Lexport Interpreting India for commerce

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LEXPORT NEWSLETTER

OCTOBER 2026 | WEEK 2

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

EDF Filing Requirement for Service Exporters: New FEMA Regulations Effective 1 October 2026

The Reserve Bank of India's Foreign Exchange Management (Export and Import of Goods and Services) Regulations, 2026, effective from 1 October 2026, introduce an Export Declaration Form (EDF) requirement for service exports. Under Regulation 3(2), exporters are required to declare the full export value of their services, extending the declaration framework beyond goods and software to other service exports.

Under the new framework, service exporters are generally required to submit the EDF within 30 days from the end of the month in which the invoice is raised. A consolidated EDF may be furnished for services exported to multiple recipients during a month. For services other than software, the declaration may also be submitted on or before receipt of payment. The authorised dealer bank may extend the filing period upon receiving a request explaining the delay and being satisfied that the request is reasonable.

The applicable authority for receiving the declaration depends on the nature of the export and the location of the exporter. For service exports other than software, the authorised dealer is the specified authority for units in the Domestic Tariff Area, while the Development Commissioner is the specified authority for units in a Special Economic Zone. For software exports, the applicable authority may be the authorised dealer or Software Technology Parks of India (STPI) in the Domestic Tariff Area, or the Development Commissioner in an SEZ.

Subsequently, on 7 October 2026, the RBI clarified that individuals are not covered by the new reporting requirements. Accordingly, individual freelancers should not be treated as automatically subject to the EDF filing obligation applicable under the new framework. The clarification is particularly relevant for individuals providing consultancy, professional, technology or other services to overseas clients. Exporters should review the applicable requirements in light of the RBI's clarification and any subsequent guidance.

The new framework seeks to bring service export declarations within a common regulatory structure for monitoring export transactions and realisation of foreign exchange proceeds. Businesses engaged in cross border service exports should review their invoicing and foreign exchange reporting processes to ensure compliance with the applicable requirements.

Provisions: Regulation 3(2), read with Regulation 2(1)(f), Foreign Exchange Management (Export and Import of Goods and Services) Regulations, 2026. | Effective date: 1 October 2026.





Soumya Shrivastava



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Indirect Tax

Mere Failure to Obtain Excise Registration Does Not Amount to Wilful Suppression Where Department Was Aware of Manufacturing Unit: Allahabad High Court

The Allahabad High Court has held that the extended limitation period of five years under the proviso to Section 11A(1) of the Central Excise Act, 1944 cannot be invoked merely because a manufacturer failed to obtain registration or submit the prescribed declarations, when the Department was already aware of the existence of the manufacturing unit and the goods being manufactured.

The Court was considering a demand of ₹6,27,086 towards Additional Excise Duty, along with an equivalent penalty, imposed on Siraj Ahmad, proprietor of Siraj Tobacco Company. The Department sought to invoke the extended period of limitation on the ground that the assessee had failed to comply with the registration and declaration requirements.

The Court, however, found that the Department was already aware of the manufacturing activity and the goods manufactured by the assessee. In such circumstances, the mere lapse in obtaining registration could not, by itself, establish wilful suppression of facts or an intention to evade payment of duty, which was necessary for invoking the extended limitation period under the proviso to Section 11A(1).

Accordingly, the Allahabad High Court quashed the demand and the equivalent penalty imposed on the assessee, holding that the extended period of limitation could not be invoked in the absence of material establishing wilful suppression or intent to evade duty.

Case: Siraj Ahmad v. Union of India & Others - Writ C No. 1000173 of 1998



Soumya Shrivastava







Indirect Tax

Customs Act Does Not Prescribe Uniform Security for Provisional Release; Conditions Must Be Reasonable: Bombay High Court

The Bombay High Court has held that Section 110A of the Customs Act, 1962 does not prescribe any uniform quantum of security for provisional release of seized goods and that the conditions imposed must be determined reasonably having regard to the facts and circumstances of each case.

The Court was considering a petition filed by Richa Shipping Private Limited concerning the provisional release of M.T. Bay III, a barge seized during a Customs investigation relating to the alleged transfer of approximately 208 KL of blackish liquid, purportedly Very Low Sulphur Fuel Oil, to M.V. Angara. Customs had permitted provisional release of the barge subject to execution of a ₹12 crore bond and furnishing of a ₹6 crore bank guarantee.

The petitioner challenged these conditions, contending that the order did not disclose the basis for determining the value of the barge at ₹12 crore or for fixing the bank guarantee at ₹6 crore. The Court noted that the Customs Act does not prescribe a fixed or uniform security requirement under Section 110A. The quantum of security would depend upon factors including the nature of the alleged offence, the goods or cargo involved, the value of the seized conveyance, revenue exposure, implications relating to confiscation, fine and penalty, and the role of the person seeking provisional release.

The Court further observed that although the adjudicating authority has discretion to impose appropriate conditions for provisional release, such discretion must be exercised reasonably and on the basis of relevant material, keeping in view the interest of the Revenue. In the present case, the Court found the conditions imposed for release of M.T. Bay III to be excessive and unreasonable.

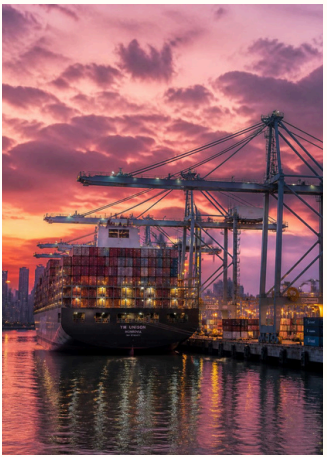
Accordingly, the Bombay High Court partly allowed the petition and reduced the bank guarantee from ₹6 crore to ₹50 lakh, while keeping the remaining conditions for provisional release intact.

Richa Shipping Private Limited v. Union of India & Ors. Writ Petition (L) No. 32353 of 2026



Soumya Shrivastava





Indirect Tax

Indian Registered Vehicle Returning From Overseas Trip Is Not a Fresh Import: Bombay High Court

The Bombay High Court has held that an Indian registered vehicle does not become a fresh foreign import merely because it is brought back to India in a shipping container after an overseas road trip. The Court was considering the case of a Mahindra Thar belonging to Denis Vanin, which had been purchased in India for personal use and had subsequently travelled from India through Nepal, China, Kazakhstan, Russia, Georgia, Armenia and Iran before being transported back to India by sea in a protective shipping container.

The Court examined the manner in which the vehicle had originally left India and noted that Customs had permitted it to cross the Sanauli border as a private conveyance carrying only passenger luggage. In this regard, the Court relied upon Section 43(1) of the Customs Act, 1962, which exempts private conveyances carrying only passenger luggage from cargo reports and departure clearances. The Court observed that the vehicle had legally left India as a conveyance for travel under Chapter VI of the Customs Act and there was nothing on record to establish that any additional compliance had been required at the time of its departure.

The Court distinguished this from Section 51 of the Customs Act, which falls under Chapter VII and applies to commercial goods. It held that merely placing the vehicle inside a maritime container for safe transit did not change its character from an Indian registered personal vehicle into international trade cargo or a fresh foreign import.

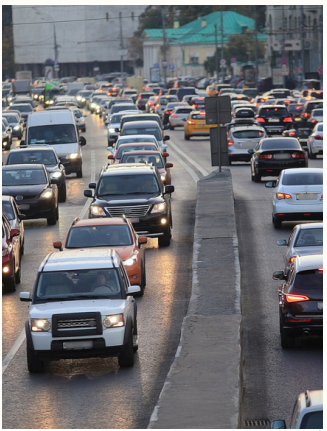
The Court also considered the petitioner's difficulty in filing a Bill of Entry electronically, as the ICEGATE system required an Import Export Code (IEC) and/or GSTIN, which the petitioner did not possess. The Court held that requiring compliance with a condition which was not applicable when the vehicle had originally left India would effectively require the petitioner to perform an impossibility. Accordingly, the Court permitted the petitioner to file the Bill of Entry without an IEC and/or GSTIN and directed Customs to accept the documents physically and permit a manual Bill of Entry if electronic filing was not possible. It further directed that the vehicle be released unconditionally upon furnishing the necessary bond, while permitting Customs to verify whether any export benefit, drawback or export incentive had been claimed in respect of the vehicle. The petitioner was directed to cooperate with any subsequent adjudication in the event of a demand for penalty or detention charges.

Denis Vanin v. Union of India & Ors. Writ Petition No. 3619 of 2026





Soumya Shrivastava



Indirect Tax

57th GST Council Meeting Recommends Major Reforms in ITC, Refunds, Registration and GST Enforcement

The 57th GST Council meeting, held on 8 October 2026 under the chairpersonship of Union Finance Minister Nirmala Sitharaman, recommended several reforms aimed at simplifying GST compliance, reducing litigation and improving ease of doing business. Unlike the previous meeting, which focused on rate rationalisation, the present meeting primarily addressed procedural reforms, input tax credit, refunds and enforcement.

A significant recommendation is the removal of arrest provisions under the GST law, alongside an increase in the prosecution threshold from ₹1 crore to ₹5 crore and a reduction in the maximum general penalty under Section 125 of the CGST Act, 2017, from ₹25,000 to ₹10,000. The Council also recommended standardising GST notices and adjudication proceedings, introducing minimum thresholds for specified show cause notices and rationalising penalties in non fraud cases.

To improve compliance, the Council proposed simplified registration and cancellation procedures, automated processing in specified cases and easier registration for eligible small suppliers selling goods through e commerce platforms. Further changes to GST returns and reconciliation mechanisms are intended to improve alignment between GSTR 1, GSTR 3B and GSTR 2B.

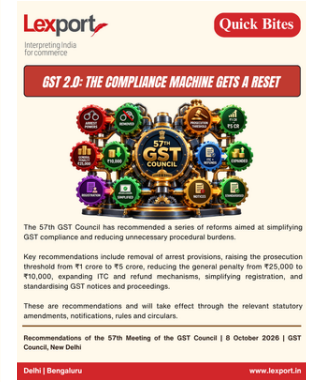
The Council also recommended expanding refund eligibility for accumulated ITC under inverted duty structures to include input services from 1 November 2026, and eligible capital goods credit for specified refund claims from 1 April 2027, subject to the proposed conditions. Faster refund processing, including automated refunds in specified cases, is expected to improve working capital for businesses.

Other important recommendations concern facilitating exports of services, clarifying GST treatment of specified goods and services, and introducing intelligence based interception of goods to reduce unnecessary stoppages during inter State transportation. The Council also approved in principle an optional scheme for small consumer facing businesses with turnover of up to ₹5 crore.

These recommendations are intended to promote a more transparent and compliance friendly GST framework. They will take effect through the relevant statutory amendments, notifications, circulars or rules, as applicable.



Soumya Shrivastava





Intellectual Property Right

Delhi High Court Restrains "GULPY ORANGE" Bottle Shape in Coca-Cola Trade Dress Dispute

The Delhi High Court restrained the defendant from using a newly modified bottle shape that was prima facie deceptively similar to Coca-Cola's distinctive bottle device of "PUPLY ORANGE". Coca-Cola alleged wilful disobedience of the Court's earlier injunction dated 24 January 2025, which prohibited the defendant from using the "GULPY ORANGE" mark, label, trade dress and bottle shape infringing its "PULPY ORANGE" and "MINUTE MAID PULPY ORANGE" marks.

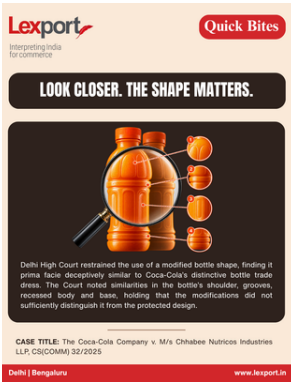
On comparing the bottles, the Court found similarities in the domed shoulder and upper body, the groove between the upper dome and lower half, the symmetrical recesses along the cylindrical body, and the horizontal grooves at the base. It held that the defendant's modified bottle remained deceptively similar to Coca-Cola's bottle shape. Accordingly, the defendant was restrained from using the impugned bottle shape until the next hearing.

The Coca-Cola Company v. M/s Chhabee Nutricos Industries LLP, CS(COMM) 32/2025



Anushka Tripathi







Intellectual Property Right

Delhi High Court Refuses Injunction in Delhi Law House Copyright Dispute

The Delhi High Court dismissed an interim injunction application filed by the widow of late Subhash Sagar, who claimed ownership of copyrights in 47 legal publications inherited through her father-in-law and husband. She alleged that the defendants were publishing and selling the titles through a newly constituted firm, The Delhi Law House, without her permission.

The Court held that the plaintiff had failed to establish a prima facie copyright ownership claim. Although she relied on a 1962 certificate and two Wills, she had not produced any assignment from the original authors to establish how the copyrights were initially acquired by the predecessor publisher. The Court observed that a legatee can inherit only the rights held by the testator, and the disputed Wills could not cure the missing link in the chain of title.

The Court also found no prima facie case of passing off, as the goodwill pleaded belonged to the established publishing business rather than the plaintiff personally. Since the alleged loss of revenue was quantifiable and compensable through damages, neither the balance of convenience nor irreparable injury favoured an injunction. The Court clarified that authorship, assignments and the validity of the Wills would be determined at trial.

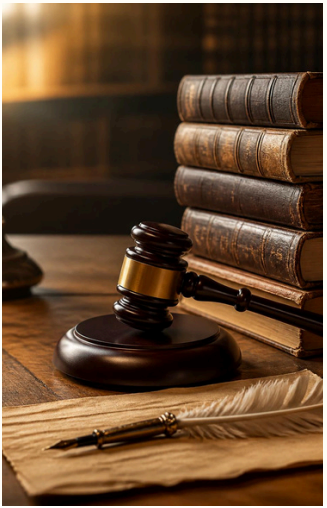
Shakti Sagar v. The Delhi Law House & Ors., CS(COMM) 492/2024



Anushka Tripathi







Intellectual Property Right

Delhi High Court Grants Injunction Against Fake "JIO LOTTERY" Websites

The Delhi High Court granted an ex parte interim injunction in favour of Reliance Industries Limited, restraining the defendants from using "JIO", "JIO LOTTERY", "JIO LOTTERY GAME" or any identical or deceptively similar marks in connection with lottery, gaming, payment-related and allied services. Reliance alleged that the defendants were exploiting its registered and well-known "JIO" trademark through multiple websites to mislead users.

The Court found that the impugned websites prima facie satisfied the test for "rogue websites" laid down in UTV Software Communication Ltd. v. 1337X.to. Applying the qualitative approach, the Court considered the websites' primary purpose and effect, rather than merely the proportion of infringing content hosted on them.

Accordingly, the Court restrained the principal defendant from operating or promoting the impugned marks, directed domain name registrars to suspend the identified websites and mirror or redirecting domains, and ordered Google to disable access to the infringing webpage hosted on Blogger.

Reliance Industries Limited v. Rahul Meena & Ors., CS(COMM) 1043/2026



Anushka Tripathi







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Litigation

Small Farmers Agri Business Consortium v. Vanilla India Producer Company Ltd. & Ors., FAO (COMM) 133/2024

The Delhi High Court partly allowed the appeal under Section 37 of the Arbitration and Conciliation Act, 1996, against the judgment setting aside an arbitral award for recovery of ₹23.39 lakh in Venture Capital Assistance. The Court reiterated that the scope of interference under Section 37 is narrower than appellate review on merits and cannot exceed the restrictions imposed by Section 34. Reappreciation of evidence or substitution of a plausible arbitral view is impermissible.

On limitation, the Court held that the period under Section 34(3) commences from delivery of the signed award under Section 31(5), and not from the date of pronouncement. Since the Appellant failed to establish earlier delivery, the Section 34 petition, filed after the Respondents obtained the award through execution proceedings, was within limitation. Further, participation in arbitration, filing a defence and failure to demonstrate actual prejudice defeated the challenge based on improper notice. A party that participates without timely objection may also waive procedural objections under Section 4.

However, the Court upheld the setting aside of the award against the Company's Directors. Directors cannot be made personally liable for a company's contractual debt merely by virtue of their office, particularly where they neither executed the agreement personally nor furnished guarantees, and no fraud or independent legal basis for liability was established. Since this defect was severable, the award was restored against the Company alone, with execution permitted to proceed against it.

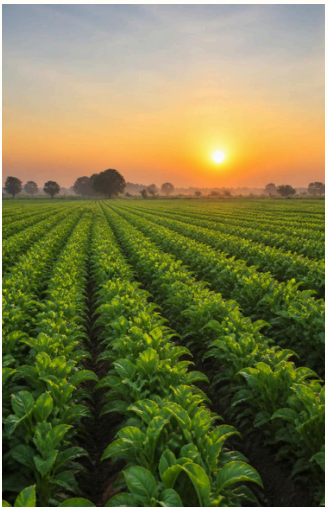
Law: Under Sections 34 and 37, an award may be severed where the invalid portion is legally and practically separable; limitation under Section 34(3) begins upon delivery of the signed award, and directors cannot be held personally liable for corporate contractual debts merely by virtue of their designation.



Hardik Jain







Litigation

Vinod Kumar Khurana v. University of Delhi & Ors., W.P.(C) 630/2012 and W.P.(C) 6964/2012

The Delhi High Court allowed the writ petition challenging the withdrawal of increments and recovery of approximately ₹25.76 lakh from the retiral benefits of a former University of Delhi college teacher who had availed three years of study leave for pursuing a Ph.D. Although he did not complete his thesis during the leave period, he rejoined service and continued for over 25 years before retirement.

The Court held that the applicable Study Leave Rules, 1979, which governed the petitioner's leave, had consciously deleted non-completion of studies as a ground for recovery. Under the amended Rule XIII, recovery was permissible only where a teacher failed to rejoin service, left before completing the prescribed service period, or was dismissed or removed. Since the petitioner had rejoined and served for over 25 years, none of these conditions applied. The University could not revive the deleted condition through a Study Leave Bond executed in an outdated format, as a contractual term contrary to the governing service rules was unenforceable. The Rules also expressly permitted increments during study leave.

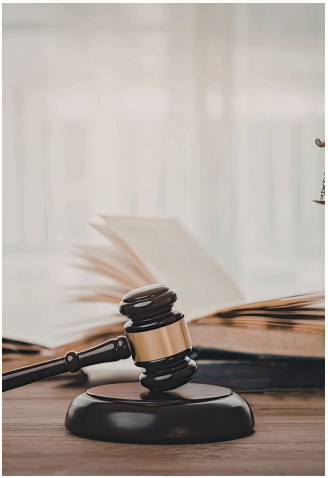
The Court further held that pension and retiral benefits constitute property protected under Article 300A of the Constitution and cannot be withheld or recovered without authority of law. In the absence of disciplinary proceedings or a finding of grave misconduct or negligence, the recovery was impermissible. The Court also applied State of Punjab v. Rafiq Masih, noting that recovery after retirement, particularly for payments spanning several decades, would be inequitable and arbitrary. The impugned pay refixation and recoveries were quashed, and the University and College were directed to restore the petitioner's pay, recompute his pension and retiral benefits, and pay the recovered amounts with 6% simple interest.

Law: An employer cannot enforce a study leave bond contrary to the applicable service rules or recover pensionary benefits without authority of law, particularly where the employee has fulfilled the prescribed post-leave service obligation.



Hardik Jain





Litigation

Gitanjali Ringola @ Gitanjali Virendra Prasad Ringola & Ors. v. Union of India, FAO 2/2023

The Delhi High Court allowed an appeal under Section 23 of the Railway Claims Tribunal Act, 1987, setting aside the Railway Claims Tribunal's dismissal of a compensation claim arising from the death of a passenger who fell from a moving train while travelling on a valid ticket. The deceased was admittedly a bona fide passenger, and the controversy was confined to whether the fall constituted an "untoward incident" under Section 123(c)(2) of the Railways Act, 1989, or attracted the exception of self-inflicted injury under Section 124-A.

Relying on Union of India v. Prabhakaran Vijaya Kumar and Union of India v. Rina Devi, the Court reiterated that accidental falling from a passenger train falls within the statutory definition of an untoward incident and that self-inflicted injury requires circumstances establishing an intention on the passenger's part to injure himself. Mere negligence cannot be equated with such intention.

The Court found that none of the statements recorded during the Divisional Railway Manager's inquiry established that any witness had actually seen the deceased attempting to alight from the moving train. The relevant railway personnel had arrived after the occurrence, while the allegation that the deceased had jumped from the train was based on information attributed to an unidentified person. The Railways had also chosen not to lead oral evidence before the Tribunal. Consequently, the inference that the deceased had deliberately attempted to alight was unsupported by evidence, and the exception under Section 124-A could not be invoked.

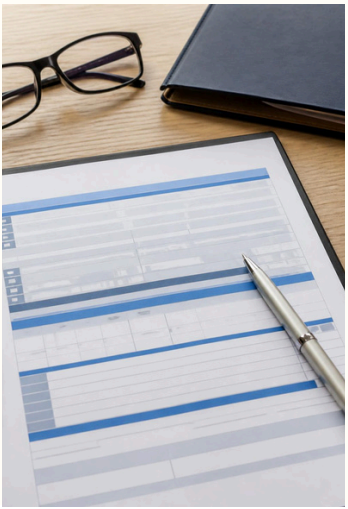
The impugned judgment was set aside, and the matter was remanded to the Tribunal to assess compensation and direct its disbursement within two months.

Law: In railway compensation claims, the exception of self-inflicted injury cannot be invoked merely on conjecture or hearsay; evidence must establish the deliberate act attributed to the deceased, and mere negligence does not constitute intentional self-injury.



Hardik Jain





Litigation

Sirajuddin Qureshi & Ors. v. Union of India & Ors., W.P.(C) 1713/2022

The Delhi High Court quashed Lookout Circulars (LOCs) issued against the petitioners at the instance of public sector banks in connection with loan accounts of Hind Agro Industries Limited, which had been declared non-performing assets and subsequently classified as fraud. The petitioners, who were shareholders and directors of the borrower company, challenged the continued operation of the LOCs restricting their international travel.

The Court noted that investigations by both the CBI and the Enforcement Directorate had been completed and charge sheets filed. It further observed that the petitioners' travel was already subject to the supervision of the Trial Court, and that they had previously been permitted to travel abroad on multiple occasions without misusing the liberty granted to them. In these circumstances, no useful purpose would be served by continuing the bank-initiated LOCs.

The Court emphasised that an LOC is a coercive measure and cannot be issued or continued routinely merely because a person is facing criminal proceedings. Its issuance and continued operation must be justified by circumstances warranting restraint on the right to travel. The Bank's apprehension that the petitioners might abscond or that its financial claims might remain unsatisfied could not, by itself, justify continuation of the LOCs indefinitely.

Accordingly, the bank-initiated LOCs were quashed. However, the Court clarified that LOCs issued at the instance of the CBI were not being quashed; the petitioners were granted liberty to approach the Trial Court for appropriate relief. The pending criminal proceedings and the Trial Court's power to regulate or restrict foreign travel remained unaffected.

Law: A bank-initiated LOC is a coercive measure that cannot be continued indefinitely on the mere apprehension that borrowers or directors may abscond or evade financial liability; its continued operation must be justified by circumstances warranting restraint on the right to travel.



Hardik Jain







Litigation

Bids Received in Defiance of Restraint Order Cannot Form Foundation of Valid Sale: Supreme Court

The Supreme Court has held that a bid received in violation of a subsisting judicial restraint order cannot form the foundation of a valid auction sale. The Court reiterated that the procedural safeguards under Rules 8 and 9 of the Security Interest (Enforcement) Rules, 2002, are mandatory and must be scrupulously followed. An auction that violates these statutory requirements cannot claim the protection ordinarily afforded to confirmed auction sales.

The dispute concerned the auction of The Fernhill resort in Ooty by the Industrial Finance Corporation of India Ltd. (IFCI) under the SARFAESI Act. The Debts Recovery Appellate Tribunal (DRAT) had restrained further proceedings under the Act after the borrower deposited ₹1 crore. Despite this restraint, IFCI received bids, although it did not open them at that stage. After the restraint was lifted, the bids were opened and the resort was declared sold. The sale certificate was subsequently issued in favour of M/s P.M. Associates, even though the successful bidder had participated in her individual capacity and the partnership firm was constituted only on the date the bids were opened.

The Court found multiple legal infirmities: bids had been received in defiance of the DRAT's order; the sale was concluded before expiry of the mandatory 30-day period under Rule 9(1), after excluding the period during which the restraint operated; the borrower had not been notified when the bids were opened; and the sale certificate was issued to a nominee that had neither submitted the bid nor existed when the auction was originally scheduled. The absence of original auction records and evidence of the mandatory inter se bidding further undermined the process. The Court held that a subsequent High Court judgment lifting the restraint could not retrospectively validate the earlier illegality.

Setting aside the Madras High Court's judgment, the Supreme Court allowed the borrower's appeals and dismissed the purchaser's appeals. It held that the finality of an auction sale presupposes compliance with law; a sale vitiated by material irregularity or breach of mandatory statutory procedure does not enjoy that protection. The Court did not consider it necessary to decide the separate questions concerning the authorised officer's power to cancel the sale certificate or the requirement of registration, as the auction itself was illegal.

Sterling Holiday Resorts Limited v. M/s P.M. Associates & Ors.
Citation: 2026 INSC 1071





Meyank Pandey



Litigation

Club Valero Liable for Failure to Refund Membership Fee After Cancellation: Delhi Consumer Commission

The District Consumer Disputes Redressal Commission-VIII, Central, Delhi, has held Club Valero liable for deficiency in service for failing to refund a membership fee after accepting and processing the consumer's cancellation request. The Commission held that the service provider could not retain the consumer's money beyond the refund period stipulated in its own membership agreement.

The complainant, Vijay Khatri, had purchased a 10-year membership from Club Valero for ₹1,30,000, of which he paid ₹80,000. When he sought hotel and vacation accommodation, the booking could not be fulfilled because the desired destination was unavailable. He subsequently requested cancellation on 1 March 2023 and sought a refund. Although Club Valero acknowledged receipt of ₹80,000 and referred to the contractual refund period of 90 days, it failed to establish that the amount had been refunded. The company also failed to appear before the Commission and was proceeded against ex parte.

The Commission clarified that the mere non-availability of a particular destination would not, by itself, necessarily establish deficiency in service. However, once Club Valero acknowledged the cancellation request and relied on its contractual refund provisions, it was required to honour its refund commitment. Its failure to prove repayment within the stipulated period amounted to deficiency in service and justified the grant of compensation for the resulting inconvenience and mental agony.

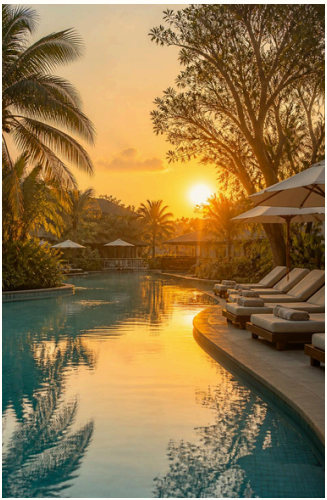
Partly allowing the complaint, the Commission directed Club Valero to refund ₹80,000 with interest at 6% per annum from 25 July 2023, pay ₹15,000 as compensation for mental agony and harassment, and ₹10,000 towards litigation costs. The amounts were directed to be paid within 45 days of receipt of the order. In case of default in refunding the principal within that period, interest on the principal would increase to 7.5% per annum from expiry of the 45-day period until realisation.

Vijay Khatri v. Club Valero (Valero Corporation Pvt. Ltd.)
Date: 24 September 2026



Meyank Pandey





Litigation

Supreme Court Quashes "Promise to Marry" Prosecution After Three-Year Consensual Relationship, Says Criminal Law Can't Be a "Strong-Arm Tactic"

The Supreme Court quashed a charge sheet against a man accused of sexually exploiting a woman on the pretext of marriage after a three-year relationship. Relying on Deepak Gulati v. State of Haryana, the Bench of J.B. Pardiwala and K. Vinod Chandran reiterated that criminal liability can be fastened only where the accused never intended to marry from the very beginning.

The Court noted that the parties fell in love, their families were in touch, and the physical relationship continued unabated for three years. The complaint itself disclosed no clear assurance of marriage, and the allegation of a promise was "clearly an afterthought". The Court held that an undertaking before the Mahila Thana Counselling Centre, given under threat of prosecution, could not be treated as a promise to marry. It also noted that the complainant stated she would drop the charge if the appellant married her, and observed that a criminal prosecution cannot be reduced to a strong-arm tactic.

The Court quashed Charge Sheet No. 199 of 2025 and closed Sessions Case No. 216 of 2025 pending before the Additional Sessions Judge (FTC), Bilaspur.

Martanda Singh v. State of Chhattisgarh, 2026 SCC OnLine SC 2058, Criminal Appeal No. 4722 of 2026





Maitreya Mahaley



Litigation

The Supreme Court acquitted a man sentenced to life imprisonment under Sections 376(2)(i), 302 and 201 IPC and Sections 4 and 6 of the POCSO Act for the alleged rape and murder of his minor maternal niece. The conviction, upheld by the Sikkim High Court, rested wholly on circumstantial evidence. The Bench of Ujjal Bhuyan and A.S. Chandurkar held that the chain of circumstances was incomplete and broken at several places.

On the "last seen" theory, the Court found that no witness saw the appellant take the child, and the family's own evidence suggested two other villagers had visited the house. The recovery under Section 27 of the Evidence Act was made from a place ordinarily visible to others, calling for caution in light of State of H.P. v. Jeet Singh. The DNA report showed the recovered bones were of male origin and did not match the victim's mother and sister, and the FSL could not even determine whether the blood on the shawl was human. The shawl was also not identified as belonging to the appellant's mother. As the chain was not complete, the appellant's Section 313 statement could not supply an additional link.

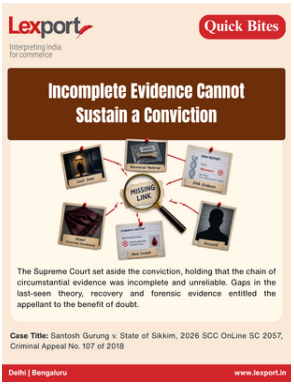
The Court gave the appellant the benefit of doubt, set aside the judgments in S.T. (POCSO) Case No. 20 of 2014 and Criminal Appeal No. 19 of 2016, and directed his release forthwith if not required in any other case.

Santosh Gurung v. State of Sikkim, 2026 SCC OnLine SC 2057, Criminal Appeal No. 107 of 2018



Maitreya Mahaley







Litigation

Supreme Court Extends Increment Benefit to Retired Daily-Wage Skilled Workers Treated as Permanent, Subject to Three-Year Cap on Arrears

The Supreme Court set aside a Gujarat High Court Division Bench order that denied a notional increment to workers who retired on 30 June, the day before their increment fell due, on the ground that they were daily wagers. The Bench of Sanjay Kumar and Sanjeev Sachdeva held that the 1988 Government Resolution had made skilled daily-wage workers with ten years' service permanent, with regular pay scale, pension and retiral benefits. The State's argument that C.P. Mundinamani did not apply to them was therefore "without merit".

The Court noted that the benefit of Mundinamani is conditioned by its 20 February 2025 order in the M. Siddaraj matter. As the appellants filed their writ petition in 2022, they are covered by modified clause (d), under which enhanced pension with one increment is payable for three years prior to the month of filing. The benefit was extended to the proforma respondents who did not join the appeal. No interest is payable on the arrears, but delay beyond the stipulated time will attract interest.

The authorities must work out the amounts and pay within 30 days, failing which interest at 6% p.a. will run until payment.

Chhaganbhai Kohyabhai Pateliya v. State of Gujarat, 2026 SCC OnLine SC 2074, Civil Appeal arising out of SLP (C) No. 26129 of 2025



Maitreya Mahaley







Litigation

Supreme Court: NIOS Certificate Doesn't Satisfy "10th Standard Under 10+2 System" Requirement for Goa Plumber Instructor Post

The Supreme Court held that a Secondary School Certificate from the National Institute of Open Schooling does not meet the requirement of having "passed 10th standard under 10+2 system of education" for the post of Vocational Instructor (Practical), Plumber, in Goa. The Bench of Aravind Kumar and Vipul M. Pancholi set aside a Bombay High Court (Goa) judgment that had directed consideration of a candidate who scored 96 marks against the appellant's 94.

The Court held that courts cannot add to or alter essential qualifications, and that equivalence is ordinarily for the employer or an expert body. The Recruitment Rules had no equivalence clause, and the words "under 10+2 system of education" could not be ignored. General recognition of NIOS by the Goa Board could not enlarge the eligibility condition, and higher marks could not cure the lack of an essential qualification. The Court noted that the department had taken the same view in a 2015 recruitment, which it said was relevant only to show consistency and not binding.

The High Court's judgment was set aside, the respondent's appointment was quashed, and the appellant's selection was restored. The Court clarified that it expressed no opinion on NIOS equivalence for any other purpose or under any other rules.

Santosh B. Naik v. State of Goa, 2026 SCC OnLine SC 2073, Civil Appeal No. 13460 of 2026



Maitreya Mahaley







Litigation

Insurer Cannot Reopen Adjudicated Claim by Introducing New Grounds Under Guise of Reassessment: Delhi Consumer Commission

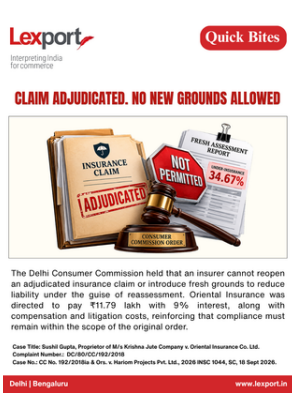
The District Consumer Disputes Redressal Commission-I (North District), Delhi, has held that an insurer cannot use a limited direction to correct an identified assessment error as an opportunity to reopen an already adjudicated insurance claim or introduce a fresh ground to reduce liability. The Commission emphasised that once a deficiency has been adjudicated and a corrective direction issued, compliance must be substantive and consistent with the original order.

The complainant, Sushil Gupta, proprietor of M/s Krishna Jute Company, had earlier obtained an order dated 24 November 2015 holding Oriental Insurance Company liable for deficiency in assessing fire-loss damage to his stock and directing it to correct the calculation of the disputed quantity of Hessian cloth within 60 days. Instead of making the directed correction, the insurer obtained a fresh assessment report dated 1 March 2016, which reassessed the entire risk and introduced an alleged under-insurance factor of 34.67%. The insurer relied on this new ground to reduce its liability, despite the earlier adjudication.

The Commission held that the earlier order permitted only correction of the specific computational error; it did not authorise a fresh assessment of the entire claim or the introduction of a new ground for reducing liability. The Commission relied on the principle that an insurer cannot travel beyond the grounds originally taken to repudiate or limit a claim and introduce supplementary reasons at a later stage to justify its decision. It also observed that a surveyor's report is relevant evidence, but not conclusive, and must be evaluated alongside the other material on record.

Finding a further deficiency in service, the Commission directed Oriental Insurance Company to pay the previously adjudicated loss amount of ₹11,79,813, with interest at 9% per annum from 1 July 2009, along with ₹1,00,000 as compensation for harassment and inconvenience and ₹55,000 towards litigation costs. It also directed compliance with the earlier order awarding ₹50,000 as compensation and ₹20,000 towards litigation expenses, together with 9% interest on those amounts from 24 November 2015 until payment. An additional ₹1,00,000 was ordered to be deposited towards the Consumer Welfare Fund for the insurer's conduct.

Sushil Gupta, Proprietor of M/s Krishna Jute Company v. Oriental Insurance Co. Ltd.
Complaint Number.: DC/80/CC/192/2018
Case No.: CC No. 192/2018





Meyank Pandey



Litigation

Delhi Consumer Commission Holds SBI Cards Liable for Unauthorised Transactions, Directs Refund with Interest

The District Consumer Disputes Redressal Commission-I (North District), Delhi, has held SBI Cards & Payment Services Pvt. Ltd. liable for deficiency in service after it failed to investigate disputed credit card transactions, provisionally credit the disputed amount within the prescribed period, or establish that the customer was negligent. The Commission reiterated that, under the RBI's circular dated 6 July 2017 on customer protection in unauthorised electronic banking transactions, the burden of proving customer negligence rests on the bank, not the customer.

The complainant, Rakesh Kumar, alleged that on 23 May 2024, while attempting to purchase butter through an advertisement on an app purporting to be associated with Big Bazaar, unauthorised transactions of ₹10,000 and ₹5,000 were charged to his SBI credit card. He promptly informed SBI Cards, requested that the card be blocked, lodged a cybercrime complaint, and completed the chargeback formalities. However, the company failed to provide a satisfactory response or demonstrate that it had investigated the disputed transactions. It also failed to file its written version within the prescribed period.

Relying on the RBI circular and the Delhi High Court's decision in Hare Ram Singh v. Reserve Bank of India, the Commission observed that customer liability cannot be imposed without evidence of negligence attributable to the customer. It noted that the complainant had reported the transactions promptly and that there was no evidence establishing that he had shared his OTP or payment credentials with a third party. The Commission also found that SBI Cards failed to provisionally credit the disputed amount within 10 working days under Paragraph 9 of the RBI circular and failed to resolve the complaint within the prescribed period under Paragraph 10. These lapses constituted deficiency in service under Section 2(11) of the Consumer Protection Act, 2019.

The Commission directed SBI Cards to refund ₹15,000 with interest at 7% per annum from the date of the transactions, payable within four weeks of receipt of the order, and to pay ₹10,000 as compensation for harassment and mental agony. In the event of non-compliance within the stipulated period, interest at 9% per annum would apply to the entire awarded amount from expiry of the four-week period.

Rakesh Kumar v. SBI Cards & Payment Services Pvt. Ltd.
Case No.: Consumer Complaint No. DC/80/CC/370/2024





Meyank Pandey



Litigation

Government Servant Cannot Retain Lien on Two Posts While Delaying Joining to Pursue Higher Studies: Rajasthan High Court

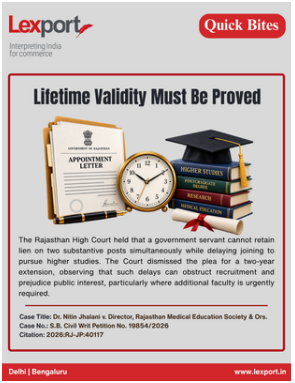
The Rajasthan High Court has held that a government servant cannot retain lien on two substantive posts simultaneously while seeking an extension to join a newly secured government position on the ground of pursuing higher studies. Justice Anoop Kumar Dhand observed that an extension of joining time is intended to address administrative exigencies or emergent personal hardship, not to enable an employee to retain multiple employment options at the expense of public administration.

The petitioner, Dr. Nitin Jhalani, was already serving as a Medical Officer at SMS Hospital and Medical College, Jaipur, and had been granted extraordinary leave to pursue an M. Ch. course in Urology. While continuing his studies, he applied for and was selected as an Assistant Professor in General Surgery at Government Medical College, Tonk, with a direction to join by 30 September 2026. He sought an extension until completion of his course, relying on a Rajasthan Finance Department memorandum concerning extension of joining time for persons pursuing studies. The State opposed the request, contending that he was attempting to retain lien on both posts.

The Court held that a government servant can retain lien on only one substantive post at a time. It observed that retaining liens on two posts could prevent other eligible candidates on the waiting list from being appointed and cause administrative inconvenience. The Court also considered the specific circumstances of Government Medical College, Tonk, where additional faculty was required following an increase of 50 MBBS seats, and held that the petitioner's request to defer joining for two years would adversely affect students and public interest. The earlier judgments relied upon by the petitioner and the Finance Department memorandum did not assist him in the peculiar circumstances of the case.

Accordingly, the High Court dismissed the writ petition, holding that the petitioner could not simultaneously retain two government positions while postponing his joining to complete higher studies. The stay application and all pending applications were also dismissed. The decision underscores that extension of joining time cannot be used to preserve multiple government employment options where doing so prejudices administrative requirements and public interest.

Dr. Nitin Jhalani v. Director, Rajasthan Medical Education Society & Ors.
Case No.: S.B. Civil Writ Petition No. 19854/2026
Citation: 2026:RJ-JP:40117





Meyank Pandey



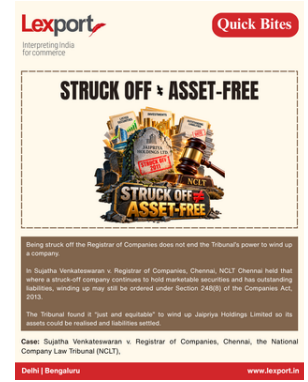
Corporate

NCLT Chennai Permits Winding Up of Struck-Off Company to Realise Assets and Settle Liabilities

In Sujatha Venkateswaran v. Registrar of Companies, Chennai, the National Company Law Tribunal (NCLT), Chennai, held that a company struck off from the Registrar of Companies may still be wound up to realise its assets and settle outstanding liabilities. The petition concerned Jaipriya Holdings Limited, whose name was struck off by the Registrar of Companies on October 28, 2011.

The Tribunal relied on Section 248(8) of the Companies Act, 2013, which preserves the Tribunal's power to wind up a struck-off company. It noted that the company continued to hold investments in listed securities and had outstanding liabilities, including unsecured loans payable to shareholders.

Holding that winding up was "just and equitable" under the circumstances, the Tribunal admitted the petition and appointed NPV Insolvency Professionals Private Limited as provisional liquidator to take charge of the company's assets and effects.





Rishav Sagar

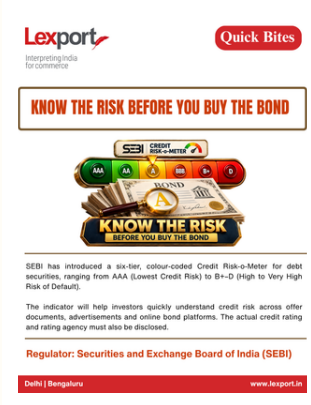


Corporate

SEBI Introduces Six-Tier Colour-Coded Credit Risk-o-Meter for Debt Securities

The Securities and Exchange Board of India (SEBI), through its circular dated October 7, 2026, has introduced a six-tier, colour-coded Credit Risk-o-Meter to facilitate investor assessment of credit risks associated with debt securities. The indicator will be mandatory in offer documents, abridged prospectuses, private placement memorandums, advertisements, and the web and mobile platforms of Online Bond Platform Providers (OBPPs).

The framework maps existing credit ratings into six categories, ranging from "Lowest Credit Risk" for AAA-rated securities to "High to Very High Risk of Default" for securities rated B+ to D. Each category will have a distinct colour, ranging from Irish Green to Red. Where multiple credit ratings are available, the lowest rating will determine the indicator. The actual credit rating and the name of the credit rating agency must also be disclosed. Further, unsecured debt securities must carry the word "unsecured" in bold red text, while issuers classified as "Issuer Not Cooperating" must also be identified. The circular will come into force 45 days from its issuance.





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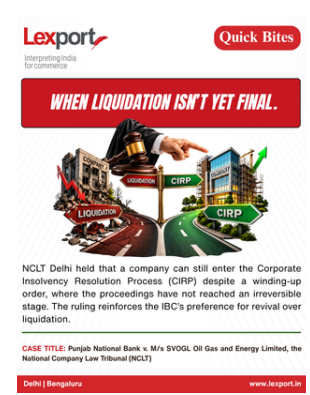
Corporate

NCLT Delhi Holds CIRP Can Be Initiated Despite Winding-Up Order if Proceedings Have Not Reached an Irreversible Stage

In Punjab National Bank v. M/s SVOGL Oil Gas and Energy Limited, the National Company Law Tribunal (NCLT), Delhi, held that a company subject to a winding-up order may be admitted to the Corporate Insolvency Resolution Process (CIRP) under the Insolvency and Bankruptcy Code, 2016 (IBC), provided the winding-up proceedings have not reached an irreversible stage.

The Delhi High Court had ordered the winding up of SVOGL Oil Gas and Energy Limited in 2017. However, the NCLT observed that the proceedings had been transferred to facilitate the company's revival through CIRP. Relying on the Supreme Court's decisions in Action Ispat and Power Ltd. v. Shyam Metalics and Energy Ltd. and A. Navinchandra Steels Pvt. Ltd. v. SREI Equipment Finance Ltd., the Tribunal emphasised that the IBC prioritises corporate revival over liquidation.

Accordingly, the NCLT admitted the Section 7 petition filed by Punjab National Bank, imposed a moratorium under Section 14 of the IBC, and appointed Resurgent Resolution Professionals LLP as the Interim Resolution Professional. The Official Liquidator was directed to hand over the company's assets and records to the Interim Resolution Professional.





Rishav Sagar



Corporate

SAT Sets Aside Direction Allowing Chanda Kochhar Access to ICICI Bank's Internal Portal in Videocon Case

In ICICI Bank Limited v. Securities and Exchange Board of India, the Securities Appellate Tribunal (SAT) partly allowed ICICI Bank's review application and set aside its earlier direction permitting former Managing Director and CEO Chanda Kochhar to access the Bank's Secretarial Portal and electronic data stored on its servers and devices in connection with the ICICI Bank-Videocon Group matter.

The Tribunal observed that the data was neither in the possession of the Securities and Exchange Board of India (SEBI) nor part of the regulatory record, and would not be relied upon in the proceedings against Kochhar. It also noted that Kochhar had not identified specific documents for inspection and that blanket access could compromise confidential third-party information.

The Tribunal further observed that SEBI had already provided the reports and other documents relied upon by the regulator. Accordingly, it set aside the May 2, 2025 order to the extent that it permitted access to the Bank's internal portal and electronic data, while leaving the remaining directions undisturbed.





Rishav Sagar



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