Manupatra Weekly Wrap

24th-29th Nov 2025

CASE LAWS

Family

Delhi High Court: Administrative convenience cannot override statutory mandates.	*Suman Sankar Bhunia Vs. Debarati Bhunia Chakraborty, Dated: 27.11.2025, (MANU/DE/9218/2025 : 2025:DHC:10461)* The **Delhi High Court** in a recent case ruled that the Family Court's decree of divorce was legally unsustainable because it relied on a non-existent statutory provision and was passed without evidence. It held that the learned Judge "...acted unreasonably... not only by deciding the matter without any evidence... but also by applying substantive provisions of the SMA in a petition admittedly filed under the HMA and, further, by relying upon a provision that does not exist... The overall conduct... demonstrates a troubling lack of understanding of basic legal principles...". The matter has been sent back for a fresh trial.

Motor Vehicle

Gujarat High Court: "Loss of matrimonial prospects" recognised as compensable head under Motor Vehicles Act	*Jigishaben Maheshbhai Patel Vs. Sipai Mohammadkhan Rasulkhan, Dated: 26.11.2025, (MANU/GJ/1999/2025)* In a motor accident claim the Tribunal's award was challenged by a 19-year-old amputee in **Gujarat High Court** arguing that her income was undervalued and that the Tribunal ignored her loss of marriage prospects and future medical needs. The High Court recognizing "loss of matrimonial prospects" as a compensable head under the Motor Vehicles Act enhanced compensation.

Intellectual Property Rights

Delhi High Court upholds registration of 'Amritsar Haveli' marks, says no exclusive rights over the word 'Haveli'	*Haveli Restaurant and Resorts Limited Vs. Registrar of Trademarks & Anr, Dated: 24.11.2025 (MANU/DE/8973/2025;2025: DHC:10363)* The **Delhi High Court** has dismissed Haveli Restaurant and Resorts Ltd.'s appeals and upheld the registration of the marks "Amritsar Haveli" and "The Amritsar Haveli," holding that "Haveli" is a descriptive, commonly used term without exclusive distinctiveness or secondary meaning, and therefore cannot be monopolised by any single restaurant.

Delhi High Court Announces 'Hermès' and the 3-D Shape of Its 'Birkin' Bag as Well-Known Trademarks in India	*Hermes International & Anr. Vs. Macky Lifestyle Private Limited & Anr., Dated: 24.11.2025 (MANU/DE/8978/2025;2025: DHC:10346)* The **Delhi High Court** recognized the iconic Birkin bag's three-dimensional shape, the word mark "Hermès," and its stylized logos as well-known trademarks in India, granting the French luxury brand enhanced protection after finding sufficient global reputation, consistent enforcement, and extensive evidence supporting their distinctiveness.

Civil	
Delhi High Court restrains 'Gold Flame' and 'Gold Fighter' cigarettes for deceptive similarity to ITC's 'Gold Flake'	*ITC Limited Vs. Pelican Tobacco Co Ltd & Ors., Dated: 24.11.2025 (MANU/DE/8984/2025;2025: DHC:10358)* The **Delhi High Court** upheld a temporary injunction against Pelican Tobacco Co. Ltd., holding that its "Gold Flame" and "Gold Fighter" cigarette marks and packaging were deceptively similar to ITC's well-known "Gold Flake" brand, amounting to *prima facie* dishonest adoption and creating both likelihood of confusion and initial interest confusion among consumers.
Kerala High Court Upholds Clinical Establishments Act: Hospitals Must Display Rates, Cannot Deny Emergency Care Over Advance Payment	*Kerala Private Hospitals Association and Anr. Vs. State of Kerala and Ors., Dated: 26.11.2025 (MANU/KE/2031/2025; 2025:KER:90417)* The **Kerala High Court** rejected appeals filed by the Indian Medical Association (IMA) and the Kerala Private Hospitals Association against a Single Bench ruling that upheld the Kerala Clinical Establishment Act and its Rules. The court upheld the law which has been implemented in phases since 2019 and dismissed claims that it was vague, arbitrary, impractical, or disproportionate.

Criminal	
Delhi High Court: ED can attach property derived from illegal cricket betting as proceeds of crime	*Naresh Bansal and Ors Vs. Adjudicating Authority and Anr, Dated: 24.11.2025 (MANU/DE/8988/2025;2025: DHC:10341-DB)* The **Delhi High Court** has held that even though cricket betting is not a scheduled offence under the Prevention of Money Laundering Act, 2002 (PMLA), property and profits generated from illegal betting operations can still be attached by the Enforcement Directorate (ED) as "proceeds of crime". The Court ruled that funds arising from betting activities that were facilitated through scheduled offences such as forgery, cheating and criminal conspiracy retain their tainted character under Section 2(1)(u) of the PMLA, thereby falling within the scope of attachable assets.
Supreme Court: Converting every sour relationship into a rape allegation trivialises seriousness of the offence	*Samadhan Vs. State of Maharashtra & Another Dated: 24.11.2025 (MANU/SC/1575/2025; 2025 INSC 1351)* The **Supreme Court** has quashed a rape case against an advocate after finding that the long-term sexual relationship between the parties was consensual and not induced by any false promise of marriage, holding that every acrimonious relationship cannot be retrospectively branded as rape and that misuse of such allegations undermines the gravity of the offence.
Allahabad High Court upholds Father's Life Sentence for Strangling Minor Daughter Despite Mother Turning Hostile	*Raju Batham Vs. State of UP, Dated: 24.11.2025 (MANU/UP/3307/2025;2025: AHC-LKO:76710-DB)* The **Allahabad High Court (Lucknow Bench)** affirmed the conviction and life imprisonment of a man for murdering his 17-year-old daughter, holding that despite the mother and other witnesses turning hostile, the complete chain of circumstantial evidence including medical findings, recovery of the ligature, and the accused's failure to explain the death under Section 106 of the Evidence Act conclusively established his guilt.

Supreme Court flags concern over succeeding benches overturning judgments	*Sk. Md. Anisur Rahaman Vs. The State Of West Bengal & Anr, Dated: 26.11.2025 (MANU/SC/1591/2025; 2025 INSC 1360)* The **Supreme Court** expressed strong disapproval of "bench hunting," highlighting a rising trend of litigants seeking to overturn earlier rulings by approaching a subsequent bench. The Court cautioned that allowing such practices would undermine the authority of Article 141, as no judgment could remain final if it could be reopened simply because a later bench considers its own view superior. The court observed *"In the recent past, we have rather painfully observed a growing trend in this Court (of which we too are an indispensable part) of verdicts pronounced by Judges, whether still in office or not and irrespective of the time lapse since pronounced, being overturned by succeeding benches or specially constituted benches at the behest of some party aggrieved by the verdicts prior in point of time."*

Environment	
Supreme Court halts Deer relocation from Delhi's AN Jha Park, orders probe into DDA negligence	*New Delhi Nature Society Through Verhaen Khanna Vs. Director Hotriculture Dda & Ors, Dated: 26.11.2025, (MANU/SC/1587/2025;2025 INSC 1358)* The **Supreme Court** halted the relocation of spotted deer from Delhi's A.N. Jha Deer Park to Rajasthan, citing a "distressing pattern of negligence" by the Delhi Development Authority (DDA) in handling the translocation. The court observed *"It is evident from the record that the translocation protocol and best practices incorporated in the guidelines issued by the Central Zoo Authority and IUCN Guidelines were not adhered to during the translocation of deer from Deer Park to Ramgarh Vishdhari Tiger Reserve and Mukundra Hills Tiger Reserve in the State of Rajasthan. There is no documentary evidence of pre-translocation genetic screening, tagging, tranquilisation protocols, veterinary fitness certification, or behavioural acclimatisation, all of which are internationally recognised preconditions for release.",*

NEWS

Law of Medicine	
24.11.2025	In a case where victim, a rape survivor, unwilling to give birth to the child of the accused was permitted to undergo termination upholding the rape victim's right to reproductive choice and personal liberty, stressing that forcing her to continue would be unconstitutional and traumatic.

Administrative	
25.11.2025	The **Supreme Court** slams UP's colonial-era practice of giving bureaucrats' spouses ex-officio posts, orders democratic reforms. The order was passed in a petition filed by CM Zila Mahila Samiti, Bulandshahr, a women's self-help group that challenged the practice after the DM's wife was made ex-officio president of their samiti, arguing it lacked transparency and accountability. The samiti, meant to assist destitute women, was being run on an ad hoc basis. The Division Bench of the Supreme Court while hearing the suo-motu case of the lack of functional CCTV Cameras in police stations across the country granted 3 weeks to the States and UTs to file their compliance affidavits in the matter else Chief Secretaries shall be present in the Court on the next hearing on December 16. This suo-moto case got triggered due to a report published by Dainik Bhaskar, as per which around 11 people died in police custody in the last seven to eight months this year.
24.11.2025	**Justice Surya Kant** took oath on 24 Nov 2025 as the 53rd Chief Justice of India at a ceremony held at the Rashtrapati Bhavan. He will have tenure until February 9, 2027.

Civil	
25.11.2025	The **Delhi High Court** has directed the Customs Department to grant one more opportunity to a septuagenarian woman, who failed to appear for personal hearing in connection with ₹1,95,11,160 demand raised against her firm.
24.11.2025	The **Supreme Court** has held that procedural defects in a Section 7 insolvency application under IBC, such as a defective affidavit, are curable and cannot be used as a basis for summary dismissal. The **Supreme Court** has ordered that its Registry to not accept any paperbook for listing if it contains photographs in black-and-white, directing parties to file properly colored photographs with dimensions and a conceptual plan, failing which the case will remain under "defects not cured." The **Delhi High Court** has issued notice to the Central government on a petition filed by AgustaWestland VVIP chopper scam accused Christian Michel, seeking a declaration that the India–UAE extradition treaty is subordinate to the Extradition Act, a statute enacted by the Indian Parliament. The **Bombay High Court** has held that the duty of children to look after and maintain their parents is an unconditional statutory duty under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, and is not dependent on whether the child is in possession of, or will inherit, the parent's property. The Court observed that abandonment or neglect of an elderly and medically fragile parent strikes at the heart of constitutional and statutory guarantees ensuring dignity, health and a meaningful life for senior citizens.
26.11.2025	In a plea before **Delhi High Court**, Rabri Devi, one of the accused in IRCTC scam case, the alleged cash-for-jobs case, and the money laundering proceedings associated with them, has accused the judge of being 'biased' and 'unduly inclined towards the prosecution'. The Court has sought the response of Central Bureau of Investigation (CBI) to the plea by December 6.

Criminal	
24.11.2025	The **Supreme Court** has observed that a complaint for offences punishable under the Prevention of Damage to Public Property Act, 1984 ("1984 Act") can be initiated by any person, as the Act imposes no restrictions on who may set the criminal law in motion. The Enforcement Directorate has frozen ₹523 crore linked to gaming platforms WinZO and Gameskraft for allegedly withholding player funds after India's real-money gaming ban. Searches were conducted, and the ED accuses the firms of criminal and unfair practices. The action was taken under the Prevention of Money Laundering Act.

Education	
25.11.2025	The **Jammu & Kashmir and Ladakh High Court** has held that part-time or guest faculty cannot be used as substitutes for whole-time Assistant Professors required to teach multiple subjects in the Faculty of Law. The **Karnataka High Court** dismissed a PIL against Karnataka State Law University's admission notification fixing 42% qualifying marks for OBC and 40% for SC/ST candidates for LL.B admissions, holding the criteria consistent with Bar Council of India regulations.

Family law	
24.11.2025	The **Madhya Pradesh High Court**, in an appeal filed by a wife challenging the Family Court's order denying her divorce, held that if one spouse opposes divorce despite there being no possibility of cohabitation, such conduct of deriving satisfaction from the continued distress and tension of the other party can itself amount to cruelty.

Intellectual Property Rights	
24.11.2025	The **Delhi High Court** has ordered that an earlier undertaking given by the CEO of Tesla Power India that the company will not manufacture or market electric vehicles (EVs) or use the word "Tesla" or any deceptively similar branding shall continue until the final disposal of the Elon Musk-owned company's trademark infringement suit.

Service	
24.11.2025	The **Delhi High Court** has struck down provisions of the Coast Guard (General) Rules, 1986, that required different retirement ages for officers based on rank. The **Gujarat High Court** discarded a 20-year-old recommendation made by the Institute of Chartered Accountants of India's Council to remove a chartered account from membership for 5 years, who was appointed as central registrar of a cooperative bank and was accused of misconduct in connection with the 2001 alleged MMCB scam. The **Gujarat High Court** set aside the Surat Municipal Corporation's order debarring a firm for two years, holding that the firm's non-disclosure of cases under the Minimum Wages Act did not amount to suppression of a "police case" and therefore could not justify debarment for filing a false affidavit.

Goods and Services Tax	
25.11.2025	The **Delhi High Court** has issued notice in a writ petition questioning the legality of a Show Cause Notice by the Customs Department, instead of the GST Department, for recovery of Integrated Goods and Services Tax (IGST) amounting to about Rs. 5 lakhs from the exporter.

Direct Taxation	
25.11.2025	The **Supreme Court** reiterating that provisions of Section 206AA cannot override the provisions of the DTAA ruled that tax deducted at source on payments to non-resident entities cannot exceed 10% under DTAA provisions, overriding the Income Tax Department's insistence on a 20% deduction even when no PAN was provided.

NOTIFICATION UPDATES

Ministry of Commerce and Industry	
Notification No. : GSR865(E), Dated 25.11.2025, MANU/INDP/0053/2025	The Patents (Amendment) Rules, 2025, introduced by the Ministry of Commerce and Industry, amend the Patents Rules, 2003, focusing on adjudication of penalties and appeals. The amendments include provisions for filing complaints and appeals electronically, conducting inquiries, and imposing penalties for contraventions under the Patents Act, 1970. The rules emphasize digital communication and specify procedures for adjudication and appeal processes.

Ministry of Environment, Forest and Climate Change	
Notification No. : CP-14/38/2025-AQMN-HO-CPCB-HO, Dated 26.11.2025, MANU/ENVT/0061/2025	The Ministry of Environment, Forest and Climate Change has mandated the installation of CSIR-NPL certified Online Continuous Emission Monitoring Systems (OCEMS) in air-polluting industries in NCR-Delhi. The Central Pollution Control Board (CPCB) has designated CSIR-NPL as the national verification agency for certifying these systems, and only certified models are permitted for connectivity with the CPCB server.

Ministry of Labour and Employment	
Notification No. : GSR868(E), Dated 26.11.2025, MANU/LABR/0065/2025	Objections and suggestions are invited to the Draft of Occupational Safety, Health and Working Conditions (Oil Mines) Regulations, 2022. These Regulations, once enforced, shall apply to every oil mine.

Unique Identification Authority of India	
Notification No. : HQ-16021/2/2021-EU-II-HQ (E-6538), Dated 25.11.2025, MANU/NMIC/0312/2025	The Aadhaar (Enrolment and Update) Third Amendment Regulations, 2025 came into force on 25 November 2025, replaces the earlier “Schedule II” with a new, updated Schedule II, which defines the acceptable documents for enrolment and update across various demographic/age groups.

Ministry of Communications	
Press Information Bureau, Dated 27.11.2025, MANU/PIBU/1312/2025	The Department of Telecommunications (DoT) issued a clarification that the Telecommunication Cyber Security (TCS) Amendment Rules, 2025 issued on 22 October 2025 amending the Telecommunication Cyber Security (TCS) Rules, 2024 are in force and a Notification dated 25 November 2025 rescinded the same rules republished due to an inadvertent error on 29 Oct 2025. These amendments aim to safeguard India's digital ecosystem against telecom-enabled frauds, strengthen device traceability, and ensure responsible use of telecom identifiers.
Press Information Bureau Dated 27.11.2025, MANU/PIBU/1313/2025	The Telecom Regulatory Authority of India (TRAI) conducted an Independent Drive Test in Delhi to assess mobile network performance across various environments, including urban zones and public transport hubs. The evaluation covered technologies like 2G, 3G, 4G, and 5G, focusing on voice and data service quality parameters such as call setup success rate and data throughout. The findings have been shared with the concerned telecom service providers.

Press Information Bureau, Dated: 24.11.2025, MANU/PIBU/1299/2025	The Department of Telecommunications has warned citizens about the legal consequences of tampering with IMEI numbers and misusing telecom identifiers. Citizens are encouraged to use the Sanchar Saathi Mobile App and portal to verify and secure their mobile connections. The Telecommunications Act, 2023 imposes strict penalties for such offenses, including imprisonment and fines.
Securities and Exchange Board of India	
Circular No. : HO/17/11/12(3)2025-DDHS-POD1/I/144/20, Dated 25.11.2025, MANU/SSMD/0022/2025	The Securities and Exchange Board of India (SEBI) has outlined a timeline for issuers to submit various reports and certificates to Debenture Trustees to ensure efficient and timely due diligence. These include quarterly, half-yearly, annual, and triennial submissions of security cover certificates, statements of pledged securities, net worth certificates, and valuation reports. The provisions will be effective from the quarter ending December 31, 2025.
Circular No. : HO/(83)2025-IMD-POD-1/I/152/2025, Dated : 27.11.2025, MANU/SMIS/0090/2025	SEBI has revised the incentive structure for mutual fund distributors to encourage onboarding of new individual investors from B-30 cities and women investors. Distributors will receive additional commissions for new investments, with specific conditions and exclusions outlined. The changes aim to expand outreach and promote financial inclusion.
Press Information Bureau, Dated 25.11.2025, MANU/PIBU/1304/2025	"BharatGen" is India's first sovereign multilingual and multimodal AI-driven Large Language Model, supported by significant government funding to build a comprehensive AI stack across text, speech, and vision for over 22 Indian languages. The initiative aims to enhance governance, innovation, and public service delivery, reflecting India's linguistic and cultural diversity, and is developed through collaborations with leading institutions and industry partners
Ministry of Finance	
Notification No. GSR 860(E), Dated: 24.11.2025, MANU/EAFF/0055/2025	To commemorate the occasion of Sri Guru Tegh Bahadur Ji's 350th Martyrdom Day, the Central Government had issued a coin with a denomination of 350 Rupees and its related rules called as the Coinage (Issue of Commemorative Coin on the occasion of Sri Guru Tegh Bahadur Ji's 350th Martyrdom Day) Rules 2025. The coin will be made of 99.9% pure silver, have a circular shape with a 44mm diameter, and feature specific designs on both sides.
Notification No. GSR 861(E), Dated: 24.11.2025, MANU/REVU/0059/2025	The Ministry of Finance, Department of Revenue, Directorate of Enforcement, Assistant Legal Adviser (Group 'A' Post) Recruitment Rules, 2025 issued *vide* this Notification outlines the recruitment rules for the post of Assistant Legal Adviser. It specifies the number of posts, classification, pay level, method of recruitment, age limit, qualifications, and other related matters. The rules also address disqualifications, power to relax provisions, and reservation policies.

INTERNATIONAL UPDATES

AUSTRALIA

Banking

High Court clarifies repayment clause and creditor affirmation in Shao v Crown Global Capital Pty Ltd

The High Court of Australia in *Shao v Crown Global Capital Pty Ltd* [2025] HCA 43 allowed an appeal from the New South Wales Court of Appeal concerning repayment of a loan note. The Court held that a single clause can both set a condition precedent for discharge of debt and impose a positive obligation on the borrower to pay in a specified way. A borrower who repays a loan contrary to the contractual payment mechanism may discharge the debt in equity yet still commit a breach of contract. This risk is heightened where there are multiple creditors and repayment is made to an account nominated unilaterally by only one of them. A creditor who affirms a non compliant repayment cannot later demand the same debt again. However, such affirmation does not waive the creditor's right to seek damages for the loss caused by the non compliant payment.

Australia introduces new licensing framework for digital asset and tokenised custody platforms

The Corporations Amendment (Digital Assets Framework) Bill 2025 proposes to treat digital asset platforms and tokenised custody platforms as financial products under the Corporations Act 2001 (Commonwealth of Australia). Operators of such platforms will need to hold an Australian financial services licence and comply with core obligations to act efficiently, honestly and fairly. They will also be subject to prohibitions on misleading and deceptive conduct, rules against unfair contract terms and requirements to explain clearly how customer assets are held and what rights attach. The Bill responds to gaps where many digital asset custody arrangements currently fall outside financial services law, creating insolvency, commingling, misuse and operational risks. It will define key concepts such as digital tokens, digital asset platforms and tokenised custody platforms and then tailor existing financial services rules to them.

Company and Commercial

Federal Court highlights shareholder oppression risks for equal startup investors

A recent Federal Court of Australia decision involving a fifty percent shareholder in a start up company illustrates how oppression remedies can apply even between equal investors. The Court examined conduct where one shareholder was effectively pushed out of management and excluded from decisions despite holding half the shares. Under the Corporations Act 2001 (Commonwealth of Australia), a shareholder may seek relief where the affairs of a company are conducted in a way that is contrary to the interests of members as a whole or oppressive, unfairly prejudicial or unfairly discriminatory to one or more shareholders. Remedies can include winding up, alterations to the constitution or a compulsory buy out of shares.

Employment and Labour

Fair Work Commission orders production of investigation report despite claim of legal privilege

The Fair Work Commission in Australia has ordered an employer to produce an external workplace investigation report despite a claim that it was protected by legal professional privilege. In assessing privilege, the Commission focused on the dominant purpose for which the investigation was commissioned and used, not merely how lawyers framed their engagement. Where an investigation is primarily undertaken to determine policy breaches and support disciplinary outcomes, its character may be disciplinary rather than for the purpose of legal advice.

Energy and Natural Resources

Government consults on offshore decommissioning and financial assurance reforms

The Department of Industry, Science and Resources has released a consultation paper titled Offshore decommissioning and financial assurances reforms dated 19 November 2025. The paper seeks feedback on strengthening financial assurance requirements for offshore oil and gas and carbon capture and storage titleholders. The initiative builds on the Offshore Petroleum and Greenhouse Gas Storage Amendment (Titles Administration and Other Measures) Act 2021 (Commonwealth of Australia), which introduced trailing liability and tougher suitability tests after the costly Northern Endeavour decommissioning.

Environment and Climate Change

Queensland proposes streamlined environmental licensing with new ERA code framework

The Environmental Protection (Efficiency and Streamlining) and Other Legislation Amendment Bill 2025 was introduced into the Parliament of Queensland on 20 November 2025. If enacted, it would allow certain lower risk environmentally relevant activities to operate under an environmental relevant activity code instead of obtaining an environmental authority under the Environmental Protection Act 1994 (Queensland). The Department of Environment, Tourism, Science and Innovation expects this change to significantly reduce the number of environmental authorities and free resources for more complex projects. Under the new model, activities whose environmental risks are well understood and manageable through standardised conditions would be regulated by codes. The Bill has been referred to the Health, Environment and Innovation Committee, with submissions due by 17 December 2025 and a report expected on 30 January 2026.

Tax

Federal Court clarifies valuation of mining projects and real property for Division 855 in Newmont case

In *Newmont Canada FN Holdings ULC v Commissioner of Taxation (No 2)* [2025] Federal Court of Australia 1356, the Court addressed how to value mining assets for non resident capital gains tax under Division 855 of the Income Tax Assessment Act 1997 (Commonwealth of Australia). The dispute concerned whether gains from the sale of shares in Newmont Australia Pty Ltd in 2011 should be disregarded under the principal asset test. That test compares the market value of taxable Australian real property assets with non taxable Australian real property assets. The Court examined how to classify plant, equipment and mining information as real property or otherwise for this purpose. It also commented on key valuation inputs including long term commodity price assumptions, discount rates, adjustments for lack of control or marketability and the use of net asset value multiples.

CHINA

Information Technology and Data Protection

China consults on draft personal information rules for large online platforms

The Cyberspace Administration of China and the Ministry of Public Security issued draft Provisions on Personal Information Protection for Large Online Platforms for public comment. The draft applies to platforms in the People's Republic of China with more than fifty million registered users or ten million monthly active users and those whose data could seriously affect national security, the economy or public welfare if breached. Regulators will publish a catalogue of platforms caught by this definition. Large online platform providers must appoint a personal information protection officer of Chinese nationality with no foreign permanent residency and establish a dedicated personal information protection department. That department will oversee internal policies, risk monitoring, incident response and complaint handling. Details of the officer and department must be filed with and updated at the Cyberspace Administration of China.

Patent

Tokyo court grants Japan's first injunction based on a FRAND committed standard essential patent

The Tokyo District Court issued a landmark judgment granting an injunction for infringement of a standard essential patent that had been committed to fair, reasonable and non discriminatory licensing terms. This is the first time a Japanese court has granted such relief in favour of a standard essential patent owner, following years of debate after the Intellectual Property High Court's 2014 Samsung v Apple decision on abuse of rights. The case tested how commitments to fair, reasonable and non discriminatory licensing interact with the right to seek injunctive relief under Japanese civil law. Shortly afterwards, in a related dispute over a different product version between the same parties, the Osaka District Court refused an injunction on similar facts.

MALAYSIA

Insolvency and Restructuring

Federal Court clarifies scope of liquidators' powers and priority of winding up costs

The Federal Court of Malaysia delivered an important judgment arising from the winding up of London Biscuits Berhad. The liquidator, having obtained court sanction under Schedule 12 Part II paragraph 1(a) of the Companies Act 2016, continued the company's business to enable a going concern sale. As part of that process, he retained key employees and later paid their termination benefits and indemnity in lieu of notice ahead of unsecured creditors. An unsecured creditor challenged these payments and sought the liquidator's removal, with mixed outcomes in the High Court and Court of Appeal. The Federal Court considered what qualifies as costs and expenses of winding up under section 527(1)(a) of the Companies Act 2016 and the standard for liquidators' personal liability. It held that, where business continuation has been authorised, employee termination benefits and related payments can fall within priority costs and expenses. The Court also reaffirmed the high threshold for removing or suing a liquidator acting in good faith under court supervision, providing reassurance to insolvency practitioners.

Immigration

Malaysia introduces exit clearance process for expatriate employment and visit pass holders

The Ministry of Home Affairs through the Immigration Department of Malaysia has introduced a new requirement for companies that sponsor expatriates under the Expatriate Services Division, Malaysia Digital Economy Corporation and Iskandar Malaysia Expatriate Services Centre. When an expatriate holding an Employment Pass or Professional Visit Pass permanently leaves Malaysia and will not renew the pass, the sponsoring company must apply to shorten or cancel the pass rather than simply allow it to expire. The process involves submitting a pass shortening application through the relevant portal and obtaining a Shortened Pass Slip. For Malaysia Digital Economy Corporation cases, original passports must also be presented physically after online cancellation.

Employment and Labour

Industrial Court upholds dismissal for verbal sexual harassment by security guard

In *Camillius Casimir v Genting Malaysia Berhad* (Award No. 1615 of 2025), the Industrial Court of Malaysia upheld the dismissal of a security guard for verbal sexual harassment. The misconduct arose from a remark made to a female employee at breakfast, where the guard asked in Malay whether she was eating a hot dog, using words that the employer said carried sexual innuendo. Although the guard claimed he was merely referring to the food

being served, the Court considered his remarks together with alleged lewd facial expressions and found that they carried sexual overtones. The female employee testified that she felt uncomfortable and disgusted, evidence the Court found credible. The guard's answers during the internal investigation were held to undermine his claim of innocence and revealed the real context of the comment. Given the trust placed in security personnel to maintain a safe environment, the Court held that dismissal was a proportionate response.

NEW ZEALAND

Banking

Global currency moves see pound weaken as inflation data supports Bank of England rate cut expectations

Recent market commentary from New Zealand's banking sector highlights sharp movements in major currencies following United Kingdom inflation data. The pound sterling fell to weekly lows after headline inflation remained at 3.8 percent in September instead of rising to 4 percent as forecast, increasing expectations of a Bank of England interest rate cut in December. At the same time, the euro struggled in the absence of strong Eurozone data and weakened as the United States dollar gained on risk averse sentiment. Investors are watching Eurozone consumer confidence figures, with further deterioration likely to weigh on the common currency. The United States dollar has benefited from concerns over global economic health and speculation about an artificial intelligence driven asset bubble

SINGAPORE

Arbitration and Alternative Dispute Resolution

Singapore Court of Appeal declines to review Singapore International Arbitration Centre procedural decision

In DMZ v DNA [2025] Singapore Court of Appeal 52, the Court of Appeal confirmed that Singapore courts cannot review procedural decisions taken by arbitral institutions such as the Singapore International Arbitration Centre. The case involved five contracts providing for Singapore International Arbitration Centre arbitration, where the Registrar amended the deemed commencement date of the arbitration after considering parties' submissions on limitation issues. The claimant sought court declarations that the original commencement date stood and that the amended decision was unlawful and beyond power under the Singapore International Arbitration Centre Rules 2016. Both the High Court and the Court of Appeal held that the International Arbitration Act does not empower courts to grant such relief against institutional procedural decisions.

Capital Markets

Singapore Exchange Regulation advances disclosure based regime as Monetary Authority of Singapore consults on consolidating listing review

On 29 October 2025, Singapore Exchange Regulation announced a package of reforms shifting Singapore's equities market further towards a disclosure based framework. Key changes include requiring listing applicants to disclose material weaknesses in internal control and accounting systems rather than certify that all weaknesses are immaterial. The profit threshold for new mainboard listings will drop from thirty million Singapore dollars to ten million Singapore dollars, accompanied by removal of the financial watch list and an updated trading suspension approach. The emphasis is on decision useful disclosure that allows investors to make informed choices while maintaining market quality

Copyright

Set top box retailer jailed and company fined for illegal streaming of Premier League content

A director of Amconics Technology in Singapore was sentenced to twenty two months' imprisonment and the company fined three hundred and eighty four thousand Singapore dollars for copyright offences under section 150 read with section 445 of the Copyright Act 2021. The business sold illegal streaming devices that provided unauthorised access to Football Association Premier League broadcasts, both in store and online. It also marketed illegal streaming subscriptions priced from one Singapore dollar to sixty Singapore dollars.

USA

Arbitration and Alternative Dispute Resolution

Court refuses to enforce website arbitration clause due to inconspicuous hyperlink to terms

In Ferrell v Snapcommerce Holdings Inc., United States District Court for the Northern District of California, the court declined to compel arbitration because the plaintiff was not given reasonable notice of the terms of use on the defendant's website. The arbitration clause was contained in online terms accessed through a small grey hyperlink at the bottom of a page where users entered a phone number and clicked a prominent bright blue button. The font of the notice was smaller than any other text and appeared in grey on a white background. The hyperlink was underlined but had no other distinguishing feature and could be obscured by the mobile keyboard when users typed. Relying on earlier appellate authority, the court held that such design did not provide even constructive notice of the arbitration agreement

Banking

Office of the Comptroller of the Currency confirms banks may hold crypto assets to pay network fees

In Interpretive Letter 1186 issued on 18 November, the Office of the Comptroller of the Currency clarified that national banks may pay crypto asset network fees and hold limited quantities of crypto assets as principal for that purpose. The Office of the Comptroller of the Currency treated payment of network fees as incidental to the business of banking where it supports otherwise permissible activities, such as using distributed ledger platforms to process transactions. Banks may also hold small amounts of crypto assets as principal to test crypto platforms before deployment.

Consumer Protection

Consumer Financial Protection Bureau proposes amendments to Regulation B on disparate impact and discouragement

The Consumer Financial Protection Bureau issued a Notice of Proposed Rulemaking to amend Regulation B, which implements the Equal Credit Opportunity Act. The proposal addresses three main areas. First, it would clarify that the Equal Credit Opportunity Act does not itself authorise disparate impact liability, distinguishing it from statutes such as Title VII of the Civil Rights Act of 1964 and the Fair Housing Act, where the Supreme Court has recognised disparate impact claims. Second, it would give more detailed meaning to the concept of discouragement in section 1002.4(b) of Regulation B, expanding guidance on conduct that unlawfully deters applicants on a prohibited basis. Third, it would introduce new rules for special purpose credit programs, including additional prohibitions and conditions to ensure fair design and administration.

Banking

Comptroller defends federal preemption of state laws after adverse escrow interest rulings

At the Clearing House annual conference, the Comptroller of the Currency Jonathan Gould reiterated the Office of the Comptroller of the Currency's commitment to defending federal preemption under the National Bank Act. His remarks followed recent decisions in the United States Courts of Appeals for the First and Ninth Circuits that declined to find blanket preemption of state laws requiring interest on mortgage escrow accounts. The Office of the Comptroller of the Currency has long argued, based on the Barnett Bank of Marion County National Association v Nelson standard embedded in the Dodd Frank Act, that state laws which prevent or significantly

interfere with national bank powers are preempted. It has filed amicus briefs asserting that state escrow interest requirements and interchange fee limits disrupt uniform deposit service management. In Conti v Citizens Bank National Association, the First Circuit held that Rhode Island's escrow interest law did not significantly burden national banks and therefore was not preempted.

Real Estate

New York Court of Appeals upholds key parts of Foreclosure Abuse Prevention Act against constitutional challenges

In Article 13 LLC v Ponce De Leon Federal Bank and Van Dyke v United States Bank National Association, the New York Court of Appeals considered the constitutionality of retroactive provisions of the Foreclosure Abuse Prevention Act. Section 7, at issue in Article 13 LLC, prevents a noteholder from disputing the validity of an earlier loan acceleration in later litigation over statute of limitations, unless the prior foreclosure was dismissed on that ground. The Court held that applying Section 7 retroactively in the circumstances of the case did not violate substantive or procedural due process under the New York Constitution. In Van Dyke, the Court upheld Sections 4 and 8, which restrict a noteholder's ability to revoke an optional acceleration, against as applied challenges under the Due Process Clause and Contract Clause of the United States Constitution.

Constitution

Supreme Court to reconsider limits on presidential power to remove independent agency heads

During President Trump's current term, the scope of presidential authority over independent regulatory agencies has returned to the centre of constitutional debate. The Supreme Court is now poised to revisit its 1935 precedent in *Humphrey's Executor v United States*, which upheld statutory limits on removal of Federal Trade Commission members except for inefficiency, neglect of duty or malfeasance. That decision has underpinned congressional efforts to insulate leaders of bodies such as the Federal Reserve System, Securities and Exchange Commission, Federal Trade Commission and National Labor Relations Board from direct presidential control through for cause removal protections.

IN NEWS

Did KPMG Really Copy the Digi Yatra App? Delhi High Court Hears a Serious Claim

The Delhi High Court is considering a serious allegation raised by Data Evolve in *Digi Yatra Foundation v Data Evolve Solutions*. The company has stated that KPMG made an unauthorised visit to its Hyderabad office and copied the Digi Yatra mobile application, which was later used in 28 airports although the governing agreement permitted deployment at only four. This submission was made while seeking the framing of six additional issues in the ongoing intellectual property dispute.

Justice Subramonium Prasad asked Data Evolve to identify where each of these proposed issues appears in the plaint, noting that an issue can be framed only when a fact is specifically pleaded and is in dispute. The Court indicated that several of the proposed issues are either already covered by the issues framed on October 29 or do not arise from the pleadings. The Court also clarified that monetary claims must be raised through the proper procedure, such as a counterclaim.

Data Evolve also stated that the core software was developed in 2020, prior to the Minimum Viable Product Agreement signed in 2021. Digi Yatra Foundation maintains that all software created under the agreement belongs to it. The Court has allowed Digi Yatra Foundation time to file its reply. The matter will be heard again on December 10.

Aadhaar Before Watching Adult Content? Supreme Court Opens Debate on Online Rules

During hearings related to remarks made by Ranveer Allahbadia (BeerBiceps) and Samay Raina, the Supreme Court discussed possible measures for regulating online content. The Bench of Chief Justice Surya Kant and Justice Joymalya Bagchi suggested that platforms may require Aadhaar-based age verification before allowing access to content considered obscene, noting that warnings shown before such content often do not give viewers a real opportunity to opt out.

The Court also expressed concern about online material that demeans persons with disabilities. It asked the Union government to consider a dedicated law similar in approach to the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, to address such conduct. The Court stated that dignity and respect must be protected, and humour cannot justify harmful remarks.

The Bench further observed that user-generated content spreads rapidly and that self-regulation may not be sufficient. It suggested that an autonomous, independent body may be needed to examine questionable content while ensuring that the rights under Article 19(1)(a) and the reasonable restrictions under Article 19(2) are balanced.

The Attorney General and Solicitor General informed the Court that consultations are being planned by the Ministry of Information and Broadcasting. The Court asked that the proposal be placed in the public domain and listed the matter after four weeks.

Supreme Court Flags Growing Trend of Later Benches Revisiting Earlier Decisions

In *SK Md. Anisur Rahaman v State of West Bengal* ((MANU-SC-1591-2025), the Supreme Court expressed concern over what it described as a rising practice of litigants approaching a newly constituted Bench in the hope of securing a different outcome. The Bench of Justice Dipankar Datta and Justice AG Masih said this pattern undermines the finality of decisions under Article 141 of the Constitution of India.

The Court was hearing a plea by Anisur seeking relaxation of a condition imposed by an earlier Bench, which required him to stay within Kolkata while on bail. A similar request had been rejected before the retirement of one of the judges on the earlier Bench. The Court noted that the present application was filed soon after the change in Bench composition and found no change in circumstances that justified reopening the matter.

The Bench emphasised that once an order is passed, it cannot be revisited merely because a different Bench is now in place. It stated that judicial discipline and the authority of the Court require later Benches to follow earlier coordinate Bench decisions unless the matter is brought through a review or curative route.

The Court also considered a separate plea seeking cancellation of the bail granted earlier but found no material to show that Anisur was responsible for prosecution witnesses turning hostile. The Court declined to cancel the bail but kept the original travel restriction intact, noting that diluting it would weaken the earlier order.

The matter has been directed to proceed before the trial court without delay.