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SEPTEMBER 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

Mr. Himanshu Sachdeva Delivers Guest Lecture on Persuasion & Courtroom Etiquettes at Indore Institute of Law



Mr. Himanshu Sachdeva (Senior Associate) was invited to deliver a Guest Lecture at Indore Institute of Law on “The Art of Persuasion in Court: Do’s, Don’ts and Common Blunders” and “Courtroom Etiquettes and Nitty-Gritties Young Lawyers Should Be Aware Of.”

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FIRM BULLETIN

Guiding the Next Generation of Legal Professionals: Ms. Jyotsna Chaturvedi's Session



An insightful career counselling session by Ms. Jyotsna Chaturvedi, Head of Corporate Practice, shed light on the importance of advocacy experience before judicial exams, the journey of being a first-generation lawyer, and the qualities that truly matter in recruitment — problem-solving, communication, and adaptability.

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Adv. Ketan Joshi Delivers an Insightful Session on Data Privacy in India



Adv. Ketan Joshi delivered an insightful session for our interns on data privacy in India. He explained the roles of Data Principal, Data Fiduciary, and Consent Manager under the Data Protection Act, while also reflecting on the existing lacunas in the framework.

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Ms. Akshi Seem Leads an Engaging Session on IPR in India



Ms. Akshi Seem (Associate Partner), recently delivered a session on “IPR in India: Meaning, Protection, and Enforcement.” She shared insights on the fundamentals of intellectual property rights, their importance, and the mechanisms for protection and enforcement in India.

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Mr. Akhand Chauhan, Partner Shares Insights on Drafting, Court Conduct, and Litigation Strategies



Adv. Akhand Chauhan (Partner) recently delivered an engaging session for our interns on drafting, court conduct, and litigation strategies. The session covered the art of crafting effective drafts, shaping facts, preparing timelines, and aligning arguments with legal provisions and precedents.

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Court Declines to Initiate Perjury Proceedings Against Non-Applicant

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Court Declines to Initiate Perjury Proceedings
Against Non-Applicant



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This order deals with an application filed by the Applicant Company, M/s BKR Capital Pvt. Ltd., under Section 379 read with Section 215 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (corresponding to Section 340 r/w Section 195 CrPC, 1973). The Applicant sought initiation of proceedings against the Non-applicant

for allegedly deposing falsely before the Ld. Court by filing fabricated and manipulated documentary evidence, including a false certificate under Section 65-B of the Indian Evidence Act, 1872.

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Legal 500 Publication: Managing Partner, Mr. Vipul Maheshwari's Article on "Recognition Without Reciprocity – Why Indian Insolvency Law Must Catch Up"



Mr. Vipul Maheshwari (Managing Partner) has authored an insightful article titled: "Recognition Without Reciprocity – Why Indian Insolvency Law Must Catch Up," featured in Legal 500.

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FIRM BULLETIN

Maheshwari & Co. at UNIQLO's Exclusive Pre-Shopping Party Ahead of Their First Store Launch in Bengaluru



We were delighted to be a part of the exclusive Pre-Shopping Party hosted by UNIQLO at Orion Mall, Brigade Gateway, Bengaluru, ahead of the grand launch of their first store in the city.

Our Managing Partner Mr. Vipul Maheshwari and Head - Corporate Practice Ms. Jyotsna Chaturvedi had the honor to attend this special celebration, marking UNIQLO's exciting entry into Bengaluru.

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NEWS

MCA Amends Rules for Cross-Border Mergers Between Foreign Holding Companies and Indian Subsidiaries

The Companies (Compromises, Arrangements and Amalgamations) Rules, 2016 lay down the procedure for mergers, amalgamations, and arrangements involving companies under the Companies Act, 2013. The Ministry of Corporate Affairs (MCA), through its notification dated 9th September 2024, amended the Companies (Compromises, Arrangements and Amalgamations) Rules, 2016, with effect from 17th September 2024. These rules govern both domestic and cross-border corporate restructuring, ensuring compliance with Indian law, regulatory approvals, and protection of stakeholders' interests.

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Government Expands Scope of Fast-Track Mergers to Include More Companies

The Ministry of Corporate Affairs (MCA) has amended the Companies (Compromises, Arrangements and Amalgamations) Rules, 2016, to broaden the eligibility for fast-track mergers.

This change, effective immediately, allows a wider range of companies, particularly small and medium-sized enterprises (SMEs), to utilize the expedited merger process under Section 233 of the Companies Act, 2013.

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NEWS

SEBI's Recent Reform on IPO Norms & Foreign Investor Access (2025)

In September 2025, the Securities and Exchange Board of India (SEBI) rolled out a sweeping set of reforms to strengthen India's capital markets and attract global investors. These changes focus on easing requirements for large initial public offerings (IPOs), revising norms on minimum public shareholding, widening the scope of anchor investors, and simplifying the entry process for foreign portfolio investors. Collectively, the reforms are designed to increase liquidity, enhance participation, and make Indian markets more competitive at the global level. SEBI's authority flows from the SEBI Act, 1992, which empowers it to regulate and protect investors while fostering market development.

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Amendment of Section 72A & 72AA – Finance Bill 2025

Sections 72A and 72AA of the Income-tax Act, 1961 allow a merged or reorganised company to use the accumulated losses and unabsorbed depreciation of the predecessor, subject to certain conditions. These provisions were originally intended to support genuine business reorganisations and the revival of financially stressed companies. The Finance Bill, 2025, aims to curb the practice of “evergreening” of losses, where companies repeatedly use mergers and reorganisations as a tool to extend the benefit of loss carry-forwards far beyond the intended period.

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NEWS

The Logix Case – NCLAT Ruling On Fraudulent Misuse Of Insolvency Law

The Insolvency and Bankruptcy Code, 2016, was to provide a time-bound mechanism for the resolution of insolvent companies, focusing on reviving viable businesses instead of opting for liquidation. However, over the years, concerns have arisen about its misuse, with parties filing collusive or fraudulent petitions to have an unfair advantage.

In a recent judgement by NCLAT in case of Logix Group the Principal bench held that insolvency proceedings cannot be used as an instrument of fraud between parties. Logix Infrastructure Pvt. Ltd. launched the residential project “Blossom County” in Noida (17 towers, 2384 units), scheduled for 2013 but remained incomplete.

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The Hon’ble Supreme Court Rules State Cannot Invoke Doctrine of Escheat Against a Valid Will with Probate

On September 14, 2025, the Hon’ble Supreme Court of India delivered its judgment in State of Rajasthan v. Ajit Singh & Others in SLP (C) Nos. 14721-14723/2024. Through this judgment, the Hon’ble Court held that once a Will has been validly executed and probate has been granted by a competent court, the State cannot claim succession to the estate under the doctrine of escheat. The Hon’ble Court ruled that Section 29 of the Hindu Succession Act, 1956, which deals with escheat, applies only in cases of intestate succession where no heirs exist under the statutory scheme. Testamentary succession, once proved, overrides such claims by the State.

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NEWS

The Hon'ble Supreme Court of India Directs Time-bound Disposal of Bail Applications

On September 16, 2025, the Hon'ble Supreme Court of India delivered its judgment in the case of Anna Waman Bhalerao v. State of Maharashtra. Through this judgment, the Hon'ble Court mandated that all bail and anticipatory bail applications must be disposed of within a period of two months from the date of filing, holding that such applications cannot be kept pending for years together. The Hon'ble Court observed that prolonged pendency of such matters amounts to a violation of the fundamental right to personal liberty under Article 21 of the Constitution of India.

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Retired Judges Refusing Tribunal Appointments Due to Lack Of Facilities; Fault lies with Centre: The Hon'ble Supreme Court of India

On September 16, 2025, the Supreme Court of India expressed concern over the increasing reluctance of retired High Court Judges to accept appointments as members of Tribunals, especially in the National Green Tribunal (NGT). A bench comprising Justice B.V. Nagarathna and Justice R. Mahadevan noted that the unwillingness largely stems from inadequate facilities and infrastructure provided by the Union Government. The Union informed the Court that two retired Judges had recently declined appointments, forcing the selection process to restart, thereby causing further delays. The bench disapproved of such refusals but acknowledged that the lack of basic amenities was a genuine deterrent.

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Rajul Manoj Shah Alias Rajeshwari Rasiklal Sheth vs Kiranbhai Shakrabhai Patel & ANR.

The case is between Rajul Manoj Shah @ Rajeshwari Rasiklal Sheth, and Kiranbhai Shakrabhai Patel, embodying a critical question of Law, i.e., whether counterclaims can be filed by the Defendant against the Co-Defendant?

The facts of the case were that a bungalow in a cooperative housing society situated near Stadium Char Rasta in Ahmedabad belongs to Rajeshwari Rasiklal Sheth's father, and upon his demise, the said property was owned by her and her brother jointly. However, her brother has sold the said property to a third party, i.e. Defendant No. 2, without any partition of the suit property.

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Supreme Court Sets Aside High Court Order Condoning 3,966-Day Delay; Warns Courts Not to Become Surrogates for State Lethargy

On September 12, 2025, the Hon'ble Supreme Court of India delivered a landmark judgement in the case of Shivamma (Dead) by LRs vs. Karnataka Housing Board & Ors. and through this judgement, the Hon'ble Court set aside the order passed by the Karnataka High Court which had condoned a delay of 3,966 days in filing a second appeal by the Karnataka Housing Board. The Hon'ble Court held that condonation of delay under Section 5 of the Limitation Act, 1963 is not to be granted casually and must be supported by sufficient cause for the entire period of delay. The Division Bench of the Hon'ble Court, comprising Hon'ble Justice J.B. Pardiwala and Hon'ble Justice R. Mahadevan, observed that government litigants cannot be given preferential treatment and must adhere to the same legal standards as private parties.

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NEWS

Enforcement of Arbitral Awards Amidst Pending Appeals under Section 37 of the Arbitration Act

Dispute between Chakardhari Sureka and Prem Lata Sureka (through SPA), raised a critical question of Law, i.e., whether the executing Court should defer the proceedings qua execution of the arbitration award only because an appeal under Section 37 of the Arbitration and Conciliation Act, 1996 ("Act"), is pending against rejection of an application under Section 34 of the Act. The facts of the case were that an objection under Section 34 of the Arbitration Act was preferred against the arbitral award. However, the same was rejected by the court. Thereafter, an appeal under Section 37 of the Act was filed by aggrieved party. However, the court did not pass any order regarding the stay on the implementation and operations of the award.

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IP Enforcement in India – Trademark, Copyright, and Patent Perspectives

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IP Enforcement in India -
Trademark, Copyright, and
Patent Perspectives



Intellectual Property Rights (IPRs), including trademarks, copyrights and patents, are the backbone of innovation and the most significant asset created by a business. This asset needs constant protection and strategy to maintain its uniqueness and exclusivity.

In India, IP enforcement has transformed into a system that balances private rights and public interest.

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Trademark Registration Process for Small Businesses in India: A Step-by-Step Guide

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Trademark Registration
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Step-by-Step Guide



For small businesses, their brand name and/or logo is the most valuable asset. After all, it's what customers remember you by. Therefore, building a strong brand identity is crucial — and trademark registration is one of the most effective ways to protect it. Yet, many entrepreneurs overlook trademark registration, leaving their brand identity vulnerable. The good news? Registering a trademark in India isn't rocket science — though it sometimes feels like it.

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Global Brand Expansion via Madrid System: An Indian Perspective



India, a democratic republic with the world's largest population, is home to innumerable flourishing start-ups and rapidly growing home-grown businesses. These businesses often start from someone's home office, but can reach international markets, attract international clients and achieve global recognition quickly.

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AI and Environment Law



Unchecked and rapid development projects worldwide are frequently undertaken without adequate regard for environmental consequences, resulting in severe ecological degradation, loss of biodiversity, pollution, and increased vulnerability to climate change. This rampant infrastructure expansion presents complex challenges for policymakers as they attempt to balance the imperatives of economic growth with environmental sustainability.

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How to Choose and Protect a Business Name in India?



Choosing a business name is often the most exciting (and agonising) part of starting a venture. Entrepreneurs brainstorm names over coffee, scribble on napkins, consult friends, and sometimes even turn to astrology. Yet, amid all the creative chaos, one crucial question often gets ignored: “Can I protect this name?”

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NBFC/CIC classification issue



Non-Banking Financial Companies (NBFCs) and Core Investment Companies (CICs) have an integral position in the financial system of India, especially in bridging the credit gap in underserved and unbanked areas for the development of the country as a whole. During the initial days NBFC's were fragmented and informally governed, but now they have evolved from that and have become well regulated institutions that have been adopting best practices in governance, risk management, and innovation.

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Strengthening the Family of Marks Doctrine: Mankind Pharma v. Ram Kumar



The Delhi High Court, in *Mankind Pharma Ltd v. Ram Kumar*, ruled in favor of Mankind Pharma, granting stronger protection to its “Kind” family of trademarks. Justice Tejas Karia held simply tweaking the prefix of an established brand name cannot shield deceptively similar marks, emphasizing that competitors cannot exploit the goodwill of an established brand.

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BIS Compliance in India: Navigating FMCS and Scheme X



Entering the Indian market without ensuring statutory compliance can expose manufacturers to regulatory enforcement, shipment holds, or reputational setbacks; risks that are entirely avoidable with proper adherence to the Bureau of Indian Standards (BIS). BIS forms the backbone of product safety, regulatory adherence, and market credibility in India.

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Emergency Arbitration and Its Applicability in India



Emergency Arbitration, a relatively newer and developing concept in Arbitration laws of our country, as a prominent apparatus for parties in disputes to secure reliefs. It allows a disputing party to seek relief before the constitution of a formal arbitration tribunal. However, the Arbitration and Conciliation Act, 1996 does not enshrine any provisions of Emergency Arbitration.

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