

17 Feb 2025 -22 Feb 2025



Manupatra Weekly Wrap

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

Case Laws



CIVIL

Supreme Court: No exemption from conversion fee under Kerala Paddy Land Act, if land exceeds 25 cents

State Of Kerala & Ors. Vs. Moushmi Ann Jacob, Dated: 20.02.2025, (MANU/SC/0251/2025; 2025 INSC 255)

The **Supreme Court** has observed that “*The interpretation of the High Court is that such calculation of 10% fair value of total land, which exceeds 25 cents, shall be computable after having reduced the 25 cents, as exempted from the total. We are unable to accept such a view*”.

Supreme Court: Advocate-on-Record is responsible for incorrect statements in petition, even if, drafted by another advocate

Jitender @ Kalla Vs. State (Govt. Of Nct of Delhi) & Ors., Dated: 20.02.2025, (MANU/SC/0242/2025; 2025 INSC 249)

The **Supreme Court** has observed that “*When a petition/appeal is not drafted by the advocate - on-record, the advocate-on-record who files it is entirely and wholly responsible to this Court*”.

CRIMINAL

Supreme Court: Physical presence not required in Domestic Violence Act cases

Vishal Shah Vs. Monalisha Gupta & Ors., Dated: 20.02.2025, (MANU/SC/0248/2025)

The **Supreme Court** has observed that personal presence is not required in Domestic Violence proceedings, as they are quasi-criminal in nature. The Court explained that these proceedings do not carry penal consequences unless there is a violation of a protection order under Section 31 of the Protection of Women from Domestic Violence Act, 2005.

Supreme Court lays principles regarding permissibility of registration of second FIR

State Of Rajasthan Vs. Surendra Singh Rathore, Dated: 19.02.2025, (MANU/SC/0240/2025; 2025 INSC 248)

The **Supreme Court**, by considering cases like Ram Lal Narang v. State (Delhi Admn.), Surender Kaushik v. State of U.P. and P. Sreekumar v. State of Kerala outlined principles regarding registration of second FIR.

Supreme Court urged judges to be more lenient in granting bail when magistrate's trial has not been completed within 60 days

Subhela @ Sushil Sahu Vs. The State of Chhattisgarh, Dated: 18.02.2025, (MANU/SC/0235/2025; 2025 INSC 242)

The **Supreme Court** has observed that “where there is absence of positive factors going against the accused showing possibility of prejudice to prosecution or accused being responsible for delay in trial, application under Section 437(6) has to be dealt with liberal hands to protect individual liberty as envisaged under the Constitution of India”.

Supreme Court: Conditions set while granting remission should not be harsh or oppressive

In Re: Policy Strategy for Grant of Bail, Dated: 18.02.2025, (MANU/SC/0233/2025; 2025 INSC 239)

The **Supreme Court** has observed that “While granting remission, reasonable conditions can be imposed. The conditions must be such that they are capable of being complied with. The conditions cannot be vague. The conditions cannot be oppressive. When a convict is released by granting relief of permanent remission, it is necessary to ensure that he is rehabilitated in society. It is necessary to consider the nature of the crime he committed”.

Supreme Court: Preliminary inquiry not required before filing an FIR against public servant

State Of Karnataka Vs. T.N. Sudhakar Reddy, Dated: 17.02.2025, (MANU/SC/0253/2025; 2025 INSC 229)

The **Supreme Court** has observed that “it is perspicuous that conducting a preliminary inquiry is not sine qua non for registering a case against a public servant who is accused of corruption. While preliminary inquiry is desirable in certain categories of cases including those under the PC Act, it is neither a vested right of the accused, nor a mandatory pre-requisite for registration of a criminal case”.

Delhi High Court: Serving grounds of arrest in writing to be applicable from date of Pankaj Bansal ruling

Thokchom Shyamjai Singh & Ors. Vs. Union of India Through Home Secretary & Ors., Dated: 20.02.2025, (MANU/DE/1041/2025; 2025:DHC:1078)

The **Delhi High Court** has held that the mandate of serving grounds of arrest in writing to an arrestee under the Unlawful Activities of (Prevention) Act will be applicable to the arrests from the date of judgment in Pankaj Bansal Vs. Union of India (UOI) and Ors (MANU/SC/1076/2023; 2023 INSC 866).

Delhi High Court: Harboring terrorists leads to creation of 'safe havens' for them

Zahoor Ahmad Peer Vs. National Investigation Agency, Dated: 18.02.2025, (MANU/DE/1006/2025; 2025:DHC:998)

The **Delhi High Court** has observed that an act of harboring terrorists or a series of acts that lead to the creation of 'Safe Havens' for terrorists endanger the safety and security of citizens. Persons who harbor terrorists lend support to organizations like LeT and provide them a 'veil of Secrecy', thereby temporarily integrating them into society, only to let them strike at opportune moments.

Delhi High Court: Section 173(8) CrPC does not apply to additional document already in record in incomplete form, without new allegations being introduced

Sonu Vs. Central Bureau Investigation, Dated: 17.02.2025, (MANU/DE/0962/2025; 2025:DHC:971)

The **Delhi High Court** upheld the Trial Court's decision permitting the prosecution to introduce an additional document, noting that the document was already a part of the record in an incomplete form and did not introduce new facts or allegations. The Court clarified that this did not constitute 'fresh evidence' but rather a 'rectification,' and therefore, compliance with Section 173(8) of the CrPC, which requires a supplementary chargesheet, was not necessary.

Calcutta High Court: Mere threat of criminal case not sufficient to attract offence of abetment of suicide

Madusree Ghosh & Anr. Vs. The State of West Bengal and another, Dated: 17.02.2025, (MANU/WB/0354/2025)

The **Calcutta High Court** has observed that a threat of implicating someone with false criminal case does not gain status of abetment to commit suicide by the victim. There needs to be positive act that creates an environment where the deceased is pushed to an edge in order to sustain the charge of section 306 IPC.

Kerala High Court directed doctors to preserve fetus after performing abortions on minors

Dr. Hafeez Rahman Vs. State of Kerala & Ors., Dated:19.02.2025, (MANU/KE/0400/2025; 2025:KER:13879)

The **Kerala High Court** has observed that “in order to protect the interest of the minor victims and to avoid flee of the accused from trial, for want of vital piece of evidence, there shall be a direction to the Director, Health Department, State of Kerala, to communicate this order in the form of a circular to all the doctors in the State, directing them to preserve the fetus of minor victims mandatorily”.

SERVICE

Supreme Court: Gratuity can be forfeited without a criminal conviction, if dismissal is due to moral turpitude

Western Coal Fields Ltd. Vs. Manohar Govinda Fulzele, Dated: 17.02.2025, (MANU/SC/0224/2025; 2025 INSC 233).

The Supreme Court has observed that for forfeiture of gratuity, a criminal conviction is not required. It can be forfeited where the employee is terminated for misconduct constituting an offence involving moral turpitude.

CONSUMER

DCDRC, Bangalore: PVR Cinemas accountable for airing long ads instead of starting movie at scheduled time

Xxx Vs. PVR Cinemas & Ors., Dated: 15.02.2025, (MANU/KK/0002/2025).

The **District Consumer Disputes Redressal Commission (DCDRC), Bangalore** has observed that *"In the new era, time is considered as money, each one's time is very precious, no one has right to gain benefit out of others time and money. 25-30 is not less to sit idle in the theatre and watch whatever the theatre telecasts. It is very hard for busy people with tight schedule watching unnecessary advertisements"*.

INSOLVENCY

Supreme Court rejects High Court's decision to halt insolvency process against personal guarantor at threshold stage in writ jurisdiction

Bank Of Baroda Vs. Farooq Ali Khan & Ors., Dated: 20.02.2025, (MANU/SC/0245/2025; 2025 INSC 253).

The **Supreme Court**, while taking into consideration the case of Thansingh Nathmal v. Superintendent of Taxes, Dhubri has observed that "It is well-settled that when statutory tribunals are constituted to adjudicate and determine certain questions of law and fact, the High Courts do not substitute themselves as the decision-making authority while exercising judicial review".

NCLAT: Infusing funds into corporate debtor with intention of earning profits qualifies as financial debt

Adhunik Corporation Limited Vs. Shivam India Limited, Dated: 19.02.2025, (MANU/NL/0135/2025).

The **National Company Law Appellate Tribunal** New Delhi bench, comprising Justice Ashok Bhushan (Judicial Member) and Mr. Barun Mitra (Technical Member), ruled that injecting funds into a corporate debtor with the aim of generating profits falls under the definition of Financial Debt as per Section 5(8) of the Insolvency and Bankruptcy Code, 2016 ("Code"). The tribunal also noted that such transactions have a commercial effect akin to borrowing.

NCLAT: Can't interfere with approval of RP permitting creditor to take action against guarantees

Raman Gupta Vs. Surendra Raj Garg, Dated: 18.02.2025, (MANU/NL/0133/2025)

The **National Company Law Appellate Tribunal** New Delhi bench (NCLAT) has held that there cannot be interference with approval of a resolution plan containing a clause that creditors can take appropriate actions in relation to corporate/personal guarantee.

SALES TAX

Karnataka High Court approved applicability of sales tax on set top boxes

M/S Atria Convergence Technologies Ltd. & Ors Vs. Deputy Commissioner Of Commercial Tax & Ors., Dated: 18.02.2025, (MANU/KA/0557/2025)

The **Karnataka High Court** dismissed multiple petitions filed by companies like ACT, Tata Play, Den Network, and others, which challenged the imposition of sales tax on Set-Top Boxes (STBs) provided to subscribers by cable network operators.

A hand holding a smartphone, with several white notification icons (envelopes with checkmarks) floating above the screen, indicating incoming messages or updates. The background is a blurred indoor setting with warm lighting.

Notification Updates

Ministry of Communications

Notification No. : 02-23/2023-AI_DIU, Dated: 18.02.2025, MANU/MCOM/0008/2025

The **Ministry of Communications** has issued an advisory for the removal of content and applications that enable telecommunication offences, such as CLI spoofing, which contravene the Telecommunication Act, 2023. Social media and application hosting platforms are required to remove such content and ensure compliance with the Act, which includes penalties for violations.

Ministry of Civil Aviation

Press Information Bureau, Dated: 20.02.2025, MANU/PIBU/0182/2025

India has launched the Electronic Personnel License (EPL) for pilots, making it the second country to implement this digital system, enhancing safety and efficiency in civil aviation. The EPL, accessible via the eGCA Mobile Application, replaces traditional licenses, aligning with India's digital initiatives and reducing environmental impact.

Ministry of Electronics & IT

Press Information Bureau, Dated: 19.02.2025, MANU/PIBU/0178/2025

The **Ministry of Electronics and Information Technology** (MeitY) launched the Digital Brand Identity Manual (DBIM) to standardize and enhance the digital presence of the Indian government, aligning with the Prime Minister's vision of accessible and citizen-centric governance. The initiative includes a toolkit for uniform digital identity, a centralized content system, and social media guidelines, aiming to improve transparency, service delivery, and public engagement. The inaugural CIO Conference 2025 discussed the adoption of DBIM to revolutionize digital governance and citizen interaction.

Ministry of Labour & Employment

Press Information Bureau, Dated: 18.02.2025, MANU/PIBU/0169/2025

The **Ministry of Labour & Employment** has partnered with APNA to enhance job opportunities by adding over 10 lakh jobs annually to the National Career Service Portal. This collaboration aims to expand job access, promote inclusive hiring, and strengthen the job market by connecting job seekers with employers across various sectors.

Ministry of Road Transport & Highways

Press Information Bureau, Dated: 19.02.2025, MANU/PIBU/0179/2025

The **National Highways Authority of India** clarifies that a recent circular by the National Payments Corporation of India regarding FASTag transactions has no impact on customer experience. The circular aims to resolve disputes between banks and ensure timely transactions at toll plazas. Customers are encouraged to link their FASTag wallets to auto-recharge settings for convenience.

Reserve Bank of India

Press Release No. : 2024-2025/2193, Dated: 18.02.2025, MANU/RPRL/0127/2025

The **Reserve Bank of India** launched the RBIDATA Mobile App, providing macroeconomic and financial statistics about the Indian economy in a user-friendly format. The app offers access to over 11,000 economic data series, features graphs/charts, and includes a 'Banking Outlet' section and 'SAARC Finance' link. It is available for iOS and Android users and aims to assist researchers, students, and the general public.

Ministry of Parliamentary Affairs

Press Information Bureau, Dated: 19.02.2025, MANU/PIBU/0173/2025

The **Uttarakhand Legislative Assembly** has adopted the National eVidhan Application, becoming a Digital House, with the inauguration attended by the Chief Minister, Speaker, and Governor of Uttarakhand.

Telecom Regulatory Authority of India

Press Release No. : 12/2025, Dated: 17.02.2025, MANU/TRAI/0007/2025

The **Telecom Regulatory Authority of India (TRAI)** has released recommendations on the terms and conditions for network authorizations under the Telecommunications Act, 2023. These recommendations aim to foster growth and ease of doing business in the telecom sector by introducing various authorization frameworks, including Infrastructure Providers, Digital Connectivity Infrastructure Providers, and others. The recommendations also propose a comprehensive framework for the migration of existing entities to the new regime.

Securities and Exchange Board of India

Notification No.: SEBI/LAD-NRO/GN/2025/231, Dated: 14.02.2025, MANU/SREG/0009/2025

The **Securities and Exchange Board of India** has amended the Mutual Funds Regulations to require asset management companies to invest a portion of certain employees' remuneration in mutual fund schemes and to conduct stress testing for specified schemes, with results disclosed. Additionally, funds from new offers must be deployed within a set timeframe, and distribution charges must adhere to SEBI specifications.

News



Arbitration

18.02.2025

The **Supreme Court's** Constitution Bench while hearing the matter whether courts have power to modify arbitral award under Sections 34 and 37 of the Arbitration and Conciliation Act, 1996, has noted that giving rigid interpretation to the sections may end up overlooking the Act's practical purpose.

Civil

21.02.2025

The State Government informed the **Uttarakhand High Court** that the inclusion of the provision in the State's Uniform Civil Code (UCC) regarding compulsory registration of live-in relationships via Aadhaar and the requirement to provide proof of previous relationships serves a different purpose, and that the state does not seek individuals' private or personal information.

"Refrain from strikes": **Bar Council of India** urges lawyers, highlighting law minister's assurance to address concerns in Draft Advocates Amendment Bill.

20.02.2025

The **Supreme Court** put a hold on a recent Lokpal order that allowed complaints against High Court judges to be entertained under the Lokpal and Lokayuktas Act, 2013.

The **Supreme Court** has issued notice to Registrar General of the Delhi High Court and Senior Advocate Sudhir Nandrajog in a writ petition challenging Delhi High Court's conferment of 'Senior Designation' on 70 advocates.

The **Supreme Court** directed the Registry to act on the Supreme Court Advocates-On-Record Association's (SCAORA) proposal to hold regular Open House sessions to discuss the Registry's process for verifying newly filed cases.

The **Supreme Court** while setting aside Madras High Court's order that modified key financial directives related to the Formula 4 racing event in Chennai, has emphasized on the need for judicial restraint in contractual matters between the State and private entities.

19.02.2025

The **Delhi High Court** ruled that a legal notice cannot be considered as a non-starter report for pre-litigation mediation.

The **Bar Council of India** has submitted a representation to Union Law Minister Arjun Ram Meghwal regarding the proposed Draft Advocates Amendment Bill 2025, expressing concerns that the bill could have significant repercussions for the legal profession.

17.02.2025

The **Supreme Court** has stated that the appropriate course of action for Rohingya children seeking admission in Delhi Schools would be to first approach the concerned government schools and in the event of denial of admission, if they are entitled to such admission, the concerned children can approach the Delhi High Court.

The **Supreme Court** has provided clarification that women lawyers having more than 10 years of experience shall fill half of the 30% Executive Committee member posts reserved by it for women lawyers in Delhi District Bar Associations.

A petition has been filed in the **Delhi High Court** for amendment of Article I of the Constitution of India and renaming India as Bharat.

The **Uttarakhand High Court** raised questions regarding a 23-year-old petitioner's claim that the state's newly implemented Uniform Civil Code (UCC) infringes upon his personal liberty and privacy.

The **Madras High Court** has stated that it is important to include LGBTQIA+ persons as speakers in awareness programs to address their issues to help the medical and healthcare professionals to understand their difficulties better.

Criminal

18.02.2025

The **Supreme Court** while quashing a criminal defamation case against editorial director of Bennett Coleman & Co Ltd that publishes the newspaper Times of India, has observed that those working in media must exercise utmost precaution and responsibility before publishing any statement, news or opinion.

The **Supreme Court** stayed the arrest of YouTuber Ranveer Allahbadia, also known as BeerBiceps, in connection with the first information reports (FIRs) filed against him in Maharashtra, Assam, and Rajasthan. The FIRs stem from his obscene and vulgar comments made during a recent episode of the show *India's Got Latent*.

The **Supreme Court** has imposed costs on State and Union Territories for failing to comply with directives on implementation of the Protection of Women from Domestic Violence Act, 2005 (DV Act).

The **Allahabad High Court** while extending the stay on arrest of the accused over his alleged X post, has observed that there can be criticism of the Government on any aspect as it is a part of freedom of speech and expression.

The **Kerala High Court** while granting bail to an accused under the Narcotic Drugs and Psychotropic Substances Act, 1985, has flagged the exponential rise in drug related cases in the State.

17.02.2025

The **Supreme Court** has directed the State of Delhi to file Special Leave Petitions in six cases where the accused in the 1984 Anti-Sikh Riots were acquitted, within a period of six weeks.

The **Bombay High Court** granted bail to an accused in POCSO case by stating that 14-year-old minor girl had sufficient knowledge and capacity to understand her actions as she voluntarily stayed with accused for 4 days.

Custom

20.02.2025

The Customs Authority justified its \$1.4 billion customs demand from Skoda Auto Volkswagen India, telling the **Bombay High Court** that the German automaker was importing up to 99.7% of the parts for various car models to its Aurangabad manufacturing plant, essentially importing entire cars.

Commercial

20.02.2025

The **Supreme Court** has clarified that the Government order barring non-Hindu vendors from participating in temple shop lease auctions cannot be acted upon in view of the stay by Supreme Court on High Court's decision upholding the Government order.

Direct Taxation

18.02.2025

The **Bombay High Court** has quashed the Income Tax Department's order regarding the Board of Control for Cricket in India (BCCI)'s tax exemption status under section 12A of Income Tax Act, 1961.

Environment

17.02.2025

The CPCB has informed the **NGT** about high levels of 'fecal' bacteria in the river water at the Prayagraj Maha Kumbh.

Election

19.02.2025

The **Supreme Court** adjourned the petitions challenging the constitutionality of the Chief Election Commissioner and Other Election Commissioners Act, 2023, which excluded the Chief Justice of India from the selection panel responsible for appointing Election Commissioners.

Education

19.02.2025

The **Punjab and Haryana High Court** has directed reservation of 25% seats for weaker section of the society in private unaided schools in Punjab covered under the Right to Education Act, 2009 to ensure free and elementary education.

18.02.2025

The **Rajasthan High Court** has stated that attendance in the MBBS examination is crucial. If a student has not acquired the requisite attendance in both theory and practicals, it would be detrimental to allow them to proceed with the course, particularly for the second-year examination.

Insolvency

22.02.2025

The **Supreme Court** put a hold on the NCLAT order permitting National Building Constructions Corporation (India) Limited to take over Supertech Limited's pending projects. The Court also instructed stakeholders to submit alternative proposals for completing the projects.

Intellectual Property Rights

18.02.2025

The **Delhi High Court** recently provided interim relief to Masaba Gupta's clothing and cosmetics brand, 'House of Masaba,' in a trademark infringement lawsuit filed by the company.

The **Delhi High Court** while staying an interim order that restrained Indiabulls from using "SAMMAAN" as part of its rebranding, has allowed the same and directed Sammaan to compulsorily state in all its advertisements that it was formerly known as Indiabulls Housing Finance.

Motor Vehicle

18.02.2025

The **Gauhati High Court** while dismissing an appeal against judgment of the Motor Accident Claims Tribunal, has stated that except a plea of maintainability, no new ground can be taken up in an appeal.

Service

18.02.2025

The **Supreme Court** while hearing a petition filed by persons with disabilities appearing for the Civil Services Examination, 2025, has sought the view of Union Government and the UPSC regarding the option of changing scribe.



**International
Updates**

Corporate & Securities

Court clarifies privilege waiver in voluntary disclosures to regulators

The Full Court has overturned a prior ruling that sharing privileged material with the Australian Securities and Investments Commission under a voluntary disclosure agreement automatically waives privilege. The decision reinforces that each case depends on the specific terms of the agreement. While voluntary disclosures remain a key regulatory tool, entities must carefully assess risks before disclosing privileged material, as privilege may still be waived in some instances.

Employment & Labor

Queensland mandates sexual harassment prevention plans by March 2025

From March 1, 2025, all businesses in Queensland must have a written plan to prevent sexual harassment at the workplace, as per amendments to the Work Health and Safety Regulation 2011. The plan must identify risks, outline control measures, detail consultation efforts, and provide procedures for reporting harassment. This follows the introduction of broader workplace safety obligations on September 1, 2024, requiring businesses to address sexual harassment risks based on workplace characteristics and employee demographics.

Energy & Natural Resources

Australia finalizes offshore wind regulations to advance projects

The Offshore Electricity Infrastructure Amendment Regulations 2024 came into force on December 12, 2024, marking the most significant update to offshore wind project regulations since 2021. Additional regulations addressing overlapping applications took effect on December 14, 2024, and will be made retrospective through legislation passed in February 2025. These amendments provide a structured framework for offshore wind development, particularly in Gippsland, ensuring compliance with consultation and management plan requirements.

Insurance

Federal Court approves unprecedented life insurance policy transfer

The Federal Court of Australia has approved the transfer of Integrity Life's retail life insurance business to AIA Australia under a scheme governed by Part 9 of the Life Insurance Act 1995. Unlike previous transfers, this transaction replaces Integrity Life's policy terms entirely with AIA Australia's terms. The decision introduces a new framework for policy transfers, balancing commercial interests, regulatory approval, and policyholder protection.

Cybersecurity

Australia introduces mandatory ransomware payment reporting

The Cyber Security Act 2024, enacted on November 29, 2024, introduces mandatory reporting requirements for ransomware payments. From May 29, 2025, businesses exceeding a specified turnover threshold must report ransomware payments to the Department of Home Affairs and the Australian Signals Directorate. The measure aims to enhance government oversight of cyber extortion and disrupt ransomware operations.

Leisure & Tourism

New South Wales enforces stricter gaming cash withdrawal rules

New South Wales has implemented new rules under the Gaming Machines Regulation 2019, restricting the placement of ATMs and EFTPOS cash withdrawal facilities in hotels and registered clubs. These facilities must not be visible from gaming areas or from any gaming machine, ensuring a clear separation between cash access points and gambling activities. The move aligns with responsible gambling policies to encourage breaks in play and minimize gambling-related harm.

Product Regulation & Liability

New EU directive increases liability risks for Australian life sciences businesses

The European Union's Directive 2024/2853 expands the scope of the no-fault product liability regime, significantly impacting Australian pharmaceutical and medical device companies operating in Europe. Replacing Directive 85/374/EEC, the new regulation introduces rebuttable presumptions for technologically complex products, including pharmaceuticals and artificial intelligence-integrated medical devices. This change is expected to make it easier for European consumers to claim compensation for defective products. Australian companies must assess their liability exposure and ensure compliance with European Union safety regulations, given the strict oversight in this sector. The Directive applies to all products sold in the European Union from December 9, 2026.

CANADA

Arbitration & Alternative Dispute Resolution

Ontario Court of Appeal sets aside arbitral award due to tribunal bias

In *Vento Motorcycles, Inc. v. Mexico*, 2025 ONCA 82, the Court of Appeal for Ontario ruled that an arbitral award must be set aside if there is a reasonable apprehension of bias, even if the tribunal's decision was unanimous. The case involved a trade dispute under the North American Free Trade Agreement, where Vento Motorcycles alleged that Mexico had unfairly denied preferential import tariffs. The court's ruling underscores the high standard of impartiality required in international arbitration.

Capital Market

Canadian Securities Administrators release guidance on artificial intelligence in markets

The Canadian Securities Administrators (CSA) published guidance on artificial intelligence (AI) use in capital markets, emphasizing transparency, accountability, and risk management. The CSA Staff Notice and Consultation 11-348 highlights that investors must have accurate and timely access to material information when making investment decisions. The guidelines address various market participants, including non-investment fund reporting issuers, registrants, marketplaces, and clearing agencies. For reporting issuers, the CSA underscores the need for clear disclosures on AI-driven processes, ensuring compliance with existing securities regulations while mitigating associated risks.

Company & Commercial

Supreme Court of Canada to decide on 'thumbs up' emoji contract dispute

Achter Land & Cattle Limited has filed an application for leave to appeal before the Supreme Court of Canada against the decision in *South West Terminal Ltd. v. Achter Land*, 2024 SKCA 115, which upheld that a “thumbs up” emoji could signify acceptance of an offer and form a binding contract. The Supreme Court grants leave in cases involving questions of public importance, with less than ten percent of applications approved annually. A decision on whether the case will proceed typically takes three to six months.

Competition & Antitrust

Competition Bureau examines grocery sector property controls under new legislation

The Competition Bureau has intensified its scrutiny of property controls in the grocery sector following amendments to the *Competition Act* in December 2024, which now allow civil review of vertical agreements with anti-competitive intent. Strengthened abuse of dominance provisions further empower the Bureau to address such practices. Investigations have been launched against two major grocery chains, while draft guidance on enforcement has been issued. Businesses should review their agreements and strategies to ensure compliance with the revised legal framework.

Employee Benefits & Pensions

New capital accumulation plan guidelines impose greater obligations on sponsors

The Canadian Association of Pension Supervisory Authorities released an updated *Guideline No. 3 – Guideline for Capital Accumulation Plans* on September 9, 2024, marking the first revision in two decades. The guidelines adopt a more detailed and prescriptive approach to regulating capital accumulation plans. Unlike the heavily regulated framework under the *Employee Retirement Income Security Act* in the United States, capital accumulation plans in Canada primarily operate outside pension standards legislation. These changes introduce new compliance considerations for plan sponsors.

Environment & Climate Change

Amendments to Canada's Impact Assessment Act aim to address constitutional concerns

The Supreme Court of Canada ruled that key provisions of the *Impact Assessment Act* were unconstitutional, marking the first such decision on federal environmental legislation in 40 years. The Court found the Act's screening and decision-making phases exceeded federal legislative jurisdiction. Subsequent amendments aim to address these concerns, impacting various stakeholders, including infrastructure, energy, and mining sectors, as well as different levels of government and civil society organizations.

Intellectual Property

Canada's fast-track patent process for green technologies offers alternative to suspended U.S. program

Following the suspension of the *United States Patent and Trademark Office's* Climate Change Mitigation Pilot, Canada's Advanced Examination for Green Technologies provides an alternative for accelerating patent processing. The Canadian program allows applicants to fast-track their patents, leveraging the *Patent Prosecution Highway* for quicker approval in multiple jurisdictions. The initiative benefits cleantech industries, including renewable energy, transportation, and sustainability-focused innovations.

Family

British Columbia court considers child support for high-income parents

In *W.A.K. v. C.R.A.M.*, 2024 BCSC 2009, the Supreme Court of British Columbia examined child support obligations for wealthy parents under the *Federal Child Support Guidelines*. The case involved a separated couple with over \$21 million in assets, where changes in the children's living arrangements influenced support calculations. The court assessed how high-income earners should contribute beyond standard guideline amounts, emphasizing the importance of financial disclosures and the child's best interests.

Insolvency & Restructuring

Alberta Court of Appeal clarifies fraudulent misrepresentation exemption in bankruptcy cases

In *Henderson v. Peerani*, 2024 ABCA 370, the Alberta Court of Appeal addressed the fraudulent misrepresentation exemption under the *Bankruptcy and Insolvency Act*. The ruling follows the Supreme Court's decision in *Poonian v. British Columbia (Securities Commission)*, 2024 SCC 28, and confirms that fraudulent misrepresentation need not directly involve the creditor seeking to lift the automatic stay of proceedings. The decision reinforces the principle that bankruptcy protections should not shield dishonest conduct.

Administrative

Court upholds privative clause blocking judicial review of Conflict-of-Interest Ethics Commissioner's decision

In *Democracy Watch v. Canada (Attorney General)*, [2024] F.C.J. No. 2023, the Federal Court of Appeal ruled that the privative clause in the *Conflict of Interest Act*, S.C. 2006, c. 9, s. 2, prevents judicial review of the Conflict of Interest Ethics Commissioner's decision on questions of law and fact. The case arose after Democracy Watch challenged the Commissioner's 2021 finding that Prime Minister Justin Trudeau did not breach the Act in his involvement with WE Charity. The Attorney General of Canada sought to strike the application, citing Section 66 of the Act, which limits judicial review to jurisdictional errors, procedural fairness, or fraud. The court agreed, affirming that the provision shields the Commissioner's decision from broader judicial scrutiny.

Real Estate

Ontario Court of Appeal confirms Chippewas of Saugeen First Nation's land claim over part of Sauble Beach

In *Chippewas of Saugeen First Nation v. South Bruce Peninsula (Town)*, 2024 ONCA 884, the Ontario Court of Appeal upheld a ruling that a portion of Sauble Beach belongs to the Chippewas of Saugeen First Nation. The dispute dates back to an 1855 survey that mistakenly placed the northern boundary of the reserve 1.4 miles south of its intended location. This land was later sold to private owners, including the Town of South Bruce Peninsula. The court ruled that the improperly surveyed land forms part of the Saugeen reserve, marking the first time an Aboriginal interest has been found to override private fee simple ownership.

Tax

Proposed amendments to the Income Tax Act may impose stricter reporting for non-profit organizations

The federal government's *Fall Economic Statement*, released on December 16, 2024, proposes changes to the *Income Tax Act* that could affect non-profit organizations operating under Paragraph 149(1)(l). Currently, non-profit organizations must file an annual corporate tax return if incorporated and submit an information return if they meet asset or income thresholds. The amendments seek to expand reporting obligations, though it remains unclear whether these provisions will take effect due to the potential prorogation of Parliament and upcoming federal elections. Non-profit organizations are monitoring the situation closely, as stricter compliance requirements could impact their operations.

CHINA

Patent

Regulations on multiple design patent applications vary across jurisdictions

Filing a single design patent application covering multiple related products can be cost-effective, but different jurisdictions impose varying requirements. Under the Hague Agreement, up to 100 industrial designs can be included in a single international application if they belong to the same Locarno Classification. In China, the European Union, the United States, and the United Kingdom, specific criteria apply for combining designs within a single application. Companies seeking international protection should carefully assess these regulatory differences to streamline their patent strategies.

Supreme People's Court rules against separating patent claims for ownership determination

In *Guangdong A Company v. Hangzhou B Company*, the Supreme People's Court overturned a lower court's decision that divided a patent application's claims to allocate ownership separately. The dispute arose when Guangdong A Company accused Hangzhou B Company of misusing confidential technical information obtained through collaboration to apply for a patent. The Court ruled that a patent application must have a single ownership right and cannot be arbitrarily divided based on individual claims. The case has been sent back for retrial.

Supreme Court clarifies liability distribution in patent infringement case

In a dispute over an invention patent related to beverage container bolts, the Supreme People's Court ruled that joint infringers must share compensation liability. In *E Company v. Jinhua A Company & Others*, Jinhua A Company, Guangzhou B Company, and Zhejiang C Company were found to have collaborated in the sale of allegedly infringing cups on JD.com. Despite some infringers appealing, the Court upheld their joint liability, emphasizing the importance of accurately identifying manufacturers in patent infringement cases.

HONG KONG

Capital Market

New guidance on listing private equity funds on the Hong Kong Stock Exchange

The Securities and Futures Commission of Hong Kong issued a circular outlining regulatory requirements for listing closed-ended alternative funds on the Stock Exchange of Hong Kong Limited. The new guidance clarifies listing conditions for funds investing in private equity, private credit, and infrastructure assets. Key requirements include a minimum market capitalization of HK\$780 million (US\$100 million), a borrowing limit of 30% of net asset value, and mandatory quarterly publication of net asset value. The management company must meet retail fund manager standards and manage at least HK\$780 million in alternative assets. Additionally, at least 25% of the fund's shares must be publicly held.

Employment & Labor

Shanghai court's guidance makes employee termination more challenging

The Shanghai High People's Court has released the "Extracts of Opinions on Difficult Labor Disputes Issues," providing guidance on complex employment disputes. Although not legally binding, the majority views expressed in the Opinions are expected to influence court decisions across Shanghai. Notably, the guidance strengthens employee rights by making it easier for workers to secure open-term employment contracts, thereby reducing employers' flexibility in terminating employees. This development could lead to increased labor costs and legal risks for businesses operating in Shanghai.

HKEx reduces minimum spreads and revises corporate governance code

The Stock Exchange of Hong Kong Limited has released its conclusions on two consultations regarding the reduction of minimum spreads in the securities market and revisions to the Corporate Governance Code. The reforms aim to enhance market liquidity and global competitiveness while balancing good corporate governance with practical concerns of listed issuers. The reduction of minimum spreads will be implemented in phases, with initial adjustments affecting securities priced between HKD10 and HKD50, followed by a further 50% reduction for securities priced between HKD0.5 and HKD10.

MALAYSIA

Taxation

Court of Appeal rules on stamp duty remission under the Stamp Act 1949

In *Pemungut Duti Setem v. Ann Joo Integrated Steel Sdn Bhd* [2025] 1 AMR 461, the Court of Appeal clarified the application of item 22(1) of the First Schedule to the Stamp Act 1949 and the Stamp Duty (Remission) (No. 2) Order 2012. The dispute arose over a stamp duty assessment of RM525,000 on a trade credit facility. The High Court had ruled that the remission order applied, but the appellant argued that the instrument fell under a different category. The Court of Appeal's decision provides clarity on stamp duty applicability for such financial instruments.

SOUTH KOREA

Healthcare & Life Sciences

Celltrion secures approval for biosimilar tocilizumab in Korea

The Ministry of Food and Drug Safety of South Korea has approved Celltrion's subcutaneous formulation of Aptoizma, a biosimilar to Roche's Actemra (tocilizumab), for the treatment of rheumatoid arthritis. This approval follows the earlier clearance of its intravenous formulation, completing the Aptoizma product line in Korea. The biosimilar had previously gained approval in the United States, where it became the third tocilizumab biosimilar after products from Fresenius Kabi and Biogen/Bio-Thera.

GLOBAL

Arbitration & Alternative Dispute Resolution

ICC reports significant rise in arbitration claim values for 2024

The International Chamber of Commerce has released its preliminary arbitration and alternative dispute resolution statistics for 2024, revealing an increase in the total value of arbitration claims. While the number of new arbitration cases decreased slightly to 831 from 890 in 2023, the average dispute value rose significantly to USD 130 million. At the end of 2024, 1,789 arbitration cases remained pending, with an average claim value of USD 211 million, reflecting a few exceptionally high-value disputes driving the overall figures.

USA

Arbitration & Alternative Dispute Resolution

United States Court of Appeals enforces arbitration clause despite Dubai International Financial Centre-London Court of International Arbitration dissolution

The United States Court of Appeals for the Fifth Circuit has overturned a lower court ruling in *Baker Hughes Saudi Arabia Company Limited v. Dynamic Industries Saudi Arabia Limited*, USDC No. 2:23-CV-1396, reinforcing the validity of arbitration clauses under the now-dissolved Dubai International Financial Centre-London Court of International Arbitration. The lower court had refused to enforce an arbitration agreement, citing the dissolution of the joint venture under Dubai Decree No. 34 of 2021. The appellate court ruled that the arbitration clause remains enforceable, with the Dubai International Arbitration Center assuming the obligations of the dissolved entity.

Banking

Consumer Financial Protection Bureau shutdown creates uncertainty for financial institutions

The Consumer Financial Protection Bureau has effectively ceased regulatory and enforcement activities under the Trump administration, raising concerns about compliance risks for financial institutions. Acting Director Russell Vought has halted supervision and rulemaking, though existing consumer protection laws remain in effect. The nomination of Jonathan McKernan as the new Director suggests potential reforms rather than dismantling the agency. Despite the federal shutdown, state regulators and private litigants may still enforce financial regulations, leaving banks and lenders in a state of uncertainty regarding compliance obligations.

Regulation

New executive order limits independence of financial and regulatory agencies

On February 18, 2025, President Donald Trump signed an executive order restricting the autonomy of independent federal agencies, including the Commodity Futures Trading Commission, Securities and Exchange Commission, and Federal Trade Commission. Independent agencies, which traditionally operate with bipartisan leadership and staggered

terms, are designed to be insulated from political influence. The order challenges this structure, potentially increasing executive control over regulatory bodies responsible for consumer protection and financial oversight. The long-term implications remain uncertain, with legal challenges expected from affected agencies and stakeholders.

Capital Market

Trump administration moves to roll back SEC climate disclosure rules

The Securities and Exchange Commission's (SEC) climate disclosure rule, introduced in March 2024, faces uncertainty as the Trump administration signals its intent to rescind the regulation. Following legal challenges, the United States Court of Appeals for the Eighth Circuit consolidated the cases, and in April 2024, the SEC paused implementation pending judicial review. On February 11, 2025, Acting Chair Mark Uyeda directed SEC staff to delay oral arguments, citing concerns over the rule's impact on markets and economy, changes in the Commission's composition, and a recent presidential directive for regulatory freezes. The SEC is likely to pursue a formal rollback process, potentially through a new rulemaking initiative.

Presidential order challenges independence of federal regulatory agencies

A new executive order from the Trump administration asserts greater presidential control over independent regulatory agencies, including the Securities and Exchange Commission (SEC). The order argues that agencies wield excessive power without presidential oversight, issuing costly regulations and making policy decisions independently. Historically, Congress established independent agencies, such as the Federal Election Commission, to function without direct political influence, ensuring stable and expert-driven governance. Critics warn that undermining this independence could compromise regulatory integrity and introduce political considerations into critical areas like financial markets and environmental protections.

New Securities and Exchange Commission guidance reshapes shareholder engagement rules

The United States Securities and Exchange Commission (SEC) has introduced three key updates affecting shareholder engagement, particularly regarding Schedule 13G filings, shareholder proposals under Rule 14a-8, and exempt solicitations. The guidance clarifies that shareholders discussing voting policies with management without exerting pressure remain eligible to file under Schedule 13G. However, those conditioning support for board nominees on policy changes or pressuring issuers on governance matters may be disqualified. These changes are expected to influence how investors interact with companies and may reshape shareholder activism strategies.



Trending
in **News**

Consumer Wins Battle Against PVR for Wasting Time with Ads!

Xxx Vs. PVR Cinemas and Ors. (MANU/KK/0002/2025)



The Bengaluru consumer forum recently ruled in favor of the complainant, a movie-goer who took legal action against PVR Cinemas, INOX, and BookMyShow after experiencing a significant delay due to prolonged advertisements before a scheduled movie screening. The complainant filed this complaint under section 35 of Consumer Protection Act 2019 and argued that nearly 30 minutes of his time was wasted when he attended a screening of *Sam Bahadur* on December 26, 2023, at a PVR Cinema. The movie, scheduled to begin at 4:05 PM, actually commenced at 4:30 PM due to excessive commercial advertisements.

Legal Arguments and Order

The District Consumer Commission, comprising President M. Shobha and members K. Anita Shivakumar and Suma Anil Kumar, held that BookMyShow could not be held liable as it had no control over screening schedules. However, the commission found PVR and INOX guilty of unfair trade practices, emphasizing that making customers sit through long advertisements infringes on their rights and wastes their time.

Rejecting PVR's defense that Public Service Announcements (PSAs) are mandated by the government, the commission noted that the permitted duration for PSAs is only 10 minutes, whereas 95% of the advertisements shown in this case were commercial. The commission further dismissed PVR's claim that the complainant violated anti-piracy laws by recording the ads, stating that he did so for public awareness, making it a legitimate act.

Compensation and Directions

The commission directed PVR and INOX to:

- Clearly mention the actual start time of movies on tickets.
- To stop or not to repeat unfair trade practice as mentioned under section 39 (1) (g) of Consumer Protection Act, 2019 by following the guidelines, not to exhibit advertisements beyond the scheduled show time mentioned in the ticket.
- Pay ₹20,000 to the complainant for mental agony and inconvenience, along with ₹8,000 in litigation expenses.
- Deposit ₹1 lakh as punitive damages into the Consumer Welfare Fund within 30 days.

This ruling sets a precedent against deceptive screening practices, ensuring transparency in movie timings and protecting consumers from undue inconvenience.

Supreme Court has stayed the Lokpal ruling on hearing complaints against High Court judges



The Supreme Court initiated suo moto case against the order passed by the Lokpal of India wherein it stated that they can entertain complaints against High Court Judges under the Lokpal and Lokayuktas Act, 2013. Today on 20th February 2025, the Supreme Court has stayed the following order.

Snippets from the Lokpal of India's Order Dated: 27th January 2025 (MANU/DE/1006/2025):

The Lokpal of India was dealing with the complaint filed against the Additional Judge of the High Court accusing him of influencing the Additional District Judge, in the State and a Judge of the same High Court who had to deal with the suit filed against the complainant by a private company, to favour that company.

Further the Lokpal of India observed:

- Supreme Court judges are not amenable to the jurisdiction of the Lokpal as the Supreme Court is a body established under Article 124 of the Constitution of India and not under the Act of Parliament.
- Expression "any person" in Section 14(1)(f) of the Lokpal and Lokayuktas Act, 2013 (the Act) includes a Judge of the High Court established by an Act of Parliament as well.
- Judges of the High Court come within the ambit of Section 14 of the Act.
- Complaints were also forwarded to the Chief Justice of India for consideration.

The matter is scheduled to be heard on 18.03.2025.