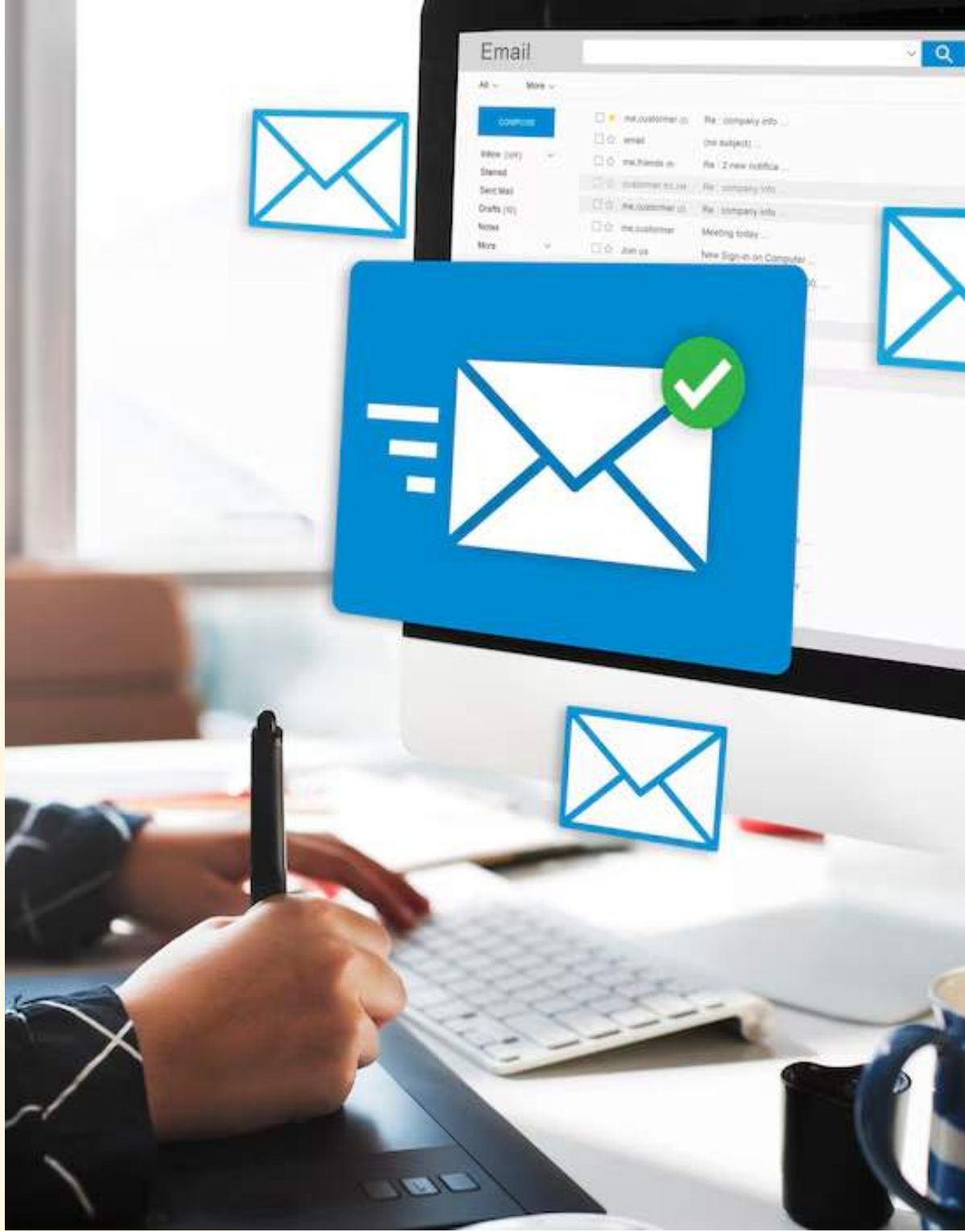


14 April 2025 –19 April 2025



# Manupatra Weekly Wrap

A round-up of the last week's key updates to keep you informed on the go!

# Case Laws



## **ARBITRATION**

**Supreme Court:** Arbitral Tribunal can proceed against party, even if, they weren't served Section 21 notice or named in Section 11 application

*Adavya Projects Pvt. Ltd. Vs. M/S Vishal Structural Pvt. Ltd. & Ors., Dated: 17.04.2025, (MANU/SC/0508/2025; 2025 INSC 507)*

The **Supreme Court** has held that the absence of a Section 21 notice, or exclusion from a Section 11 application under the Arbitration and Conciliation Act, 1996, does not prevent a person from being made a party to arbitral proceedings. The key factor in determining whether someone can be made a party before the arbitral tribunal is whether they are a party to the arbitration agreement.

**Bombay High Court:** Parties can't be denied arbitration under Section 8 of A&C Act, merely on simple allegations of fraud

*Bholashankar Ramsuresh Dubey Vs. Dinesh Narayan Tiwari & Ors., Dated: 17.04.2025, (MANU/MH/2385/2025; 2025:BHC-AS:17495)*

The **Bombay High Court** has observed that a dispute cannot be denied referral to arbitration under Section 8 of the Arbitration and Conciliation Act (A&C), 1996, merely on simple allegations of fraud, unless serious fraud claims affecting the core of the partnership deed with the arbitration clause are clearly established.

## **CIVIL**

**Supreme Court** delivers split verdict on disciplinary action to be taken against an Advocate-On-Record

*N. Eswaranathan Vs. State Represented By The Deputy Superintendent Of Police, Dated: 17.04.2025, (MANU/SC/0509/2025; 2025 INSC 509)*

The **Supreme Court** has delivered a split verdict on disciplinary action to be taken against an Advocate-on-Record and his assisting Advocate who filed a petition that involved suppression of facts. While Justice Bela M Trivedi sought to suspend the AoR's name from the Register of AoRs for one month, Justice Satish Chandra Sharma opined that the punishment would be too harsh.

**Supreme Court:** Once plaint in respect of main relief stands barred, other reliefs claimed also fall down

*Nikhila Divyang Mehta & Anr. Vs. Hitesh P. Sanghvi & Ors., Dated: 15.04.2025, (MANU/SC/0484/2025; 2025 INSC 485)*

The **Supreme Court** has observed that once the plaint or the suit in respect of the main relief stands barred by time, the other ancillary relief claimed therein also falls down. The other reliefs are dependent upon the first relief and cannot be granted until and unless the plaintiff succeeds in the first relief.

## **Supreme Court: Language is a medium for exchange of ideas not become a cause of division**

Mrs. Varshatai W/O. Sh. Sanjay Bagade Vs. The State of Maharashtra Through Its Secretary, Ministry of Law and Judiciary, Mantralaya, Mumbai and Ors. Etc., Dated: 15.04.2025, (MANU/SC/0485/2025; 2025 INSC 486)

The **Supreme Court** has observed that the Municipal Council is there to provide services to the local community of the area and cater to their immediate day-to-day needs. If people or a group of people, residing within the area covered by the Municipal Council are familiar with Urdu, then there should not be any objection if Urdu is used in addition to the official language at least on the signboard of the Municipal Council. Language is a medium for exchange of ideas that brings people holding diverse views and beliefs closer and it should not become a cause of their division.

## **Delhi High Court: Company cannot assert jurisdiction based solely on location of its headquarters if cause of action arose at different place**

M/S Kohinoor Seed Fields India Pvt Ltd. Vs. M/S Veda Seed Sciences Pvt Ltd., Dated: 16.04.2025, (MANU/DE/2615/2025; 2025:DHC:2593)

The **Delhi High Court** has observed that “*The plaintiff cannot claim jurisdiction only on the basis of the location of its head office in Delhi, when it has subordinate office(s) at place(s) where the cause of action has arisen*”.

## **CRIMINAL**

### **Supreme Court: Peaceful protests by consumers do not constitute defamation**

Shahed Kamal & Ors. Vs. M/S A. Surti Developers Pvt. Ltd. & Anr., Dated: 17.04.2025, (MANU/SC/0505/2025; 2025 INSC 502)

The **Supreme Court** has observed that “*A right to protest peacefully without falling foul of the law is a corresponding right, which the consumers ought to possess just as the seller enjoys his right to commercial speech. Any attempt to portray them as criminal offences, when the necessary ingredients are not made out, would be a clear abuse of process and should be nipped in the bud*”.

### **Supreme Court: Res judicata applies to criminal cases, findings in one case bind parties in later cases**

S.C. Garg Vs. State Of Uttar Pradesh & Anr., Dated: 16.04.2025, (MANU/SC/0489/2025; 2025 INSC 493)

The **Supreme Court** by taking into consideration the case of Pritam Singh & Anr. vs. The State of Punjab, observed that “*the principle of res judicata is equally applicable in criminal matters*”.

**Supreme Court: Subsequent judgment that overrules earlier one applies retrospectively, unless explicitly stated otherwise**

*Directorate Of Revenue Intelligence Vs. Raj Kumar Arora & Ors., Dated: 17.04.2025, (MANU/SC/0500/2025; 2025 INSC 498)*

The **Supreme Court** has observed that “*if the subsequent decision alters or overrules the earlier one, it cannot be said to have made a new law. The correct principle of law is just discovered and applied retrospectively. In other words, if in a given situation an earlier decision of the court operated for quite some time and it is overruled by a subsequent decision, the decision rendered subsequently would have retrospective effect and would serve to clarify the legal position which was not clearly understood earlier*”.

**Supreme Court: Child trafficking trials to be concluded within 6 months**

*Pinki Vs. State Of Uttar Pradesh And Anr., Dated: 15.04.2025, (MANU/SC/0486/2025; 2025 INSC 482)*

While revoking the bail of all the accused allegedly involved in a major human trafficking racket involving minors, the **Supreme Court** issued general directives to fast-track the trial of such cases. The Court instructed all High Courts to gather relevant information on the status of pending child trafficking trials, issue a circular mandating their completion within six months, and submit a report to the Court thereafter.

**Delhi High Court issued guidelines for timely legal support to minor rape victims seeking termination of pregnancy**

*Minor S (Thr. Father B) Vs. State & Anr., Dated: 17.04.2025, (MANU/DE/2656/2025; 2025:DHC:2710)*

The **Delhi High Court** has issued a series of guidelines to ensure prompt and proper, legal and medical support for minor rape victims seeking medical termination of pregnancy. The directive was issued considering that when a minor rape victim or her family consents to a medical termination of pregnancy, an urgent court order is necessary to proceed with the procedure.

**Patna High Court: Purpose of law is to reform children in conflict; punishing them would be self-destructive for society**

*X Vs. The State of Bihar, Dated: 16.04.2025, (MANU/BH/0479/2025)*

The **Patna High Court** has observed that “*The J.J.(Juvenile Justice (Care and Protection of Children) Act, 2015) Act is based on the belief that children are the future of the society and in case they go into conflict with law under some circumstances, they should be reformed and rehabilitated and not punished. No society can afford to punish its children. Punitive approach towards children in conflict with law would be self-destructive for the society*”.

## **CONSTITUTION**

### **Supreme Court: Article 32 writ petitions cannot be used to challenge our own judgments**

*Satish Chander Sharma & Ors. Vs. State Of Himachal Pradesh & Ors., Dated: 16.04.2025, (MANU/SC/0499/2025; 2025 INSC 491)*

The **Supreme Court** has observed that “A litigant who is aggrieved by a decision rendered by this Court in a special leave petition or in a civil appeal arising therefrom can seek its review by invoking the review jurisdiction and thereafter through a curative petition. But such a decision cannot be assailed in a writ proceeding under Article 32 of the Constitution of India”.

## **COMPETITION LAW**

### **CCI imposes ₹2.69 crore fine on UFO Moviez and Qube Cinema for engaging in anti-competitive practices**

*PF Digital Media Services Ltd. & Ors. Vs. UFO Moviez India Ltd. & Ors., Dated: 16.04.2025, (MANU/CO/0014/2025)*

The **Competition Commission of India** (CCI) has levied a total fine of ₹2.69 crore on UFO Moviez, its subsidiary Scrabble Digital, and Qube Cinema Technologies for engaging in anti-competitive conduct that negatively impacted competition in India’s digital cinema exhibition sector.

## **EDUCATION**

### **Madras High Court: Inspector general of registration to ensure that no society is registered with caste name**

*M/S .South Indian Senguntha Mahajana Sangam Vs. The State of Tamil Nadu & Ors., Dated: 16.04.2025, (MANU/TN/1605/2025)*

The **Madras High Court**, while asking the Inspector General of Registration to ensure that no society is registered with a caste name, has observed that if caste is perpetuated it inevitably results in a breach of fraternity within society, leading to ill feelings and enmity among groups.

## **INTELLECTUAL PROPERTY RIGHTS**

### **Supreme Court outlines two-pronged test to differentiate copyrighted works from industrial designs**

*Cryogas Equipment Private Limited & Others Vs. Inox India Limited and Others, Dated: 15.04.2025, (MANU/SC/0487/2025; 2025 INSC 483)*

The **Supreme Court** has observed that “a two-pronged approach in order to crack open the conundrum caused by Section 15(2) of the Copyright Act so as to ascertain whether a work is qualified to be protected by the Designs Act”. Courts while applying this test must conduct a case-specific analysis, guided by statutory law, judicial precedents, and comparative jurisprudence.

## **Delhi High Court: PPL cannot issue licenses for sound recordings in its repertoire unless it is registered as copyright society**

Azure Hospitality Private Limited Vs. Phonographic Performance Limited, Dated: 15.04.2025, (MANU/DE/2588/2025; 2025:DHC:2561-DB)

The **Delhi High Court** has observed that “We, therefore, are unable to accept the principle that Phonographic Performance Limited (PPL) was entitled, without either registering itself as a copyright society or becoming a member of any registered copyright society, to issue licenses in respect of the sound recordings assigned to it under Section 18(1) of the Copyright Act”.

## **DIRECT TAXATION**

### **Supreme Court: Courts must notify income tax authorities about lawsuits involving cash payments exceeding ₹2 lakh**

The Correspondence, RANMS Educational Institution Vs. B. Gunashekar & Another, Dated: 16.04.2025, (MANU/SC/0492/2025; 2025 INSC 490)

The **Supreme Court** has directed that in cases where a suit involves claims of cash payments amounting to ₹2 lakh or more, the concerned court must notify the local Income Tax Department. This is to allow verification of the transaction for any potential violation of Section 269ST of the Income Tax Act.

## **LIMITATION**

### **Supreme Court: Limitation period starts when cause of action initially arises, not when full awareness of dispute is gained**

Nikhila Divyang Mehta & Anr. Vs. Hitesh P. Sanghvi & Ors., Dated: 15.04.2025, (MANU/SC/0484/2025; 2025 INSC 485)

The **Supreme Court** has observed that “It is a complete fallacy to make any distinction between “knowledge” and “full knowledge”. First of all, the limitation has to run from the date when the cause of action first accrued and not any subsequent date for the cause of action”.

## **INSURANCE**

### **Delhi High Court suggests to develop mechanism to smoothen discharge process and settling of medical Bills**

Shashank Garg Vs. State & Ors., Dated: 17.04.2025, (MANU/DE/2646/2025; 2025:DHC:2699)

The **Delhi High Court** has observed that “harassment and mental trauma by the patients and their family members who are pushed to follow the matter with the Insurance Company for getting the requisite approvals which is riddled with delays at the end of the Insurance Companies, is well understandable. Much angst has been expressed on this system of getting the approvals from the Insurance Company at many forums and by the Courts, but such situation may be a ground for seeking compensation for mental harassment, but does not tantamount to any criminal offence”.

## **INSOLVENCY**

**NCLAT:** Petition under Section 7 of IBC cannot be entertained during moratorium period granted under approved restructuring plan

Catalyst Trusteeship Ltd. Vs. Ecstasy Realty Pvt. Ltd., Dated: 16.04.2025, (MANU/NL/0313/2025)

The **National Company Law Appellate Tribunal** (NCLAT) has observed that once debenture holders have accepted and acted upon a restructuring proposal from the Corporate Debtor, which includes a moratorium on repayment obligations, they cannot file a petition under Section 7 of the Insolvency and Bankruptcy Code, 2016, during the moratorium period. This is especially applicable when the Corporate Debtor has complied with the terms of the proposal agreed upon by the financial creditors.

**NCLAT:** Date of default mentioned in Section 7 IBC application cannot be automatically altered based on arbitral award issued after application was filed

Deepak Mahadev Shirke Vs. Unity Small Finance Bank Limited & Ors., Dated: 16.04.2025, (MANU/NL/0312/2025)

The **National Company Law Appellate Tribunal** has observed that the date of default stated in Part IV of a Section 7 application under the Insolvency and Bankruptcy Code, 2016, cannot be altered solely on the ground that an arbitral award was issued after the application was filed.

**NCLAT:** Adjudicating Authority cannot assume applicability of interest on principal amount without clear agreement between parties

Shitanshu Bipin Vora Suspended Director of Exclusive Linen Fabrics Pvt. Ltd. Vs. Shree Hari Yarns Pvt. Ltd. & Ors., Dated: 16.04.2025, (MANU/NL/0310/2025)

The **National Company Law Appellate Tribunal** has observed that while considering an application under Section 9 of the Insolvency and Bankruptcy Code, 2016, the Adjudicating Authority cannot assume the applicability of interest based on vague references in the Operational Creditor's invoices. In the absence of a specific agreement between the parties outlining interest on delayed payments, such interest claims are not legally valid.

## **PROPERTY**

**Supreme Court:** Buyer under sale agreement can't sue third party claiming property title and possession

The Correspondence, RBANMS Educational Institution Vs. B. Gunashekar & Another, Dated: 16.04.2025, (MANU/SC/0492/2025; 2025 INSC 490)

The **Supreme Court** has observed that “an agreement to sell does not confer any right on the proposed purchaser under the agreement. Therefore, as a natural corollary, any right, until the sale deed is executed, will vest only with the owner, or in other words, the vendor to take necessary action to protect his interest in the property”.



## **SERVICE**

### **Supreme Court: Indian Military Nursing Service personnel are eligible for civil posts under ex-servicemen quota in Punjab**

Irwan Kour Vs. Punjab Public Service Commission & Ors., Dated: 16.05.2025, (MANU/SC/0490/2025; 2025 INSC 494).

The **Supreme Court** has observed that “*The State Government recognises the contribution of a resident of the State of Punjab by joining the armed forces of the Union. Serving the nation as part of the armed forces of the Union requires physical fitness and that has everything to do with age. As they serve and exit the armed forces, they may be spent force for military, but continue to be young and capable for civil life. Their engagement in civil society is not merely a matter of employment opportunity for ex-servicemen but also subserves the larger interest of the nation and also in building a fair and a healthy society*”.

## **SALES TAX**

### **Supreme Court upholds Rajasthan HC's order striking down Rule 17(20) of Central Sales Tax (Rajasthan) Rules**

State Of Rajasthan & Ors. Vs. Combined Traders, Dated: 16.04.2025, (MANU/SC/0493/2025; 2025 INSC 496).

The **Supreme Court** while upholding Rajasthan High Court's decision striking down Rule 17(20) of the Central Sales Tax (Rajasthan) Rules, 1957 as ultra vires, has stated that the State Government cannot frame rules in exercise of power under Section 13(3) which will be inconsistent with the rules framed by the Central Government in exercise of powers under Section 13(1) of the CST Act, 1956.

## **TENANCY**

### **Bombay High Court: Statutory protection under MRC Act cannot be bypassed by filing arbitration petition for 'speedy eviction'**

SJK Buildcon LLP Vs. Kusum Pandurang Keni & Ors., Dated: 16.04.2025, (MANU/MH/2306/2025; 2025:BHC-OS:6397).

The **Bombay High Court** has observed that Section 9 of the Arbitration and Conciliation Act, 1996, cannot be used to bypass the statutory protections granted to tenants under the Maharashtra Rent Control Act (MRC), 1999. The Court emphasized that interim relief under Section 9 is meant to support arbitral proceedings and must not conflict with the special legal framework governing eviction and redevelopment under the Rent Act. It held that disputes involving protected tenants fall within the exclusive jurisdiction of the Small Causes Court under the non-obstante Section 33 of the Rent Act. Therefore, Section 9 cannot be invoked to seek 'speedy eviction' when tenancy rights are upheld by a binding decree.

A hand holding a smartphone is shown in a close-up, slightly blurred background. Above the phone, three white notification icons (envelopes with checkmarks) are floating, each with two curved lines above it indicating a signal or vibration. The overall scene is set against a warm, golden-brown bokeh background.

# Notification Updates

## **Ministry of Culture**

**Press Information Bureau, Dated: 17.04.2025, MANU/PIBU/0381/2025**

The **Archaeological Survey of India** will waive entry fees at its monuments on World Heritage Day to encourage public engagement with India's cultural heritage. This initiative aims to promote awareness about safeguarding heritage sites from disasters and conflicts, emphasizing the importance of conservation and citizen involvement.

## **Ministry of Communications**

**Press Information Bureau, Dated: 17.04.2025, MANU/PIBU/0380/2025**

The **Telecom Regulatory Authority of India** conducted Independent Drive Tests in six Licensed Service Areas to assess the quality of voice and data services provided by major telecom operators. The tests evaluated key performance indicators such as call setup success rate, drop call rate, and data throughput. The results showed varying performance levels among the operators across different regions and technologies.

**Press Information Bureau, Dated: 16.04.2025, MANU/PIBU/0377/2025**

The **Telecom Regulatory Authority of India** has extended the deadline for stakeholders to submit comments on the pre-consultation paper regarding the review of existing interconnection regulations. The new deadline allows more time for stakeholders to provide their inputs.

## **Ministry of Consumer Affairs, Food & Public Distribution**

**Press Information Bureau, Dated: 17.04.2025, MANU/PIBU/0379/2025**

The **Central Consumer Protection Authority** (CCPA) has advised coaching centres to comply with the Consumer Protection Act, 2019 and guidelines to prevent misleading advertisements. Notices were issued to some centres for making false claims and engaging in unfair practices. The guidelines aim to enhance transparency and protect students from exploitation.

**Press Information Bureau, Dated: 14.04.2025, MANU/PIBU/0366/2025**

The Centre has introduced draft rules for gas meters under the Legal Metrology (General) Rules, 2011, requiring mandatory testing, verification, and stamping to ensure accurate gas measurement and consumer protection. These rules aim to prevent overcharging, reduce disputes, and align with international standards, benefiting both consumers and the gas industry. The initiative reflects India's commitment to modernizing its measurement ecosystem and promoting fair trade practices.

## **Ministry of Petroleum and Natural Gas**

**Notification No. : GSR228(E), Dated: 16.04.2025, MANU/PETR/0001/2025**

The **Central Government** hereby appoints 15th of April, 2025 as the date on which the Oilfields (Regulation and Development) Amendment Act, 2025 shall come into force.

## **Ministry of Labour and Employment**

**Press Information Bureau, Dated: 15.04.2025, MANU/PIBU/0371/2025**

The **Ministry of Labour & Employment** has signed an MoU with Swiggy to enhance gig and logistics employment opportunities through the National Career Service portal, aiming to create over 12 lakh job opportunities in 2-3 years. This collaboration will integrate Swiggy's gig roles onto the NCS portal, improving job visibility and access for job seekers, particularly youth and women, while promoting inclusive hiring and digital empowerment.

**Notification No. : SO1716(E), Dated: 15.04.2025, MANU/LABR/0010/2025**

The **Central Government** has appointed May 1, 2025, as the enforcement date for specific provisions of the Employees' State Insurance Act, 1948.

## **Ministry of Mines**

**Press Information Bureau, Dated: 16.04.2025, MANU/PIBU/0374/2025**

The **Ministry of Mines** has issued guidelines for establishing Centres of Excellence under the National Critical Mineral Mission to promote research and technology development in critical minerals. These centers will focus on innovative research and collaboration with industry and academic partners to advance technology readiness in critical mineral sectors.

## **Securities and Exchange Board of India**

**Circular No.: SEBI/HO/IMD/IMD-RAC/P/CIR/2025/54, Dated: 11.04.2025, MANU/SMFD/0009/2025**

The **Securities and Exchange Board of India** (SEBI) has issued a circular detailing the application and Investment Strategy Information Document (ISID) formats for Specialized Investment Funds (SIF). Mutual Funds intending to establish SIFs must follow the specified procedures and formats to ensure uniformity and efficient processing of applications.

## **Ministry of Personnel, Public Grievances & Pensions**

**Press Information Bureau, Dated: 16.04.2025, MANU/PIBU/0375/2025**

The 20th edition of the 'Secretariat Reforms' report for March 2025 highlights initiatives in governance transformation, focusing on Swachhata, reducing pendency, and e-Office implementation. Key achievements include significant revenue from scrap disposal, effective record management, and increased efficiency in decision-making through digital adoption. The report underscores the government's commitment to transparent and efficient administration.

# News



## **Arbitration**

**15.04.2025**

The **Supreme Court** has proposed amendments in the Supreme Court Rules, 2013 and issued a circular inviting suggestions/view from stakeholders regarding the same.

The **Supreme Court** has proposed formation of an independent, impartial, neutral Tribunal to conduct the bar elections in Haryana after noting extremely disturbing allegations on the administrative side.

## **Civil**

**17.04.2025**

The **Supreme Court**, while disposing of petitions seeking access to courtroom proceedings through virtual court links, has given liberty to the petitioners to approach the concerned High Courts and the various E-Committees constituted to deal with the issue.

The **Supreme Court** has shown an inclination to appoint a Commission of Inquiry to enquire into the activities of Sports Federations across India and stated that, other than sportsperson and sports activity, these federations have everything.

The **Supreme Court**, while hearing a transfer petition, has expressed reluctance to transfer to itself petitions challenging the State laws against religious conversions pending in various High Courts.

Chief Justice of India Sanjiv Khanna has written to the Union Law Ministry, recommending **Justice B.R. Gavai** as his successor for the position of CJI.

The **Bombay High Court** directed the State Advisory Board on Disability to promptly address the concerns of differently abled individuals regarding accessibility at bus stops.

The **Rajasthan High Court** initiated a suo motu case over the State government's failure to take action to mitigate the impact of the extreme heatwave.

**15.04.2025**

The **Supreme Court** has stayed an order passed by the Jammu & Kashmir and Ladakh High Court that directed a reduction in toll fees until the completion of construction on the Lakhanpur-Udhampur stretch on the ground that the collection of tolls was unfair if the road was in bad shape.

## Criminal

**17.04.2025**

Referring to Draupadi from the Mahabharat to highlight how women have historically been viewed as a husband's property, the **Delhi High Court** discharged a man in an adultery case filed by the woman's husband.

**16.04.2025**

While quashing a case under Section 498A of the IPC against a father-in-law and mother-in-law, the **Supreme Court** recently noted that High Courts, when considering petitions filed by a husband's relatives under Section 482 of the CrPC, must assess the possibility of the complaint being motivated by malice.

**15.04.2025**

The **Supreme Court** has dismissed a Public Interest Litigation (PIL) that sought balanced protection for all parties in matrimonial cases under Section 498A of the IPC, 1860, and stated that the plea that such provision is violative of Article 14 of the Constitution of India is wholly misconceived and misdirected.

The **Supreme Court** has taken objection to an order passed by Allahabad High Court that granted bail to a rape accused while observing that the victim "herself invited trouble" for the alleged act of rape.

## Constitution

**17.04.2025**

The **Central Government** in response to the petitions challenging the Waqf (Amendment) Act, 2025 has informed the Supreme Court that certain key provisions shall not be acted upon for the time being.

**16.04.2025**

The **Supreme Court**, while hearing petitions on the constitutionality of the Waqf(Amendment) Act, 2025, has stated that the violence taking place during protests against the Act is very disturbing.

## Election

**17.04.2025**

The **Supreme Court** granted a two-week extension to the Union government and the Election Commission of India (ECI) to file their response to a petition challenging the recent amendment to the Conduct of Elections Rules, 1961, which limits public access to polling footage and related records.

## Environment

**16.04.2025**

The **Supreme Court** while hearing a matter on large scale tree felling in Telangana, has directed Wildlife Warden of Telangana to examine and put into effect immediate steps required to be undertaken to protect wildlife which has been affected on account of the deforestation in the 100 acres of kancha gachibowli.

## Intellectual Property Rights

**17.04.2025**

The **Delhi High Court**, in a plea filed by alcoholic beverages manufacturer Diageo Scotland Limited which produces 'Captain Morgan', has directed the removal of 'Captain Blue' mark from the Trade Marks Registry.

Hindustan Unilever Limited (HUL), the owner of the Lakme brand, informed the **Delhi High Court** on Thursday that it will withdraw and republish its advertisements after removing content that allegedly disparages Honasa Consumer Limited's Derma Co brand.

**16.04.2025**

Honasa Consumer filed a case in the **Delhi High Court** against Hindustan Unilever Limited (HUL), alleging that a Lakme ad campaign disparaged its Derma Co. sunscreen.

## Insolvency

**16.04.2025**

The **National Company Law Appellate Tribunal** granted Alphabet Inc. and Google's request to redact specific portions of its recent ruling in the Google Play Store billing case.

## Human Rights

**17.04.2025**

The **Supreme Court** strongly criticized a foreign court's order imposing a travel ban on a child amid a matrimonial dispute, calling it "atrocious," a violation of human rights, and equivalent to house arrest.



## Motor Vehicle

**17.04.2025**

The **Supreme Court** directed all States and Union Territories to develop and implement comprehensive protocols within six months to ensure prompt assistance for road accident victims.

## Media & Communication

**17.04.2025**

The **Supreme Court** overturned the injunction orders previously issued by the Delhi High Court that had directed the removal of "defamatory and false" content from the Wikipedia page of news agency ANI Media Pvt Ltd.



# International Updates

## **Capital Market**

### **Federal Court proceedings launched against FIIG Securities for cybersecurity failures**

The Australian Securities and Investments Commission has initiated proceedings in the Federal Court against FIIG Securities Limited, accusing the company of neglecting its cybersecurity obligations under its Australian Financial Services Licence. The Commission alleges that over a four-year period, FIIG Securities failed to implement reasonable cybersecurity protections, thereby exposing itself and its clients to undue risk. This case is only the second of its kind brought by the Commission, following its 2022 action against RI Advice Group, and reflects the regulator's declared enforcement priority for the year 2025 to address such licensee failures. The issue has gained added urgency following recent cyberattacks in April 2025 that compromised the data of several superannuation fund holders across Australia.

## **Competition & Antitrust**

### **High Court clarifies the scope of 'understanding' in secondary boycott prohibitions**

The High Court of Australia has ruled in favour of J Hutchinson Proprietary Limited in a case concerning the interpretation of an 'understanding' under sections 45E and 45EA of the Competition and Consumer Act 2010. The Australian Competition and Consumer Commission had appealed a decision by the Full Federal Court, arguing that Hutchinson's conduct amounted to an anti-competitive understanding with the Construction, Forestry and Maritime Employees Union. However, the High Court held that merely complying with union threats under the threat of industrial action does not, without any express or implied agreement, amount to an understanding within the meaning of the Act. This judgment narrows the interpretation of anti-competitive conduct in the context of industrial relations pressures.

### **First legal action for breach of button battery safety standards filed against City Beach**

The Australian Competition and Consumer Commission has taken enforcement action against Fewstone Proprietary Limited, which trades as City Beach, for allegedly selling products that do not comply with mandatory safety standards for items containing button batteries. The Commission is seeking penalties, declarations, injunctive relief and legal costs in what marks the first court proceedings initiated on this issue. Prior enforcement actions had been limited to infringement notices and undertakings. Notably, City Beach had previously received warnings from state fair trading authorities but continued its non-compliant conduct. This case highlights the regulator's ongoing commitment to product safety, especially concerning young children, in its enforcement strategy for the financial year 2026.

### **ACCC releases draft guidelines under new merger regime to assess competition risks**

Following the passage of the Treasury Laws Amendment (Mergers and Acquisitions Reform) Bill 2024, the Australian Competition and Consumer Commission has published its draft merger assessment guidelines. These guidelines lay out how the Commission will assess the impact of mergers on competition under the new mandatory regime, which takes effect from 1 January 2026. Voluntary notifications may commence from 1 July 2025. The draft replaces earlier guidelines and includes updated concepts such as cumulative acquisitions, effects on multi-sided platforms, and data-related concerns. It also elaborates on the 'net public benefit' test and transitional arrangements for merger reviews already underway.

## **Internet & Social Media**

### **NSW Supreme Court grants aggravated damages and injunction in defamation case**

In a significant defamation ruling, the Supreme Court of New South Wales has awarded aggravated damages and granted a permanent injunction against Adam Whittington, who had published a series of defamatory statements on social media about Jasmin Newman, a family dispute resolution practitioner. The case centred around twelve publications which conveyed over fifty defamatory imputations, including serious allegations of paedophilia support, fraud, and professional dishonesty. The Court found these publications to be unjustified and motivated by animosity towards a book authored by the plaintiff, which referred to the defendant. The judgment underscores the legal risks of continued online defamation and reinforces the scope of remedies available in such cases.



## **Energy & Natural Resources**

### **Alberta drops day-ahead commitment and scheduling markets from its restructured energy plan**

The Alberta Electric System Operator announced that it will no longer proceed with the Day-Ahead Commitment and Day-Ahead Energy Scheduling markets under its proposed Restructured Energy Market framework. These mechanisms were originally designed to improve certainty in generation commitments and manage price volatility. However, after receiving feedback from industry stakeholders between December 2024 and March 2025, concerns emerged about the risks of over-procurement and elevated consumer costs due to rigid pricing models. The absence of independent oversight was also flagged as a serious governance issue. As a result, the Alberta Electric System Operator decided to revise its approach to market reform.

### **Alberta introduces Bill 52 to support energy market reform and transmission planning**

The Alberta Minister of Affordability and Utilities, Nathan Neudorf, tabled Bill 52 titled the Energy and Utilities Statutes Amendment Act, 2025. The proposed legislation seeks to amend several key statutes including the Electric Utilities Act, Gas Distribution Act, Gas Utilities Act, Hydrogen and Electric Energy Act, and Petroleum Marketing Act. The amendments aim to provide legislative support for Alberta's Restructured Energy Market and implement updated policies for electricity transmission planning. Notably, the Bill also allows the blending of hydrogen into consumer natural gas and grants authority to create new rules and regulations for the Alberta Electric System Operator in operating the energy system.

# CHINA

## Competition & Antitrust

### **First individual penalty issued in antitrust case involving pharmaceutical collusion**

China's antitrust enforcement agency has imposed administrative penalties on three pharmaceutical companies and one individual for engaging in price-fixing and market division practices. The investigation revealed that the companies colluded to artificially raise the price of a commonly used aesthetic product by up to twenty-one times and agreed to divide distribution markets. Notably, this is the first time an individual—referred to as Individual A, a sales manager—has been fined for participation in such collusion, receiving a penalty of five hundred thousand Chinese Yuan. One company benefitted from an eighty percent fine reduction for self-reporting the conduct, illustrating the incentive framework under China's Leniency Guidelines for Horizontal Monopoly Agreements.

## Information Technology & Data Protection

### **China clarifies administrative policies on cross-border data transfers through new Q&A**

The Cyberspace Administration of China released a Q&A document offering clarity on its administrative approach to regulating cross-border data transfers under the recently introduced Provisions on Facilitating and Regulating Cross-border Data Flow. Among other clarifications, the document explains that individual Pilot Free Trade Zones may adopt the negative list of another Zone within the same industry to promote consistency and avoid duplication. Additionally, the necessity of transferring personal data across borders must be assessed under Articles 6 and 19 of the Personal Information Protection Law, which require that such transfers be directly related to the stated purpose of data processing. The Q&A aims to support enterprises in complying with national security and data protection frameworks.

# HONG KONG

## Healthcare & Life Sciences

### **Medical Council finds doctors guilty of professional misconduct over practice promotion**

The Medical Council of Hong Kong has released two disciplinary decisions addressing improper promotion of medical practices, one through social media and the other via a magazine article. In the first case (MC 22/664), a general surgeon was held accountable for content posted by his wife, who managed a public social media page that featured details of patient cases, surgical procedures, and expressions of patient gratitude. The Council found that the doctor, despite not directly making the posts, failed in his duty to ensure compliance with the Medical Council's Code of Professional Conduct for the Guidance of Registered Medical Practitioners. He was found guilty of professional misconduct for allowing the impermissible promotion to continue for nearly two years before requesting its removal.

# JAPAN

## Information Technology & Data Protection

### **Supreme Court broadly interprets unfair competition law in e-book circumvention case**

The Supreme Court of Japan has upheld the conviction of developers who created and distributed a software tool designed to bypass anti-capture mechanisms in an e-book viewer. Company X had encrypted its digital books using a proprietary format and included a program, Software G, to restrict access to decrypted content exclusively within its viewer. However, individuals referred to collectively as Y created and distributed a program named Comisuke 3 that allowed users to access the content outside the viewer, thus interfering with the embedded technological restrictions. Under the Unfair Competition Prevention Act, which criminalizes actions that undermine such digital restrictions, the court affirmed that the provision of this program constituted unfair competition.

# MALAYSIA

## Banking

### **Bank Negara Malaysia issues new policy on business transfers for financial institutions**

Bank Negara Malaysia issued a revised Policy Document on Transfers of Business, replacing its earlier 2016 version. The updated policy applies to a broad range of licensed entities, including banks, investment banks, Islamic banks, insurers, and takaful operators, along with any transferee, whether licensed or not. The document outlines requirements under Section 100 of the Financial Services Act 2013 and Section 112 of the Islamic Financial Services Act 2013. It also provides guidance for foreign insurers and takaful operators with respect to Malaysian and foreign policies issued within the country, offering greater clarity and governance around the transfer process.

## Energy & Natural Resources

### **Energy Commission sets new safety and compliance standards for electric vehicle charging systems**

The Energy Commission of Malaysia published new Guidelines on Electric Vehicle Charging System on 24 February 2025. The Guidelines aim to standardize safety requirements under the Electricity Supply Act 1990, define procedures for the approval and installation of electric vehicle supply equipment, and clarify the roles and responsibilities of operators. The regulations apply to Charge Point Operators—entities registered with the Companies Commission of Malaysia—that own or manage charging stations or individual charging points. These measures are intended to ensure safe and efficient operation of Malaysia's expanding electric vehicle infrastructure.

## **New guidelines issued for Malaysia's rooftop solar energy aggregation initiative**

The Energy Commission has released the official framework for the Community Renewable Energy Aggregation Mechanism, known as CREAM. This initiative allows homeowners to lease rooftop space to local renewable energy developers, who can then install solar photovoltaic systems. These developers will aggregate electricity output from multiple rooftops and distribute it within a five-kilometre radius using the distribution system of Tenaga Nasional Berhad. This distribution will be carried out under the New Energy Dispatch Arrangement. The CREAM Guidelines establish operational roles, technical requirements, and legal obligations to enable community-driven solar energy production.

## **SINGAPORE**

### **Capital Market**

#### **Profits from Ponzi scheme clawed back despite investor's ignorance, rules Court of Appeal**

In a landmark ruling, the Singapore Court of Appeal held that CH Biovest Private Limited must return S\$2.3 million in profits it had withdrawn from a Ponzi scheme orchestrated by Envy Asset Management Private Limited. In the case titled *CH Biovest Pte Ltd v Envy Asset Management Pte Ltd (in liquidation) and others* (SGCA 3), the Court confirmed the High Court's earlier decision under *Envy Asset Management v CH Biovest Pte Ltd* (SGHC 46). The Court clarified that ignorance of the fraudulent nature of the scheme does not protect investors from clawback actions under statutory avoidance provisions. The judgment emphasizes that early exiters from fraudulent investment schemes are not entitled to retain gains that arise from such arrangements.

## **USA**

### **Tax**

#### **Petitions filed to add new chemicals to list of Superfund excise taxable substances**

The Internal Revenue Service announced the filing of several petitions to include new chemical substances under the Superfund excise tax regime. Companies such as TPC Group, Inc., Trinseo LLC, Arlanxeo USA LLC, Arlanxeo Canada Inc., and Michelin North America, Inc. submitted petitions requesting taxation of chemicals like polyisobutylene, acrylonitrile butadiene styrene, various types of rubber including acrylonitrile-butadiene and emulsion styrene-butadiene, and chloroprene rubber. These additions are expected to broaden the tax base of the Superfund program, which is designed to finance cleanup of hazardous waste sites through taxes on polluting substances.

### **Arbitration & Alternative Dispute Resolution**

#### **American Arbitration Association launches consumer mediation rules and fees**

The American Arbitration Association announced new Consumer Mediation Procedures along with a dedicated fee schedule. The update is aimed at making mediation more user-friendly and transparent, especially for consumers who are self-represented and unfamiliar with dispute resolution processes. Previously, there was no clear guidance on mediation benefits or costs under the American Arbitration Association's framework. The organization highlights the benefits of mediation such as cost-effectiveness, faster resolutions, and flexible, mutually agreed solutions. The rules apply from the date of submission of a Request for Mediation and require both parties to agree to these procedures.

## **Banking**

### **Court clarifies that actual knowledge is needed for bank liability in phishing-related fund transfers**

In *Studco Building Systems US, LLC v. 1st Advantage Federal Credit Union*, decided on March 26, 2025, and amended on April 2, 2025, the United States Court of Appeals for the Fourth Circuit ruled that banks and credit unions are not liable for Automated Clearing House or Electronic Funds Transfer frauds unless they have actual knowledge of a mismatch between the account number and the recipient name. The court found that financial institutions are permitted to rely solely on the account number during transfers. The case involved a phishing scam in which a fraudulent email led to misdirected payments by a metal fabrication company, underscoring the need for internal controls but limiting bank liability in the absence of direct knowledge.

### **Consumer Financial Protection Bureau shifts focus back to banks and fraud enforcement**

The Consumer Financial Protection Bureau issued a memo in April 2025 outlining its supervision and enforcement goals for the year. A key change is the reduction of supervisory examinations by fifty percent to cut operational costs and reduce pressure on businesses. The Bureau will also reorient its oversight back toward traditional depository institutions such as banks, reversing a trend of increased scrutiny on nonbank entities. Fraud cases causing direct consumer harm will be prioritized, especially those involving identifiable victims and quantifiable financial damage. The Bureau aims to streamline enforcement while still ensuring accountability in the financial sector.

### **Litigation over Consumer Financial Protection Bureau's credit card late fee cap may soon conclude**

The Consumer Financial Protection Bureau has informed the United States District Court for the Northern District of Texas that it anticipates a possible resolution to the ongoing litigation concerning its regulation that caps credit card late fees at eight United States dollars. The case was initiated by the Chamber of Commerce of the United States of America and others, challenging the validity of the rule. In its latest filing dated March 14, 2025, the Bureau stated that it is reassessing its position on this and other recent agency actions, with a potential agreement with the plaintiffs expected by mid-April. This litigation has been pending for over a year and may now reach a conclusion amidst a broader review of policy direction in light of the upcoming administrative transition scheduled for February 2025.

## **Capital Markets**

### **Securities and Exchange Commission outlines new disclosure guidance for crypto-related securities**

The Division of Corporation Finance within the United States Securities and Exchange Commission issued a public statement on April 10, 2025, addressing disclosure expectations for issuers whose offerings relate to blockchain networks, decentralized applications, and crypto assets. The statement emphasizes the unique operational nature of crypto-related businesses and encourages issuers to engage with the Commission on their regulatory obligations. This guidance, released during ongoing work by the Commission's Crypto Task Force, aims to clarify disclosure practices under the Securities Act of 1933 and the Securities Exchange Act of 1934. It also signals a broader shift in the Commission's approach towards more transparent dialogue with market participants outside the context of enforcement actions.



## **Senator Elizabeth Warren demands investigation into political influence on Securities and Exchange Commission crypto policy**

Senator Elizabeth Warren has formally requested the Office of Inspector General within the United States Securities and Exchange Commission to investigate whether political interference influenced the agency's recent decisions regarding crypto enforcement. In her letter dated April 2, 2025, Warren raises concerns about halted enforcement actions under the Trump administration and questions whether associates of President Donald Trump played a role in shielding certain cryptocurrencies, such as those allegedly linked to political figures, from regulatory scrutiny. The Senator has long been critical of perceived regulatory leniency in the financial sector, and her call for oversight highlights growing concern over the independence and priorities of the Securities and Exchange Commission under its new leadership.

## **Paul Atkins confirmed as Securities and Exchange Commission Chair with focus on Chinese issuers**

Paul Atkins was confirmed by the United States Senate as the new Chair of the Securities and Exchange Commission following a 52 to 44 vote. Atkins, known for his deregulatory views, now assumes leadership at a time when the Commission faces criticism over its enforcement stance, particularly in the crypto sector. During his confirmation hearings, lawmakers, including Senator Tim Scott, demanded stricter oversight of Chinese companies listed on American stock exchanges. Concerns were raised about insufficient disclosure and audit compliance by foreign issuers. In response, Atkins pledged to prioritize enforcement against non-compliant foreign entities, including the possibility of delisting those that fail to meet United States financial transparency standards.

## **Courts may become the primary stage for crypto regulation, but that may not be entirely negative**

With the United States Securities and Exchange Commission appearing to step back from its earlier proactive enforcement stance on digital assets, particularly under former Chair Gary Gensler, speculation has grown that federal courts may now assume a larger role in defining how securities laws apply to cryptocurrencies. Although this shift may suggest an uptick in litigation, experts at Anderson P.C. argue that a dramatic surge in legal battles is neither inevitable nor necessarily troubling. Given the costs and risks associated with securities litigation, meritless claims are less likely to proceed. Even in contingency cases, plaintiffs' lawyers are incentivized to evaluate the legal and economic viability before filing, making private enforcement a selective and effective mechanism to address complex disputes in the digital asset space.

## **Fourth Circuit rules short-seller report insufficient to establish loss causation in securities fraud case**

In *Defeo v. IonQ, Inc.*, the United States Court of Appeals for the Fourth Circuit held that a short-seller report by Scorpion Capital could not by itself satisfy the loss causation requirement under the federal securities laws. The court noted that the report, which coincided with a significant drop in IonQ's stock price, did not qualify as a corrective disclosure since it was speculative, anonymous, and heavily disclaimed. The case involved allegations under Sections 10(b), 14(a), and 20(a) of the Securities Exchange Act of 1934, with plaintiffs accusing IonQ and certain executives of misrepresenting the company's technology and performance. This decision aligns with rulings from other circuits, particularly the Ninth Circuit, reinforcing a skeptical stance towards short-seller content as the sole basis for proving market deception.

## **United States Securities and Exchange Commission proposes streamlined co-investment relief for regulated funds**

The United States Securities and Exchange Commission issued a notice expressing its intent to approve a modified exemptive order sought by FS Credit Opportunities Corporation and related entities. The proposed relief would allow business development companies and closed-end management investment companies, collectively referred to as regulated funds, to engage in co-investment transactions with affiliated private funds—activities typically restricted under Section 17(d) and Section 57(a)(4) of the Investment Company Act of 1940, and Rule 17d-1 thereunder. This amended relief would simplify compliance procedures and expand the scope of permissible joint investments, potentially offering operational flexibility. Unless a hearing is requested within the 25-day public comment period, the order will be granted, marking a notable regulatory development for fund managers.

## **Competition & Antitrust**

### **Sandoz files antitrust suit against Amgen over delay in etanercept biosimilar launch**

Sandoz has initiated antitrust proceedings against Amgen in the United States District Court for the Eastern District of Virginia, alleging that Amgen has wrongfully prolonged its monopoly over Enbrel (etanercept). The complaint, filed on 11 April 2025, accuses Amgen of acquiring exclusive United States rights to etanercept-related patents from Roche—referred to as the Brockhaus Patents—in a manner that restricted competition from biosimilars like Sandoz’s Erelzi. Sandoz contends that Amgen used two key patents—United States Patent Numbers 8,063,182 and 8,163,522, both expiring in 2029—to prevent biosimilar market entry. Although Erelzi received approval from the United States Food and Drug Administration in 2016, Sandoz was barred from launching due to patent litigation and an injunction. Sandoz now argues that without Amgen’s alleged anticompetitive actions, Erelzi could have entered the market by 2019.

## **Derivatives**

### **Commodity Futures Trading Commission suspends swap mid-market disclosure requirement during policy review**

On 4 April 2025, the United States Commodity Futures Trading Commission’s Division of Market Participants issued No-Action Letter 25-09, effectively pausing the enforcement of the Pre-Trade Mid-Market Mark disclosure requirements under Regulation 23.431 for swap dealers and major swap participants. This interim relief allows market participants to forego the requirement while the Commission re-evaluates the provision’s relevance. The regulation, first adopted in 2012, has been the basis for numerous enforcement actions, with penalties totaling approximately 117 million United States Dollars. Previous violations include a 15 million United States Dollar fine in 2023 for non-compliance in “same-day” swaps. The move signals a possible overhaul of long-standing compliance norms in swap trading.

## **Energy & Natural Resources**

### **Trump administration orders national security probe into critical mineral imports**

Former President Donald Trump issued an Executive Order directing the United States Department of Commerce to commence an investigation under Section 232 of the Trade Expansion Act of 1962 to evaluate the national security risks of importing processed critical minerals and related products. The Executive Order highlights the nation's overreliance on a narrow group of foreign suppliers for essential materials such as rare earth elements and uranium. The Department of Commerce is required to assess import volumes, sources, and associated risks by country, focusing on potential threats to national security and economic resilience. The terms "critical minerals" and "rare earth elements" are aligned with classifications by the United States Geological Survey and the United States Department of Energy.

### **Federal court halts Gross Reservoir expansion over environmental law violations**

On 3 April 2025, the United States District Court for the District of Colorado invalidated multiple regulatory approvals granted to Denver Water for the Gross Dam expansion project. In *Save the Colorado v. Semonite* (Civil Action No. 18-cv-03258-CMA), the court found that the United States Army Corps of Engineers had breached the Clean Water Act, the Administrative Procedure Act, and the National Environmental Policy Act in granting permits without sufficient environmental analysis. The court ruled that the agency failed to adequately consider less damaging alternatives and the impacts of climate change. The expansion project would have cleared more than 500,000 trees and flooded 400 acres of forest. The court has issued a temporary and permanent injunction, pausing construction and barring enlargement of the reservoir.

## **Healthcare & Life Sciences**

### **Federal Medicaid funding to be narrowed, ending match for workforce and infrastructure initiatives**

The Centers for Medicare and Medicaid Services has announced a significant policy shift, limiting federal Medicaid matching funds to direct healthcare services. On 10 April 2025, states were informed that future Section 1115(a) Demonstration Project proposals involving workforce development, infrastructure, and broader social services will no longer be eligible for federal cost-sharing. This marks a reversal from previous flexibility that allowed states to support broader health-related initiatives through waivers, provided they remained budget neutral. These changes come as lawmakers prepare for potential funding cuts in the upcoming federal budget reconciliation process, signaling a narrowing of federal-state collaboration under Medicaid and a return to a more traditional interpretation of eligible healthcare services.

## **Gender Identity and Anti-Discrimination Law**

### **Supreme Court rules that trans women are not included in the definition of 'woman' under the Equality Act 2010**

In a significant judgment delivered on 16 April 2025, the United Kingdom Supreme Court held that the term "woman" as used in Section 11 of the Equality Act 2010 refers exclusively to biological women. The Court clarified that even individuals who possess a Gender Recognition Certificate identifying them as female do not fall under this statutory definition for the purpose of sex discrimination protections. The ruling came in response to the Scottish Government's guidance, which the Court deemed incorrect. It further observed that the Gender Representation on Public Boards (Scotland) Act 2018, when interpreted in line with the Equality Act, is confined to biological women and thus remains within the legislative competence of the Scottish Parliament under Section L2 of Schedule 5 to the Scotland Act.

## **Investment Funds**

### **United Kingdom proposes reforms to simplify alternative investment fund regulations**

His Majesty's Treasury released a consultation paper proposing reforms to the regulatory framework governing alternative investment funds and their managers in the United Kingdom. Simultaneously, the Financial Conduct Authority issued a call for input to streamline and simplify existing compliance structures. These proposals aim to overhaul the current regime inherited from the European Union's Alternative Investment Fund Managers Directive, especially after the United Kingdom's withdrawal from the European Union. The goal is to create a more proportionate and growth-friendly environment for investment management in the United Kingdom, including adjustments based on the size of assets under management. Stakeholders are now invited to provide feedback on these proposed reforms.

## **Industrial Policy**

### **United Kingdom enacts emergency law allowing government control of British Steel assets in public interest**

In a rapid legislative move, the United Kingdom Parliament passed the Steel Industry (Special Measures) Act 2025, granting the government authority to direct and, if necessary, take control of assets belonging to British Steel. This action comes amid concerns that halting operations at blast furnaces could result in permanent closure due to the cost and complexity of restarting them. Following urgent negotiations with the current owner, the Jingye Group, the government recalled Parliament and passed the law in a single day on April 12, 2025. Citing national resilience and industrial continuity, the legislation marks the first time since the 2008 global financial crisis that such powers have been invoked to intervene in a specific industry for public interest reasons.

A yellow typewriter is positioned on a yellow background. A sheet of white paper is inserted into the carriage. Three crumpled pieces of white paper are scattered on the surface below the typewriter. A vertical red bar is visible on the left side of the image.

# Trending in **News**

# WhatsApp Not Beyond Reach of Indian Consumer Courts, Says UP State Commission

(Amitabh Thakur v. WhatsApp Inc. (MANU/RG/0001/2025))

## Facts

Amitabh Thakur, former IPS officer and National President of the Azad Adhikar Sena, filed a complaint before the Lucknow District Consumer Disputes Redressal Forum under the Consumer Protection Act, 2019.



He sought compensation for loss caused when WhatsApp's service was unavailable for about six hours, affecting his official work. The district forum dismissed the complaint as not maintainable, holding that (1) WhatsApp is a foreign entity and (2) Thakur paid no fee to use the service, so he was not a "consumer."

## Decision of the State Commission

A Division Bench of the UP State Commission, comprising President Sushil Kumar and Member Sudha Upadhyay, set aside the district forum's order. The Commission held:

- **WhatsApp is a Service Provider in India.** Under Section 2(42) of the Consumer Protection Act, 2019, "service" includes any digital or electronic service. By offering messaging to Indian users, WhatsApp qualifies as a service provider.
- **Maintainability Must Be Recognized.** A foreign company providing services within India cannot claim immunity from Indian consumer courts. Active service in India brings it under the Act's scope.
- **Consideration Is Not Limited to Money.** The Act does not require payment of money alone as "consideration." Use of the platform in exchange for personal data or messaging features suffices.

## Order

1. The District Forum is directed to register Mr. Thakur's complaint under the Consumer Protection Act, 2019.
2. The District Forum must decide his claim for compensation within ninety days, as mandated by Section 35(2) of the Consumer Protection Act, 2019.

# Supreme Court Sets Out Twin-Pronged Test to Resolve Copyright–Design Dispute

**Cryogas Equipment Private Limited vs. Inox India Limited and Ors.**

**(MANU/SC/0487/2025; 2025 INSC 483)**

## **Background of the Case:**

- In 2018, Inox filed a lawsuit claiming its unique engineering drawings and related details (literary work) had been copied and used without permission in the manufacture of cryogenic semi-trailers for transporting liquefied natural gas (LNG).
- **Commercial Court Decision:** Dismissed the suit by arguing that the drawings, if used more than 50 times in production, lose copyright protection because they fall under “designs” per the Designs Act, 2000.
- **High Court Decision:** The Gujarat High Court later restored the suit, stating that more analysis was needed to decide if the drawings were purely artistic or merely unregistered designs.

## **Issue:**

Whether the disputed drawings should be treated as an “artistic work” under the Copyright Act, 1957 or as a “design” under the Designs Act, 2000?



## The Supreme Court has recently introduced a clear two-step test to address this issue

**Step 1 – Identify the Nature of the Work:** The Court directed that it must first be determined whether the work in question is a *pure “artistic work”* or a *“design”*.

- If it is a pure “artistic work” (like a painting or drawing created purely for artistic expression), it gets full copyright protection under the Copyright Act, 1957.
- If it is a “design” (i.e., the work is a derivative of an artistic work, used in an industrial process, and capable of registration under the Designs Act, 2000), then its copyright protection can cease once it is applied and reproduced industrially more than 50 times.

**Step 2 – Apply the “Functional Utility” Test:**

- If the work is classified as a “design,” the next step is to check its “functional utility.”
- The Court clarified that the work’s primary purpose must be evaluated—if its main function is to serve a utilitarian or practical purpose rather than providing aesthetic appeal, then it will not qualify for design protection.
- Only those designs that have a dominant aesthetic (visual) appeal qualify for protection under the Designs Act, 2000.

### Conclusion:

1. The Court made clear that the dismissal of copyright protection does not automatically mean the work will receive protection as a design.
2. The matter needs a proper trial to clearly determine how many times the work has been reproduced and to decide if its main feature is artistic or functional.