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MARCH 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.



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FIRM BULLETIN

Navigating Corporate Compliance and FEMA – Key Takeaways from Ms. Jyotsna Chaturvedi's Session



Ms. Jyotsna Chaturvedi, (Corporate Head) delivered an insightful session on Corporate Practice, covering key areas of consultancy advisory, corporate advisory, and FEMA. The session highlighted the consultant's role as a facilitator in guiding corporations through complex legal frameworks and financial regulations while ensuring efficient operations under FEMA

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Navigating Data Privacy Laws: Insights on the DPDP Framework by Ketan Joshi

Mr. Ketan Joshi, Senior Associate at MAHESHWARI & CO., delivered an insightful session on India's Digital Personal Data Protection (DPDP) framework. The session covered key aspects of the DPDP Act, 2023, including compliance requirements, individual data rights, and regulatory updates on cross-border data transfers and penalties



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FIRM BULLETIN

Mastering Litigation: Insights from Mr. Shantanu Garg's Session



Mr. Shantanu Garg, Senior Associate at MAHESHWARI & CO., led an insightful session on litigation practice and courtroom etiquette, covering key aspects of civil litigation, arbitration, and criminal proceedings. The session emphasized the importance of instituting complaints, submission of written statements, deadlines, and the role of replications.

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Legal 500 Publication: Partner, Mr. Akhand Pratap Singh Chauhan's Article on Legal Heirs vs. Custodian: The Ongoing Conflict Over Enemy Property in India

Mr. Akhand Pratap Singh Chauhan, Partner at MAHESHWARI & CO., has authored a detailed article in Legal 500 on the ongoing legal battle over enemy property in India. The article delves into key Supreme Court judgements, the impact of the 2017 amendment, and the latest government notifications shaping this evolving legal landscape.



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FIRM BULLETIN

Ketan Joshi Delivers Key Insights as Speaker at SPiCE South Asia 2025 on Gaming and eSports



Ketan Joshi, shared his insights at SPiCE South Asia 2025, held from March 4–6 at Shangri-La Colombo, Sri Lanka. Mr. Joshi engaged in critical discussions on the evolving Gaming and eSports betting landscape in South Asia, addressing regulatory challenges, market trends, and opportunities shaping the future of the industry.

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NEWS

Delhi High Court ruled over a Trademark dispute between ‘Allied Blenders & Distillers Limited and Boutique Spirit Brands Private Limited and Another’ for similarity between the name KYRON & MYRON

Aln this case, the dispute revolves around the name ‘KYRON & MYRON’, where the petitioner engaged in the manufacturing of alcoholic beverages, and adopted the mark ‘KYRON’ for brandy and other spirits. The plaintiff claimed that the defendant’s mark ‘MYRON’ is deceptively similar to the plaintiff’s registered mark named ‘KYRON.’ ‘KYRON’ was adopted in 2010, used since 2012 and registered in various categories for brandy and spirits.

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India and Japan Renew Bilateral Swap Arrangement: Strengthening Financial Ties

India and Japan Renew Bilateral Swap Arrangement: Strengthening Financial Ties Under a Bilateral Swap Arrangement (BSA), any two countries enter into a swap arrangement of their local currencies for a certain number of US Dollars. The arrangement assists in stabilizing foreign exchange reserves and maintaining financial stability and investor confidence. BSAs provide foreign capital whenever required, this agreement also provides financial security during economic distress and ensures financial stability.

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NEWS

JURISDICTION AND FAIR TRIAL UNDER SECTION 138 OF NI ACT

M/S SHRI SENDHUR AGRO & OIL INDUSTRIES VS KOTAK MAHINDRA BANK LTD.

The case is between Shri Sendhur Agro & Oil Industries and Kotak Mahindra Bank Ltd, embodying a critical question of Law, i.e., when the whole transaction is outside the jurisdiction of the Court wherein the case has been filed under Section 138 of NI Act. Can the Complaint be filed at the Place Of the Payee Bank? Whether the Accused can seek transfer of the said Complainant to the Place where the whole transaction is taken place.

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SC Rules Legal Heirs Bound by Arbitration Clause in Partnership Disputes

RAHUL VERMA & ORS. VS RAMPAT LAL VERMA & ORS.

The case is between Rahul Verma and Rampat Lal Verma, embodying a critical question of Law, i.e., whether the legal heirs of a deceased partner in a partnership firm, being non-signatories to the partnership deed and in the absence of their explicit consent, can still be bound by the arbitration agreement as stated in the Agreement. Further, whether the right to sue for the rendition of accounts survives to the legal heirs of the deceased partner, entitling them to invoke the arbitration clause in the partnership deed.

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NEWS

Order on Application under Section 23(3) of the Arbitration & Conciliation Act: Procedural Order or Interim Award

NTPC Limited Vs Starcon Infra Projects India Pvt Ltd

The case is between NTPC Limited and Starcon Infra Projects India Pvt Ltd, embodying a critical question of law, i.e., whether the order passed by the Arbitrator dismissing an application under Section 23(3) of the Arbitration & Conciliation Act is considered as the procedural order or an interim award in accordance with Section 34 of the Arbitration & Conciliation Act. The facts of the case were that Petitioner had floated a tender for “Construction of Roads and Drains in Solapur STPP” for a total order value of Rs.22,35,16,730/-.For the same, a Letter of Award dated 18.10.2019 was issued in favour of the Respondent herein, and the Contract Agreement had been executed between the parties.

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Supreme Court Dismisses Petition Against Online Gaming as Crackdown on Celebrity-Endorsed Betting Apps Intensifies

The Supreme Court of India has refused to hear a petition seeking a ban on online gaming platforms, even as multiple law enforcement agencies escalate their investigations into celebrities and influencers for promoting illegal betting applications.

The Public Interest Litigation, filed by the petitioner Sheikh Rahim, a Hyderabad-based resident, sought to blacklist online gaming platforms wherein the websites together exploit innocent people and make them lose huge money.

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NEWS

RBI Imposes Monetary Penalty on Five Cooperative Banks and Cancels NBFC Registrations

RBI Penalties NBFC Registrations by Five Cooperative Banks: A penalty has been imposed on the institutions in violation of banking rules under the provisions of the Banking Regulation Act of 1949, and strict action was taken against the banks for non-compliance by the Reserve Bank of India and several monetary penalties were imposed on these banks. It has also cancelled the Certificate of Registration (CoR) of ten Non-Banking Financial Companies (NBFCs) which have been surrendered voluntarily by three NBFCs.

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Delhi High Court Rules in Favor of PUMA SE in Trademark Infringement Case Against Counterfeiter

Hon'ble Justice Mini Pushkarna of the Delhi High Court by way of a landmark judgment decided in favour of PUMA SE in the trademark infringement and counterfeiting case against Mahesh Kumar. The case highlights the judiciary's resolve to protect famous trademarks and crack down on counterfeiting operations. Since its founding in 1948, PUMA has grown into one of the world's leading suppliers of athletic and casual footwear, apparel, and accessories, and it took legal action against Mahesh Kumar after finding he was making and selling fake PUMA shoes.

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NEWS

Legal Proceedings under Section 138 NI Act only commence after expiry of 15 days from the Demand Notice

The case between “Vishnoo Mittal and M/S. Shakti Trading Company” deals with the applicability of Cheque Dishonor cases instituted under Section 138 Negotiable Instruments Act, 1881 during the moratorium period imposed by the NCLT due to insolvency proceedings initiated against the accused company. Furthermore, the case also establishes that cheque dishonor alone does not invoke Section 138 of NI Act but the offence arises only when the borrower fails to pay the said amount within 15 days of the issuance of Legal Demand Notice by the complainant.

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Legal & Regulatory Update: Crackdown on Illegal Online Gambling Promotions

A high-profile investigation is being conducted into illegal online gambling activities across Tollywood, with key actors and social media influencers involved in promoting betting platforms coming under the scanners of the Enforcement Directorate (ED) and other Telangana Police authorities. Telangana four FIRs targeted top celebrities, including Rana Daggubati, Prakash Raj, Vijay Deverakonda, Manchu Lakshmi and Pranitha as well as others influencing authorities to promote illegal gambling applications.

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Supreme Court Dismisses Petition Against Online Gaming as Crackdown on Celebrity-Endorsed Betting Apps Intensifies

The Supreme Court of India has refused to hear a petition seeking a ban on online gaming platforms, even as multiple law enforcement agencies escalate their investigations into celebrities and influencers for promoting illegal betting applications. The Public Interest Litigation, filed by the petitioner Sheikh Rahim, a Hyderabad-based resident, sought to blacklist online gaming platforms wherein the websites together exploit innocent people and make them lose huge money. Rahim said he had personally lost ₹1.6 million in 2016 through fake online gaming, and alleged that thousands of foreign companies were taking advantage of these platforms to transfer money abroad from India.

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Supreme Court Upholds COFEPOSA Detention in Joyi Kitty Joseph vs. Union of India

On 6TH March of 2025, The Honourable Supreme Court of India gave an important judgment dismissing the appeals of the appellant Joyi Kitty Joseph, against the preventive detention of her husband under Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (COFEPOSA Act). The detention came into effect on March 5, 2024, on grounds of the detenu's (the person who was detained) alleged involvement in activities prejudicial to India's economic security.

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NEWS

The Apex court in its recent judgement has reiterated the enforceability of 'Arbitration Agreement' against the legal representative of the deceased

The present case revolves around the contentious issue of whether an arbitration agreement ceases to exist upon the death of any party and whether the said agreement can be enforced by or against the legal representative of the deceased person. The facts of the case are such that the legal heirs (Respondents) of a deceased partner in a Partnership Firm had filed a petition under Section 8 of the Arbitration and Conciliation Act, 1996, seeking reference to arbitration as per the arbitration clause in the Partnership Deed, upon a dispute that arose between the Partners upon the death of a Partner in the partnership firm. The said petition was accordingly dismissed by the Commercial Court.

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Delhi High Court Affirms Complainant's Right to Lawful Consent in Compounding Cheque Dishonour Offences

The Hon'ble Delhi High Court in the above captioned case had dismissed a petition filed under Section 482 of the CrPC seeking quashing of complaint filed under section 138 N.I. Act. The case categorically deals with the quashing of the Complaint on the ground that a demand draft was presented by the Petitioner/Accused to the Respondent/Complainant subsequent to the institution of the complaint case before the trial court. Placing reliance on the aforementioned ground, the Petitioner/Accused person filed an application under Section 147 of the NI Act, 1881 for the compounding of the offence , which was dismissed by the trial court on merits.

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BLOGS

SEBI's New Algo Trading Regulations: A Game-Changer for Retail Investors

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SEBI's New Algo Trading
Regulations: A Game-
Changer for Retail Investors



Algorithmic trading has revolutionized financial markets, offering unparalleled execution speed and efficiency. However, with its rapid growth, concerns around transparency, accountability, and security have emerged. To address these issues, the Securities and Exchange Board of India (SEBI) has introduced a comprehensive regulatory framework aimed at safeguarding retail investors while fostering a fair-trading environment.

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Understanding Director Liability in Cheque Bounce Cases under the Negotiable Instruments Act

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Understanding Director
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Instruments Act



Amongst the pending disputes in commercial and financial dealings, cheque bounce cases have emerged as a significant legal concern. Cheques are commonly used as a mode of payment to settle financial obligations, but disputes arise when a cheque issued for the discharge of a debt or liability gets dishonoured due to insufficient funds, signature mismatch, or other reasons.

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BLOGS

AI And Its Usage In Medical Field & Beyond: The Expanding Frontiers Of Legal Liability

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AI And Its Usage In Medical
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The application of artificial intelligence (AI) in the domains of medical science has introduced significant innovations that have improved the diagnosis of various kinds of disease, including surgery and patient treatment.

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Supreme Court Upholds IBC Framework: Sets Aside Karnataka High Court's Intervention in Personal Insolvency Proceedings

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Supreme Court Upholds IBC
Framework: Sets Aside
Karnataka High Court's
Intervention in Personal
Insolvency Proceedings



NCLT under Section 95(1) of the IBC by the appellant, a financial creditor, seeking to commence insolvency proceedings against the guarantor, a personal guarantor, after invoking the personal guarantee in relation to unpaid dues. In an order dated 16.02.2024, the National Company Law Tribunal (NCLT), Bengaluru appointed a Resolution Professional to review the application and file a report in terms of Section 99 of the IBC.

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