (NCLT) approved the First Motion Application filed by Magnum Ventures Limited and Magnum Paperz Limited for the proposed demerger of Magnum Ventures' paper business into Magnum Paperz. The scheme proposes the transfer of the paper undertaking, situated in Sahibabad, Ghaziabad, to Magnum Paperz as a going concern, enabling Magnum Ventures to focus exclusively on its hospitality business. The scheme provides for a share exchange ratio of two equity shares of Magnum Paperz for every ten equity shares held in Magnum Ventures, along with a corresponding issue of preference shares. The Tribunal noted that the scheme involves no corporate debt restructuring and is stated to comply with applicable Accounting Standards. It directed the convening of meetings of Magnum Ventures' equity shareholders, secured debenture holders, secured creditors and unsecured creditors on November 20, 2026, while dispensing with certain meetings where requisite consents had been obtained. The Tribunal also permitted filing of the second motion petition within one week of the Chairperson's report.



Rishav Sagar







Corporate

Centre Can Authorise Officers Other Than SFIO Director to File Companies Act Fraud Complaints: Supreme Court

The Supreme Court has clarified that the Central Government may authorise any Central Government officer, in addition to the Director of the Serious Fraud Investigation Office (SFIO), to institute complaints under the second proviso to Section 212(6) of the Companies Act, 2013. The clarification came while dismissing the Centre's review petition against the Court's earlier judgment concerning offences under Sections 448 and 451. The Court held that an offence under Section 448, relating to false statements in documents required under the Companies Act, is an offence "covered under Section 447" and therefore attracts the safeguards under Section 212(6). Accordingly, cognizance of such an offence cannot be taken on the basis of a private complaint unless instituted by the SFIO Director or a Central Government officer authorised through a general or special written order. The Bench comprising Chief Justice Surya Kant and Justices K. Vinod Chandran and Joymalya Bagchi further clarified that the Union Government remains empowered to authorise such officers to institute complaints under the provision.



Rishav Sagar







Corporate

NCLT Delhi Sanctions Merger of Sesa Care with Dabur India

The New Delhi Bench of the National Company Law Tribunal (NCLT) has sanctioned the amalgamation of Sesa Care Private Limited with Dabur India Limited, with April 1, 2026 as the appointed date. Sesa Care, engaged in ayurvedic personal care and wellness products, will be merged with the listed FMCG company to integrate its product portfolio and expand its domestic and international market reach. The scheme was approved by Dabur's equity shareholders, with 99.999% of the value of votes cast in favour, while its unsecured creditors unanimously approved the scheme. SEBI subsequently conveyed that it had no objection after the companies provided the requisite undertaking regarding compliance with its observations. The Income Tax Department also issued its no-objection, subject to Dabur assuming Sesa Care's existing and future tax liabilities. The Regional Director's observations concerning the share exchange ratio, statutory dues and authorised share capital were also addressed. The NCLT found no impediment to the scheme and accordingly sanctioned the amalgamation, while clarifying that statutory authorities may take action for any subsequent violation or deficiency.



Rishav Sagar







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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