MAHESHWARI & CO.
Advocates & Legal Consultants

INSIGNIA

DISTINCT DETAILS DELIVERED

MAY LAW UPDATES

MAHESHWARI & 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.

FIRM BULLETIN

Upholding Employee Rights Against Dues Withholding

MAHESHWARI & CO. secured a favourable order in a recovery suit (Judgment dated April 10, 2026), reinforcing employee rights against arbitrary withholding of dues. The Hon'ble District Court at Saket, New Delhi, upheld the employee's claim towards unpaid salary, gratuity, and damages, arising from the employer's failure to release lawful dues post resignation.

The Court reiterated that employers cannot withhold earned wages or statutory benefits without valid justification, and such actions may attract legal consequences

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Maheshwari & Co. Advises on Strategic Share Acquisition and Regulatory Compliance for Industrial Automation and Biofuel Testing Company

We are pleased to share that the Firm is assisting a client operating in the industrial automation and engineering services sector in relation to a strategic transaction involving the drafting, negotiation, and execution of a Share Purchase Agreement. As part of the engagement, the Firm is advising on transaction structuring, commercial documentation, FEMA - compliances, corporate governance, secretarial matters, accounting and bookkeeping support, payroll compliances, TDS/TCS obligations, GST return compliances, advance tax computation, and income tax return filings.

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FIRM BULLETIN

Intern Development Session on Drafting Skills

We recently conducted an interactive session on "Drafting Skills" for our interns, led by Ms. Jyotsna Chaturvedi, Head of Corporate Practice. The session focused on the practical drafting challenges interns face in their day-to-day work and emphasized the importance of clear, precise, and effective drafting in the legal profession. Ms. Chaturvedi shared valuable practical insights on improving drafting techniques, avoiding common mistakes, and approaching legal documentation with clarity and structure. The engaging discussion and interactive Q&A provided interns with greater confidence and practical guidance for their professional growth.

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Intern Development Session on The Evolution of the IBC from a Creditor-in-Control to a Resolution-Driven Framework

The session was led by Mr. Himanshu Sachdeva, Senior Associate, who shared valuable insights into the evolving framework of the Insolvency and Bankruptcy Code, with a focus on its practical and resolution-driven approach.

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Intern Development Session on the Practical differences between India’s Digital Personal Data Protection (DPDP) Act and Europe’s General Data Protection Regulation (GDPR)

The session was led by Mr. Ketan Joshi, who shared valuable insights into how both data protection frameworks operate in practice despite having the common objective of safeguarding personal data and privacy rights. The discussion focused on key distinctions between the two regimes, including their scope of applicability, lawful bases for data processing, consent requirements, and approaches towards cross-border data transfers.

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Legal 500 Publication: Article on “Insolvency and Bankruptcy Code (Amendment) Act, 2026, and Auction Design” by Ms. Jyotsna Chaturvedi, Head - Corporate Practice and Ms. Navya Saxena, Associate

The article outlines the key aspects of the amendment, which received Presidential assent on 6th April 2026, and its role in further strengthening the framework established under the Insolvency and Bankruptcy Code, 2016. It highlights the continued emphasis on time-bound resolution, value maximization of assets, and balancing the interests of stakeholders.

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NEWS

Corporate laws Amendment Bill 2026 and Major Government Reforms

The Government of India recently introduced the corporate laws amendment bill 2026 that proposes significant reforms to the companies act 2013 and limited liability partnership act 2008. The objective is to simplify regulatory procedures which strengthen corporate governance standards and improve ease of doing business in India. One of the main features of the bill is the expansion of fast-track merger provisions under section 233 of the companies' act. This amendment seeks to allow a larger category of companies including certain subsidiary structures and small companies to complete mergers without extensive national company law tribunal proceedings. It is expected to reduce transactions timeline and litigation cost for businesses.

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India proposes major Insolvency and Bankruptcy Code Reforms

India has proposed important reforms to the insolvency and bankruptcy code with the objective of making insolvency resolutions faster and more creditor friendly. The proposed changes are considered one of the most significant features of the insolvency framework. This reform focuses on reducing and strengthening financial creditor rights. One of the key proposals allows the financial creditor to initiate solvency proceedings without requiring immediate tribunal interventions at the preliminary stage. Financial institutions have generally welcomed the proposal because delays in admission often reduce the asset value and recovery potential. The proposed amendment also seeks to encourage pre-planned insolvency arrangements and out of court settlement between creditors and debtors. This mechanism is expected to reduce the cost of litigation.

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NEWS

SEBI introduces new amendments to strengthen corporate disclosure and market governance

The Securities and Exchange Board of India has recently introduced multiple amendments to securities market regulations with the objective of strengthening investor protection corporate disclosure and governance standards. Another main change is amendments to the SEBI listing obligations and disclosure requirements of regulations. The amendments require greater transparency regarding contractual obligations related to party transactions and disclosure of material events. Listed companies are now expected to adopt more strict reporting mechanisms. SEBI has also introduced reforms relating to merchant bankers and public issue management. The amendment strengthens due diligence obligations and accountability involved in capital market transactions.

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Competition law and merger control reforms reshape Indian corporate transactions

The Indian competition law framework is undergoing substantial transformation following recent amendments affecting merger control procedures and acquisition regulations. The reforms are expected to significantly influence merger acquisition private equity transactions and strategic corporate restructuring in India. One major development concern on market share acquisition and open market purchases. The competition commission of India has introduced reforms intended to simplify procedural requirements while maintaining regulatory oversight over combinations that may adversely affect market competition.

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NEWS

IBC Overrides Statutory Dues: Supreme Court Restores Alpha Corp's Resolution Plan, Rejects GNIDA's Claims

The case is between Alpha Corp Development Private Limited and the Greater Noida Industrial Development Authority (GNIDA), embodying a critical question of Law, i.e., whether the leasehold assets held by subsidiary companies can be treated as part of the Corporate Insolvency Resolution Process (CIRP) of the holding company, and whether the "corporate veil" should be lifted to protect the interests of third-party stakeholders like homebuyers. The brief facts of the case are that Earth Infrastructures Limited (EIL) had been the main developer of various real estate ventures. As per the requirement of GNIDA, EIL formed various subsidiary companies for leasing the land parcels for their respective purposes. EIL, while going into insolvency proceedings, proposed two resolution plans by Alpha Corp and others to develop their respective projects.

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Supreme Court Cancels Bail of Accused Who Evaded Surrender and Threatened Witnesses, Clarifies Injury Not Needed for Section 307 IPC

The case is between Mohseen and The State of Uttar Pradesh & Anr., embodying a critical question of Law, i.e., Whether a High Court can validly grant bail to an accused whose prior bail was cancelled by the Supreme Court without showing a change in factual circumstances or engaging with the reasons for the initial cancellation, and whether the absence of a firearm injury negates an attempt to murder charge under Section 307 of the Indian Penal Code. The fact of the case was that the Appellant's brother was murdered by certain individuals, after which the Appellant was continuously threatened within court premises by the co-accused to force a compromise. Subsequently, on 12th May, 2024, the accused persons intercepted the Appellant's uncle and cousin, demanding they withdraw the murder case before assaulting them.

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NEWS

Can' in Arbitration Agreements in optional, not mandatory: Supreme Court of India

The case is between Nagreeka Indcon Products Pvt. Ltd. and Cargocare Logistics (India) Pvt. Ltd., embodying a critical question of Law, i.e., Whether the use of the word "can" in an arbitration clause creates a mandatory obligation to refer disputes to arbitration, or if it merely suggests a future possibility that requires fresh mutual consent once a dispute arises. The fact of the case was that Nagreeka Indcon Products Pvt. Ltd., a manufacturer of aluminium foil containers, engaged Cargocare Logistics (India) Pvt. Ltd. to ship products to the US.

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Supreme Court Reaffirms Principles of Res Judicata: Holds that Repeated Applications to Reject Lawsuit Are Barred by Law

The Hon'ble Supreme Court of India in B.S. Lalitha and Others v. Bhuvanesh and Others has delivered a landmark ruling emphasizing the sanctity of finality in litigation, specifically focusing on the doctrine of res judicata in procedural law. The central legal issue before the Apex Court was whether a defendant can repeatedly file applications to reject a lawsuit under Order VII Rule 11 of the Civil Procedure Code after a similar plea was previously dismissed and that dismissal had attained finality. Additionally, the Court examined whether Section 6(5) of the Hindu Succession Act, 1956, which protects partitions executed prior to 20th December, 2004, acts as an absolute statutory bar to a partition claim at the threshold stage.

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NEWS

Supreme Court Rules Against Parallel Investigations, Orders Clubbing of Overlapping Real Estate FIRs

The Hon'ble Supreme Court of India in the case of Amit Katyal & Anr. vs. State of Haryana & Anr., has re-emphasized the fundamental principle that multiple First Information Reports (FIRs) cannot be registered across different states for criminal offenses arising out of the same underlying transaction. The primary legal issue before the Apex Court was whether parallel, overlapping criminal investigations by separate state police agencies violate the scheme of the Code of Criminal Procedure and cause undue prejudice to the accused and whether the FIRs should be clubbed or not. Additionally, the Court examined whether a blanket protection order could be granted to restrain law enforcement from taking coercive actions in any future FIRs that might be registered regarding the same real estate project.

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BLOGS

Between Option And Obligation: The Supreme Courts Clears The Air on “CAN” in Arbitration Clauses

Today’s business world involves complex, high-value, and often international transactions. Because of this, companies focus not just on making good deals, but also on having clear and efficient ways to resolve disputes if problems arise. Many see court litigation as slow, public, and rigid, so they often choose arbitration instead, which offers privacy, more control for the parties, and usually faster results. For these reasons, arbitration clauses are now a common part of commercial contracts, added as a risk-management step early on, well before any dispute comes up.

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SEBI’s Buyback Reform Proposal

A share buyback, also known as a share repurchase, is a corporate action through which a listed company purchases its own outstanding shares from existing shareholders. It is commonly used as a mechanism for returning surplus capital and improving shareholder value.

Companies often undertake buybacks when they believe their shares are undervalued or when excess cash cannot be utilised efficiently for expansion or investment.

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BLOGS

Indian 12-year Limitation Period For Adverse Possession is More Dangerous EU Investors Than The LRA 2002

The 12-year limitation period in India for claims involving immovable property poses a greater risk to EU investors than the rules under the UK's Land Registration Act 2002 (LRA 2002), especially for land-backed investments. According to the Limitation Act, 1963, investors must file suit for possession of immovable property or related interests within 12 years from when the right to sue arises (Article 65, Schedule I).

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The 14 Digit Safeguard: How India's 'Bhu-Aadhar' Is Ending the Era of Adverse Possession for Overseas Owners

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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BLOGS

India’s Insolvency Evolution: From A Fragmented Past To A Creditor-Centric Future

India’s insolvency laws have moved from a complex, debtor-friendly system to a simpler, creditor-focused approach with the Insolvency and Bankruptcy Code (IBC). The 2026 Amendment Act builds on the 2016 IBC to fix problems like delays and misuse, aiming for quicker and more effective resolutions.

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The Evolution of Interim Relief: Navigating Sections 9 and 17 of the Arbitration Act

Interim relief serves as a significant safeguard in the arbitration process, ensuring that assets are protected and the final award remains meaningful rather than a “useless victory”. Without these urgent measures, parties might waste assets, change contracts, or tamper with evidence while the tribunal is being formed, leaving the winning party with a hollow win.

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