



# INSIGNIA

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FEBRUARY LAW UPDATES

**MAHESHWARI AND CO.** is a full service Law Firm that represents its clients in a number of complex and high value transactions. The Firm has an expertise and vast experience across various areas of practise including Corporate & Commercial Law, mergers & acquisitions, intellectual property rights, taxation, Litigation and Arbitration, Insolvency & Bankruptcy and Immigration.

MAHESHWARI & CO. is a key player in India's **Green Hydrogen Mission**, and has been collaborating with various national and international groups, associations, organizations, forums, and chambers to provide our expert opinion on the existing and upcoming regulatory framework.



*Note: To read more about the news, please download the pdf file and click "Read More" or visit our website from the link given in the post. This is for Internal Circulation*

## FIRM BULLETIN

### Enhancing Courtroom Conduct & Litigation Strategy: Insights from Mr. Akhand Chauhan



Mr. Akhand Chauhan, Partner led an insightful session on courtroom etiquette and litigation strategy, covering the importance of clear legal drafting, maintaining professionalism in court, effective body language and composure, as well as strategic litigation approaches like active listening, avoiding unnecessary objections, and anticipating counterarguments.

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### Understanding Copyright, Trademark & Gaming Laws: Insights from Mr. Ketan Joshi

Mr. Ketan Joshi, Senior Associate recently delivered an insightful session on Copyright, Trademark, and Gaming Laws, offering a comprehensive understanding of intellectual property rights and gaming regulations in India. During the session, he covered fundamental aspects of copyright law, trademark registration processes, distinctions between various IP rights, and the latest legal developments in online gaming, betting, and e-sports.



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## FIRM BULLETIN

### Legal 500 Feature: Ms. Jyotsna Chaturvedi's Article on Navigating the Hurdles: Exercising Put Options by Foreign Shareholders



Ms. Jyotsna Chaturvedi, Head - Corporate Practice has authored an article in Legal 500 on the legal challenges of exercising Put Options in India. From FEMA compliance to RBI approvals, the article explores key hurdles and solutions for foreign investors.

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### Mr. Vipul Maheshwari Invited as Speaker at SPiCE South Asia 2025 to Discuss Sports Betting & Esports

We are pleased to share that our Managing Partner, Mr. Vipul Maheshwari, will be speaking at SPiCE South Asia 2025, where he will provide expert insights on "The Future of Sports Betting in South Asia: Exploring Potential Partnerships in the Esports Landscape." As South Asia's sports betting industry aligns with the rapidly expanding esports sector, this session will offer valuable perspectives on innovation, market growth, and strategic collaborations.

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## FIRM BULLETIN

### Mr. Ketan Joshi Invited as Speaker at SPiCE South Asia 2025 to Discuss Gaming & Betting Laws



Mr. Ketan Joshi, Senior Associate at Maheshwari & Co., is set to speak at SPiCE South Asia 2025, scheduled to take place from March 4 – 6, 2025, at Shangri-La Colombo, Sri Lanka.

SPiCE South Asia serves as a premier platform for industry leaders to deliberate on the evolving landscape of gaming and betting in the region. We look forward to Mr. Joshi's expert insights and valuable contributions to critical discussions that will shape the future of the industry.

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## NEWS

### **RBI Panel To Review Trading, And Settlement Timings Across Various Market Segments**

Reserve Bank of India's new Governor, Sanjay Malhotra, announced the setup a panel to review trading and settlement timings for markets regulated by the central bank.

In this three-day meeting of the Monetary Policy Committee (MPC), Sanjay Malhotra stated that working groups will be formed to carry out recent developments in financial markets and market infrastructure.

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### **MCA Extends Deadline for Complying with Certain Regulatory Measures**

The Ministry of Corporate Affairs (MCA) issued a notification G.S.R. 131(E) on 13th February 2025 where it amended the Companies (Prospectus and Allotment of Securities) Rules, 2014, providing private companies time till the extended compliance deadline to comply with some provisions of certain regulatory requirements. The amended Rule 9B (2) conveyed that private companies (other than Producers Companies) not classified as small companies as of March 31, 2023, now have time until June 30, 2025, to comply with their duties. This extension of time is for the entities concerned, whereby they may now carry on their operations without undue pressure from a regulatory viewpoint.

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## NEWS

### **Supreme Court Issues Compassionate Guidelines for GST Arrests, Upholding Rights and Justice**

In a decision that leaves bureaucratic bravado quivering in its boots, the Supreme Court of India—under the steely supervision of Chief Justice Sanjiv Khanna—has dramatically redrawn the map of tax enforcement in *Radhika Agarwal v. Union of India* (2025) [W.P.(Crl.) No. 336 of 2018]. This ruling isn't just another legal pronouncement, it's a veritable manifesto against the overreach of tax authorities, reminding the establishment that the rule of law isn't up for renegotiation by overzealous officers.

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### **Amazon Held Liable for Trademark Infringement of Beverly Hills Polo Club**

Delhi High Court Orders Amazon to Pay ₹339.25 Crore in Damages In a landmark judgment, the Delhi High Court on February 25, 2025, held Amazon Technologies Inc. and its affiliate companies liable for wilfully and deliberately using the trademark of Beverly Hills Polo Club (BHPC), a well-known luxury fashion brand owned by Lifestyle Equities CV and Lifestyle Licensing B. V. The court held that Amazon's private label fashion brand known as "Symbol" had employed a horse rider logo that was too similar to BHPC's registered trademark deceptively leading customers to believe they were purchasing authentic BHPC merchandise. Such a move not only affected the reputation of BHPC as an institution but also affected the brand identity of BHPC at a crucial phase in its evolution.

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## NEWS

### **The Delhi High Court intervened in the ‘Beauty of Joseon’ trademark dispute to prevent unauthorized and deceptive use of the trademark**

At its core, the dispute centers on whether Shah Siddiqui’s registration of the ‘Beauty of Joseon’ trademark in India, despite Goodai Global’s well-established presence since 2010 both nationally and internationally, was an act of bad faith and deceptive imitation. Goodai Global, renowned for its premium skincare line inspired by traditional Korean beauty secrets, had already gained significant consumer recognition in India before discovering that Siddiqui had secured an identical trademark under a ‘proposed to be used’ basis.

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### **Supreme Court Clarifies Property Ownership in Partnership Firms**

The case is between Sachin Jaiswal and M/S Hotel Alka Raje, embodying a critical question of law, i.e., when the Property is being transferred to the firm as the contribution via the partner to the partnership firm under that circumstance the Property will have the absolute ownership of the Property as per Section 14 of the Partnership Act, 1932. Neither the partner nor the legal heirs of any partner or the partner who was the absolute owner of the Property would have an exclusive right over the property after the partner’s death or retirement, excluding the share in profit of the contribution made via a partner in a partnership firm.

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## NEWS

### **Supreme Court Ruling on Void Marriages and Maintenance Rights: A Landmark Decision**

The case is between Subkdev Singh and Sukhbir Kaur, embodying a critical question of law, i.e., when the competent court had declared the Marriage void under Section 11 of the Hindu Marriage Act, 1955 under those circumstances can a spouse be entitled to any sort of claim for permanent alimony and maintenance under Section 25 of the Hindu Marriage Act, 1955. In light of the same, when the petition has been filed for seeking a declaration that the marriage is void under Section 11 of the Hindu Marriage Act, 1955, under those circumstances, a spouse will be entitled to seek maintenance pendente lite under Section 24 of the Hindu Marriage Act, 1955 or not.

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### **Delhi High Court Orders Trademark Cancellation in Favor of Goodai Global Inc.**

In a landmark decision on 28th January 2025, Delhi High Court directed the cancellation of a misleadingly similar trademark that had been registered by an individual, siding with Goodai Global Inc., a South Korean personal care and beauty brand. The case related to the trademark "Beauty of Joseon," which is a well-known international beauty brand. Goodai Global Inc. had been utilizing this brand since 2010, growing in 54 countries, including India. The company, however, found that an Indian registrant, Mr. Shahnawaz Siddiqui, had registered the same brand's device mark under application number 5635163 on a "proposed to be used" basis.

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## NEWS

### Supreme Court Declines PIL on Protecting Hindus in Bangladesh

The Hon'ble Supreme Court of India has recently on 24th February 2025 declined to entertain a Public Interest Litigation (PIL) seeking intervention to protect Hindus and other minorities in Bangladesh from targeted violence. The issue pertaining to the internal affairs of a foreign nation, the bench comprising Hon'ble Justice Sanjiv Khanna and Hon'ble Justice Sanjay Kumar, emphasized the limitations of the Indian judiciary in addressing matters.

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### Don't Let Old Debts Haunt You: What Businesses Must Learn from NCLAT's Latest Ruling

Recently, NCLAT delivered a landmark judgment on January 03, 2025 in the case of Super Floorings Private Limited v. Napin Impex Limited. The matter pertained to issues with respect to unpaid claim and the limitation of raising claim under the Insolvency and Bankruptcy Code (IBC), 2016. The primary question in this instant matter was whether or not the payment which is to be made by Super Floorings Private Limited would, in any case, grant additional time to Napin Impex Limited to invoke law of insolvency.

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## NEWS

### Supreme Court Clarifies 'Consumer' Definition in Landmark Ruling

The Hon'ble Supreme Court of India, in a milestone ruling titled *The Chief Manager, Central Bank of India & Ors. vs. M/s Ad Bureau Advertising Pvt. Ltd.* has given vital clarification on the term 'consumer' under the Consumer Protection Act, 1986, holding that borrowers who avail loans for commercial purposes are not 'consumers' under the Act.

The case came up for consideration when M/s. Ad Bureau Advertising Pvt. Ltd., a company that had borrowed Rs. 10 crores from the Central Bank of India for the post-production of a film, defaulted on the repayment of the loan amount. The bank declared the loan account as a Non-Performing Asset (NPA) and reported the company as a defaulter to the Credit Information Bureau (CIBIL). It is the case of the borrower that although one-time settlement was reached between the parties and No-Dues certificate was issued by the bank, however, still the bank allegedly reported borrower as a defaulter, leading to financial losses for the company. The NCDRC granted relief to the company and ordered Rs.75,00,000/- as compensation, but the order was set aside by Hon'ble Supreme Court, holding that the loan was availed of for a commercial purpose and hence the borrower would not be covered under the definition of a 'consumer' under the Act.

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### Ease of business: SEBI Circular Simplifies Regulations for Listed Entities

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SEBI's Game-Changing  
Reforms: Paving the Way  
for Effortless Business  
Compliance



Over the years, the Indian government has been making certain kinds of efforts in order to make doing business in the country easier. One such important step taken in this larger plan for increasing economic growth and attracting more foreign investment is taken by the Securities and Exchange Board of India (SEBI) in the form of making business dealings easier for the listed companies in India.

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### A Legal Analysis of Ensuring Workplace Safety – Effective Implementation and Progress of the PoSH Act, 2013

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A Legal Analysis of  
Ensuring Workplace Safety  
– Effective Implementation  
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Act, 2013



A workplace should thus be one of opportunities instead of a battlefield of fear. Workplaces must provide respect, dignity, and equality to everyone. The PoSH Act works as a significant instrument to allow everyone to enjoy their right to work without the fear of harassment while reaffirming the universal human rights to dignity and equality.

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### Union Budget 2025: A Game-Changer for MSMEs

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Union Budget 2025:  
A Game-Changer for  
MSMEs



Micro, Small, and Medium Enterprises (MSMEs) are the backbone of India's economy, contributing nearly 30% to GDP and generating over 110 million jobs. They foster innovation, promote self-employment, and drive industrial growth in rural and urban areas alike.

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### Skill Over Chance in the Legal Spotlight – Why Poker and Rummy Aren't Gambling, Says Allahabad HC

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Game of Skill over  
Game of Chance in  
the legal spotlight



The landmark ruling of the Hon'ble Allahabad High Court has recently clarified the legal status of recreational gaming activities such as poker and rummy. While holding that such games are, by and large, games of skill, it has provided clarity on an area which has been subject to much scope for distortion due to legal confusion and misunderstandings.

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## BLOGS

### GDPR 2024: A Year Of Refinement & Enforceability



General Data Protection Regulation (GDPR), a comprehensive data protection law, was enacted on 25 May 2018 by the European Union. It seeks to streamline laws for global trade and improve people's access to personal information. Strict requirements for the gathering, processing, and archiving personal data are required under the GDPR, and they apply to all organizations, regardless of location that handle the data of EU citizens.

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### Effect Of Non-Registration Of A Partnership Firm



The non-registration of a partnership firm under the Indian Partnership Act 1932, can lead to significant legal, financial, and operational consequences for the partners, potentially hindering the firm's ability to function effectively and securely. While registering a partnership firm is not mandatory under the Indian Partnership Act, however, failure to do so can create substantial legal challenges, particularly in enforcing contractual rights.

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### Tax Reforms For A Prosperous India : Simplifying Compliance And Boosting Growth

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Tax Reforms For A  
Prosperous India :  
Simplifying Compliance  
And Boosting Growth



To sum up, the Indian Government is running a progressive taxing system, giving a proper tax on taxation of individuals' income. The idea behind this operation is such that, if your income is high, the tax must also be high so that higher income earners end up contributing a bigger chunk into the nation's coffers. This is based primarily on vertical-equality principles, according to which those with a greater ability to pay should contribute more to public finances.

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