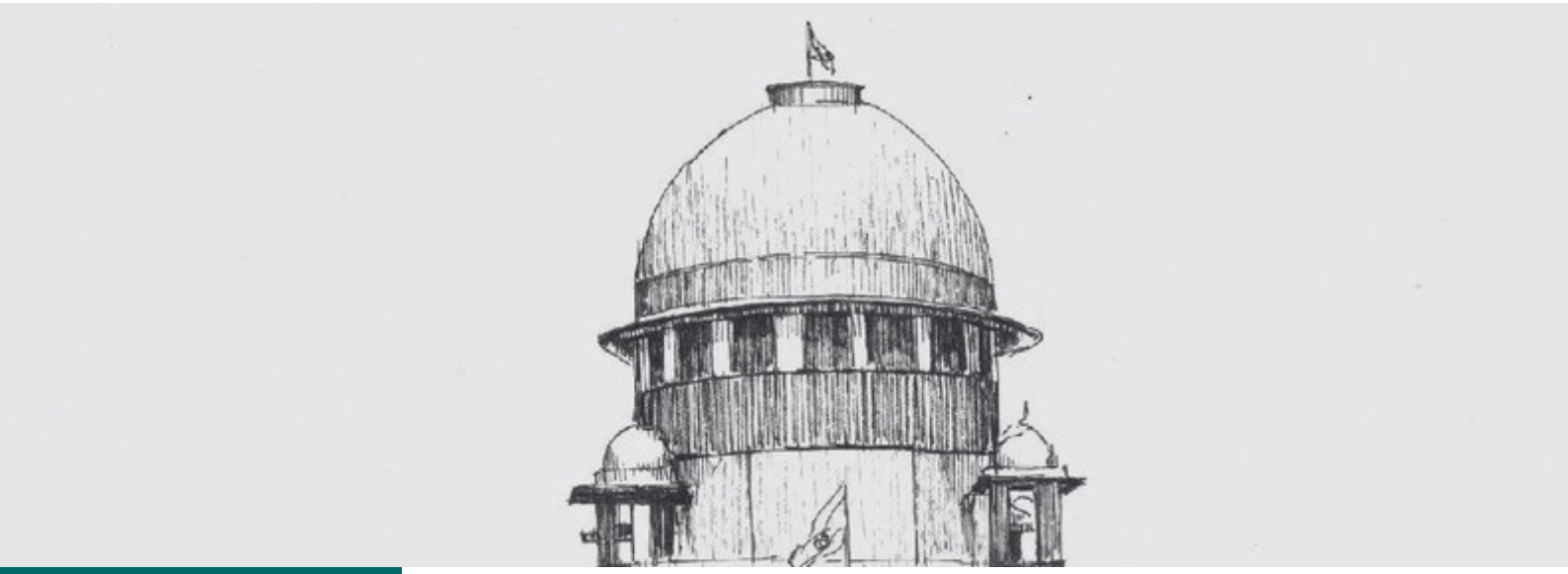
MANUPATRA WEEKLY WRAP

12th - 17th January 2026



Case Laws

ARBITRATION

M.V. Omni Projects (India) Ltd. vs. Union of India through Executive Engineer, CPWD, *Dated: 14.01.2026 (MANU/DE/0253/2026; 2026:DHC:287-DB)*

The Delhi High Court held that a unilateral arbitrator appointment cannot be validated through participation or conduct; only an **express written waiver under the Arbitration and Conciliation Act** can cure it. The Court dismissed MV Omni Projects' appeal, upholding the setting aside of an arbitral award against the Union of India *via* CPWD.

Delhi High Court:
Unilateral appointment of arbitrator cannot be validated unless there is express written waiver from affected party.

CIVIL

Ansal Crown Heights Flat Buyers Association (Regd.) vs. M/s Ansal Crown Infrabuild Pvt. Ltd. & Ors., *Dated: 12.01.2026 (MANU/SC/0048/2026; 2026 INSC 51)*

The Supreme Court held that a decree obtained against a builder company **cannot be enforced** against its directors or promoters unless the original judgment specifically holds them personally liable. The Court emphasized that execution cannot be used to enlarge liability beyond the parties legally bound.

Supreme Court:
Decree passed against builder company cannot be executed against its directors or promoters unless their personal liability is specifically established.

Delhi High Court: Courts must weigh public interest before granting injunctions that could restrict access to life-saving drugs.

Supreme Court: Transferee pendente lite has no independent right to obstruct or resist execution of decree, in view of bar contained under Order XXI of CPC.

Supreme Court: Where plaintiff's title is in question, suit seeking mandatory injunction alone is not maintainable, as enforcement of obligations depends on an established legal right.

Zydus Lifesciences Limited vs. E. R. Squibb and Sons, LLC & Ors, *Dated: 12.01.2026 (MANU/DE/0186/2026; 2026:DHC:178-DB)*

The Delhi High Court reiterated that while adjudicating patent disputes involving life-saving drugs, **courts must place significant emphasis on public interest**, particularly the potential impact of an injunction on patients who depend on such medicines.

Alka Shrirang Chavan & Anr. vs. Hemchandra Rajaram Bhonsale & Ors., *Dated: 12.01.2026 (MANU/SC/0058/2026; 2026 INSC 52)*

The Supreme Court reiterated that a transferee pendente lite, having purchased property during the pendency of litigation, **has no right to obstruct execution** of a decree and remains bound by its outcome. The Court upheld the Bombay High Court's decision rejecting the transferee's objections under Order XXI Rule 97 CPC.

Sanjay Paliwal & Anr. vs. Bharat Heavy Electricals Ltd. through its Executive Director*, Dated: 15.01.2026 (MANU/SC/0062/2026; 2026 INSC 61)*

The Supreme Court held that a suit for a mandatory injunction simpliciter is not maintainable where serious disputes exist regarding title, possession, or identity of the property. The Court observed that the **plaintiff must first pursue a comprehensive remedy**, **such as a declaration of title and recovery of possession**, instead of seeking relief through a standalone injunction.

CONSTITUTION

Delhi High Court: Access to medical care is fundamental right even for prisoners, permitting murder accused in judicial custody to undergo brain scan for proper medical evaluation and treatment

Jagarnath Shah @ Lala vs. State (NCT of Delhi)*, Dated: 15.01.2026 (MANU/DE/0270/2026; 2026:DHC:339)*

The Delhi High Court permitted a murder accused to undergo a brain scan after noting his neurological condition, holding that the **right to proper medical treatment is a fundamental right** even for persons in judicial custody and cannot be denied merely due to incarceration.

CRIMINAL

Karnataka High Court: Appeal against acquittal in bailable offences is maintainable only before High Court and not before Sessions Court, as mandated by CrPC.

Sri K. Keshava vs. State of Karnataka, *Dated: 14.01.2026 (MANU/KA/0092/2026)*

The Karnataka High Court set aside the conviction for causing death by negligence, holding that the Sessions Court had **no jurisdiction to entertain the State's appeal against the trial court's acquittal**. The Court found that the State wrongly filed the appeal before the Sessions Court, rendering the subsequent conviction under Sections 279, 337, 338, and 304-A IPC legally unsustainable.

Delhi Court: Secessionist claims based on religion violate national integrity and attract multiple UAPA and IPC provisions.

National Investigation Agency vs. Aasiya Andrabi & Ors., *Dated: 14.01.2026, (MANU/OT/0001/2026)*

The Court held that "integrity" means being **united and undivided**, including the physical unity of the nation. Aasiya Andrabi, chief of Dukhtaran-e-Millat, and her associates **advocated Kashmir's secession on religious grounds,** ignoring other Muslim-majority areas, and **failed to uphold the Constitution of India**. They were c**onvicted under Sections 18, 20, 38, 39 UAPA and Sections 120B, 121A, 153A, 153B, 505 IPC, while Section 17 UAPA and 121 IPC** were acquitted, and Section 124A IPC was kept in abeyance. The Court noted that such actions **threaten national unity and public order**, and **the law protects the country's sovereignty and constitutional order.**

Allahabad High Court: Filing false FIRs must be prosecuted; officers who ignore this face contempt proceedings.

Umme Farva vs. State of U.P. & Another, *Dated: 14.01.2026 (MANU/UP/0017/2026; 2026:AHC:8949)*

The Allahabad High Court has issued a strict mandate directing police to prosecute individuals who **lodge false or malicious FIRs**. The bench held that if an investigation establishes that the FIR was based on false information, the Investigating Officer is statutorily required to initiate proceedings against the informant under Section 215(1)(a) BNSS, corresponding to Section 195(1)(a) CrPC.

Supreme Court: Conviction cannot rest solely on Section 27 disclosure statements; the prosecution must establish a complete chain of evidence linking the accused to the offence.

Tulasareddi @ Mudakappa & Anr. vs. The State of Karnataka & Ors.*, Dated: 16.01.2026 (MANU/SC/0072/2026; 2026 INSC 67)*

The Supreme Court set aside a murder conviction, holding that statements under Section 27 of the Evidence Act alone cannot sustain a conviction. The court emphasized that the **chain of circumstantial evidence must be complete to establish the accused's connection** to the crime.

EDUCATION

Supreme Court: Right to Education Act aims to foster fraternity and equal opportunity by integrating children from all backgrounds in schools.

Dinesh Biwaji Ashtikar vs. State of Maharashtra & Ors., *Dated: 13.01.2026 (MANU/SC/0060/2026;* 2026 INSC 56*)*

The Supreme Court has held that the Right of Children to Free and Compulsory Education Act, 2009's, **25% reservation for children from weaker and disadvantaged sections** in neighbourhood unaided schools must be treated as a national mission, with the potential to transform India's social fabric. Section 12 envisions a common, integrated school system where children of all classes, castes, and genders learn together, fostering equality, fraternity, and inclusivity. The Court emphasized that this statutory mandate goes beyond legal compliance and serves as a social imperative **to promote mutual respect and reshape education.**

LAW OF EVIDENCE

Delhi High Court: Courts cannot compel lawyers to reveal sources of documents submitted on behalf of their clients.

McDonalds India Ltd. vs. State of NCT of Delhi, *Dated: 12.01.2026 (MANU/DE/0177/2026; 2026:DHC:228)*

The Delhi High Court held that courts cannot compel lawyers to reveal the sources of documents submitted on behalf of their clients, as doing so would violate Section 126 of the Indian Evidence Act, 1872, which protects attorney-client confidentiality. The Court emphasized that when a client provides documents to a lawyer for legal representation, the source of **those documents forms part of professional secrecy.**

FAMILY

Supreme Court: Maintenance can be claimed from deceased father-in-law's estate by Hindu daughter-in-law who loses her husband.

Kanchana Rai vs. Geeta Sharma & Ors., *Dated: 13.01.2026 (MANU/SC/0059/2026; 2026 INSC 54)*

The Supreme Court held that a Hindu daughter-in-law who becomes a widow after her father-in-law's death is **entitled to maintenance from his estate** under Section 21(vii) of the Hindu Adoptions and Maintenance Act, 1956. The Bench emphasized that the term **"any widow of his son"** clearly includes widows regardless of whether their husband predeceased the father-in-law or not.

INDIRECT TAX

Supreme Court: Engaging global speakers for summit cannot be taxed as 'event management services,' as contractual obligation to provide speakers is distinct from organizing or managing event.

HT Media Limited vs. Principal Commissioner, Delhi South Goods and Services Tax, *Dated: 16.01.2026 (MANU/SC/0071/2026; 2026 INSC 66)*

The Supreme Court held that fees paid to **international speakers for a media** summit do not attract service tax under **"Event Management Service."** The court set aside the Customs, Excise and Service Tax Appellate Tribunal (CESTAT) order demanding over ₹60 lakh from Hindustan Times Media Ltd. for its Leadership Summit featuring global figures like Tony Blair, Al Gore, and Jerry Linenger.

INSOLVENCY

Supreme Court issued mandatory directions for CoC handling insolvency proceedings involving builders to secure homebuyers' interests, emphasising consumer protection

Elegna Co-op. Housing and Commercial Society Ltd. vs. Edelweiss Asset Reconstruction Company Limited & Anr., *Dated: 15.01.2026 (MANU/SC/0065/2026; 2026 INSC 58)*

The Supreme Court clarified that **Committees of Creditors must exercise their powers** responsibly and transparently under the IBC, especially in builder insolvency cases, ensuring that extraordinary decisions are well-reasoned in writing to protect homebuyers' interests.

Supreme Court: In suits for specific performance vendor remains necessary party even if property has been transferred to third party.

Supreme Court: Authorities may exclude overqualified candidates from posts with lower qualification requirements, reinforcing validity of precise eligibility norms in recruitment.

PROPERTY

Kishorilal (D) through LRs & Ors. vs. Gopal & Ors., *Dated: 12.01.2026 (MANU/SC/0050/2026; 2026 INSC 48)*

The Supreme Court clarified that the subsequent transfer of property to a third party does not dilute the requirement of impleading the vendor in a suit for specific performance. The court observed that the **vendor's presence is mandatory to ensure proper adjudication** of the claim.

SERVICE

Md. Firoz Mansuri & Ors. vs. The State of Bihar & Ors., *Dated: 16.01.2026 (MANU/SC/007/2026; 2026 INSC 68)*

Supreme Court confirmed that States have the **authority to set minimum educational criteria**. It upheld Bihar's rule limiting Pharmacist recruitment to Diploma holders, dismissing challenges by candidates with advanced pharmacy degrees.

News

ARBITRATION

16.01.2025

The **Supreme Court** has directed the Union of India to respond to a petition requesting the establishment of an Arbitration Council of India (ACI), a statutory body mandated by the Arbitration and Conciliation (Amendment) Act, 2019.

CIVIL

13.01.2025

The **Supreme Court** indicated that it may hold both civic authorities and dog feeders liable for injuries or deaths caused by stray dog attacks, observing that those concerned about stray animals should take them into their homes rather than allowing them to roam freely and pose a threat to the public.

The **Supreme Court** has criticized a plea seeking the removal of V.D. Savarkar's portraits from Parliament and other public institutions, cautioning that the party filing the petition could face costs for pursuing a frivolous case.

CONSTITUTION

14.01.2025

The **Delhi High Court** emphasized that the Delhi Government and its agencies cannot evade their responsibility to provide shelter to patients, attendants, and their families who are left to sleep outside city hospitals in the harsh winter cold due to a lack of accommodations. The Court took cognizance of a report published in *The Hindu* on January 11, titled "Night shelters packed, patients, kin brave the cold outside hospitals."

13.01.2025

The **Supreme Court** has issued notice on a public interest litigation seeking to read down key provisions of the Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954, with the plea contending that the law has become constitutionally obsolete and operates in an arbitrary and disproportionate manner.

CRIMINAL

14.07.2025

The **Allahabad High Court** has refused to dismiss criminal proceedings under the Drugs and Cosmetics Act against directors of pharma company that allegedly produced substandard cough syrup linked to over 18 child deaths in Uzbekistan. The WHO had issued a 2023 warning about two cough syrups made by Marion Biotech.

12.07.2025

The **Supreme Court** has asked terrorist Abu Salem, convicted in the 1993 Mumbai blasts case, to place on record the Maharashtra prison rules to determine whether they permit remission for convicts sentenced under the TADA Act.

The **Supreme Court** has granted bail to Aadya Prasad Tiwari, who is accused in connection with the case relating to the death of Akhil Bharatiya Akhara Parishad president Mahant Narendra Giri.

EDUCATION

15.01.2025

The **Delhi High Court** has directed the government to ensure that Parent Teacher Associations (PTAs) are operational in all private schools across the national capital. A Division Bench issued the order while hearing a petition that highlighted the failure of private unaided schools to form PTAs.

ELECTION

13.01.2025

During the hearing of petitions challenging the Special Intensive Revision (SIR) of electoral rolls across states, the **Supreme Court** questioned the Election Commission of India (ECI) on whether a person's right to vote could be curtailed pending a determination of citizenship by the Central Government.

FAMILY

15.01.2025

The **Gujarat High Court** has set aside a Family Court order that refused to execute a decree of divorce by mutual consent, holding that the Family Court had no discretion to deny execution once the spouses had agreed to a compromise decree. The Court observed that when the husband and wife mutually consented to the terms of settlement and expressly chose not to pursue adjudication of their respective rights, the Family Court was bound to execute the decree in accordance with law.

14.01.2025

The **Kerala High Court** has observed that a Hindu wife can claim maintenance against her husband's immovable property even after it has been sold or transferred, under two conditions: either she filed maintenance proceedings before the transfer, or the buyer was aware of her claim.

LAW OF EVIDENCE

14.01.2026

The **Delhi High Court** has reinstated the ban on two fixed-dose combination (FDC) drugs used in the treatment of Type II Diabetes Mellitus. The prohibition stems from two government notifications issued in 2018 that barred the manufacture and sale of FDCs.

Notification Updates

Reserve Bank of India

Circular No.: A.P. (DIR Series) Circular No. 19, Dated: 12.01.2026, MANU/APDR/0001/2026

The Reserve Bank of India has issued the **Foreign Exchange Management (Guarantees) Regulations, 2026.** Authorised Dealer (AD) banks are required to be guided by these regulations while facilitating guarantees involving any party who is a person resident outside India. AD banks must also ensure compliance with the relevant regulatory guidelines issued by the Department of Regulation, Reserve Bank of India.

Notification No. : CEPD.PRD.No.S1030/13.01.019/2025-2026, Dated:14.01.2025, MANU/RMIC/0028/2026

The Reserve Bank of India has issued guidelines to improve the grievance redress mechanism in **Non-Banking Financial Companies (NBFCs)** by appointing Internal Ombudsmen to ensure effective complaint resolution. These guidelines emphasize the roles of Internal Ombudsmen, including recommending compensation and policy changes, with oversight from the board and reporting to the RBI.

Notification No. : CEPD.PRD.No.S1027/13.01.019/2025-2026, Dated:14.01.2025, MANU/RMIC/0032/2026

The **RBI (Commercial Banks – Internal Ombudsman) Directions, 2026** mandate commercial banks with 10 or more outlets to appoint an **independent Internal Ombudsman (IO)** to strengthen customer grievance redressal. All customer complaints that are **partly allowed or rejected by the bank must be automatically escalated to the IO** before final closure.

Notification No. : CEPD.PRD.No.S1029/13.01.019/2025-2026, Dated:14.01.2025 MANU/RMIC/0027/2026

The **Reserve Bank of India (Small Finance Banks – Internal Ombudsman) Directions, 2026** require small finance banks with 10 or more outlets to set up an **independent Internal Ombudsman (IO)** system to strengthen customer grievance redressal before a complaint is finally rejected. Under these Directions, banks must automatically route all partially resolved or rejected complaints to the IO through an automated system, and the IO must issue a **reasoned decision within prescribed timelines**.

Press Release No. : 2025-2026/1918, Dated: 14.01.2025, MANU/RPRL/0037/2026

The RBI has introduced the **Internal Ombudsman Directions, 2026** to enhance internal complaint-handling in banks and NBFCs by mandating an **independent Internal Ombudsman (IO)** with safeguards on appointment, tenure, and reporting.

Notification No. : FEMA 23(R)/2026-RB, Dated: 13.01.2026, MANU/RMIC/0033/2026

The Reserve Bank of India has issued the **Foreign Exchange Management (Export and Import of Goods and Services) Regulations, 2026**, which supersedes the previous regulations from 2015. These new regulations, effective **from October 1, 2026,** are framed under the powers of the Foreign Exchange Management Act, 1999 (FEMA), and will govern the export and import of goods and services in India.

Securities and Exchange Board of India

Notification No. : SEBI/LAD-NRO/GN/2026/294, Dated: 14.02.2026, MANU/SREG/0005/2026

The Securities and Exchange Board of India (Mutual Funds) Regulations, 2026, outline the comprehensive framework for the regulation, management, and operation of mutual funds in India. These regulations aim to enhance transparency, investor protection, and operational efficiency within the mutual fund industry. Key provisions include guidelines for the registration, operation, and responsibilities of asset management companies (AMCs), trustees, and other stakeholders. These regulations shall come into force with effect from April 1, 2026.

Notification No. : SEBI/LAD-NRO/GN/2026/293, Dated: 13.01.2025, MANU/SREG/0004/2026

The Securities and Exchange Board of India (Credit Rating Agencies) (Amendment) Regulations, 2026, introduce key updates to the regulatory framework governing credit rating agencies (CRAs) in India. These amendments aim to strengthen the transparency, accountability, and operational effectiveness of CRAs by enhancing their governance structures and disclosure requirements.

Ministry of Labour and Employment

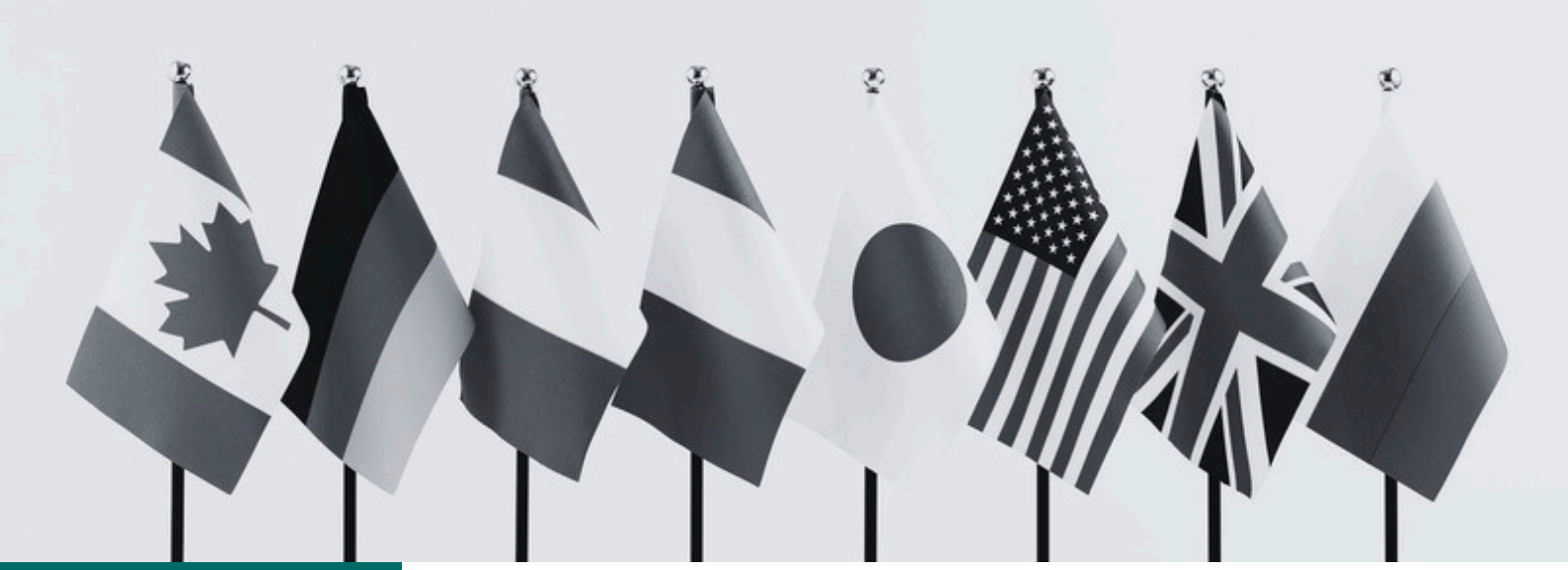
Notification No.: SO168(E), Dated: 12.01.2026, MANU/LABR/0001/2026

The Ministry of Labour and Employment **mandates the use of Aadhaar for availing benefits under the Pradhan Mantri Viksit Bharat Rozgar Yojana.** Beneficiaries must authenticate their identity using Aadhaar or apply for enrolment if they don't have an Aadhaar number. The notification outlines procedures for identity verification and alternative methods if biometric authentication fails.

Ministry of Youth Affairs and Sports

Press Information Bureau, Dated: 12.01.2026, MANU/PIBU/0036/2026

The Union Government has notified the **National Sports Governance (National Sports Bodies) Rules, 2026,** providing a framework for the inclusion of Sportspersons of Outstanding Merit, election procedures, and disqualification criteria for National Sports Bodies. The Rules ensure representation of women and outline procedures for registration and updating of affiliate units. They also specify eligibility and tiered criteria for sportspersons, election procedures, and disqualifications for committee membership.



International Updates

CANADA

Energy & Natural Resources Regulation

Alberta introduces statutory framework to manage data centre grid access and levies

Alberta has enacted amendments through Bill 8 and Bill 12 to modernize electricity regulation for large-scale data centre projects. The changes grant the provincial minister expanded authority to classify data centres, regulate grid access, manage load consumption, and provide **exemptions** under the Electric Utilities Act. A new levy framework has also been introduced for grid-connected data centres to ensure cost recovery and system **sustainability**. These reforms align with the Alberta Electric System Operator's phased integration plan, under which 1,200 megawatts of capacity has already been allocated to 2 projects with delivery expected by 2028. Further industry consultation is scheduled for early 2026. The measures reflect Alberta's response to rising artificial intelligence-driven computing demand.

Environment & Climate Change

European Union carbon border levy enters full force with compliance implications for Canadian trade

The European Union's Carbon Border Adjustment Measure has moved into its definitive phase, imposing carbon-linked obligations on imports of steel, aluminum, cement, fertilizer, electricity, and hydrogen. Canadian exporters and importers must now track embedded **emissions** and prepare for financial liabilities commencing in 2027. The measure aims to prevent carbon leakage and equalize **competition** between European and non-European producers subject to different carbon pricing regimes. Businesses that treat 2026 as a transition year risk exposure to unexpected compliance costs. Immediate adjustments to emissions accounting and pricing models are now commercially necessary.

Regulation

Canadian provinces accelerate consolidation of healthcare regulatory bodies

Throughout 2025 and into 2026, Canadian provinces including British Columbia and Nova Scotia have pursued consolidation of healthcare professional regulators. In British Columbia, the Health Professions and Occupations Act, effective April 1, 2026, reduces the number of regulatory colleges from 15 to 6 and establishes a **centralized** oversight authority. The reforms aim to enhance public protection, regulatory consistency, and disciplinary transparency. Additional professional amalgamations are scheduled through 2027. These changes will affect **licensing**, disciplinary processes, and professional governance across multiple health sectors.

Artificial Intelligence & Data Protection

Canada continues sector-based regulation of artificial intelligence without a standalone statute

Canada does not yet have a dedicated artificial intelligence statute, but existing federal and provincial laws regulate artificial intelligence use across sectors. These include consumer protection laws, the Criminal Code, sectoral safety legislation, employment disclosure rules, and privacy statutes such as the Personal Information Protection and **Electronic Documents Act**. Quebec has introduced enhanced obligations for automated decision-making systems, while Ontario's Digital Security Act came into force in January 2025. Organizations deploying artificial intelligence must therefore navigate a fragmented but enforceable regulatory environment. Compliance planning requires coordination across privacy, employment, consumer, and cybersecurity regimes.

CHINA

Copyright

Shenzhen court confirms copyright protection for industrial embedded firmware through forensic appraisal

The Shenzhen Intermediate People's Court ruled that embedded control software used in **micro-dispensing** equipment qualified for copyright protection under Chinese law. The court relied on judicial forensic analysis and in-court technical verification to find that a competitor's firmware was a cracked copy of a German manufacturer's proprietary code. The dispute followed notarized purchases of infringing products in Jiangmen and Xiamen in early 2024. The court applied the access plus substantial similarity test and upheld claims for injunctive relief and damages of RMB 1,000,000. The judgment reinforces China's willingness to protect industrial software through technical evidence.

Trade Secrets

Supreme People's Court clarifies burden shifting in artificial intelligence trade secret disputes

China's Supreme People's Court has clarified that once a trade secret holder presents preliminary evidence of access and substantial similarity, the burden shifts to the alleged infringer to **disprove misappropriation.** The ruling arose from a dispute involving fingertip recognition and point-to-read translation technology developed using artificial intelligence. Former shareholders and employees were alleged to have transferred algorithmic know-how to a competing company that launched similar products in July 2019. Courts must objectively assess claims of independent development using technical comparison and logical inference. The guidance strengthens judicial protection for algorithm-based trade secrets.

Patent

Revised patent guidelines define protection boundaries for bitstream-related inventions

China has amended its Guidelines for Patent Examination, effective January 1, 2026, introducing a new section governing inventions involving bitstreams. Claims directed solely to pure bitstreams or syntax descriptions are excluded from patent protection as non-technical subject matter. However, bitstreams linked to specific video encoding or **decoding methods** that produce technical effects in storage or transmission may qualify for protection. The revision expands patent eligibility across the digital streaming lifecycle while preserving technical contribution requirements. Applicants are expected to draft claims emphasizing concrete technical solutions.

Regulation

Hong Kong accelerates listing review timelines and relaxes public float requirements

Insolvency

Legal considerations in choosing between share and asset acquisitions in Indonesia

Maritime

High Court rejects lay-up fee priority claim due to lack of licensing authority

Competition & Antitrust

Singapore proposes statutory amendments to unify competition oversight across converged sectors

HONG KONG

Hong Kong regulators have introduced measures to shorten the vetting process for non-complex listing applications that fully meet regulatory standards. Under the revised framework, the Stock Exchange and the Securities and Futures Commission aim to issue initial comments within 15 and 20 business days respectively. **Large-cap issuers** may also be permitted to maintain lower public float levels, subject to enhanced disclosure obligations. The reforms seek to improve market competitiveness following years of subdued equity fundraising. These changes are intended to balance efficiency with investor protection.

INDONESIA

Indonesian companies increasingly rely on restructuring strategies to adapt to economic volatility and geopolitical uncertainty. Share acquisitions, governed under Law Number 40 of 2007, result in a transfer of corporate control and associated liabilities. Asset acquisitions, while not expressly regulated, are commonly used to isolate risk but require detailed transfer documentation and regulatory approvals. Each structure carries distinct **tax, employment, and licensing implications.** Legal assessment of control, liability exposure, and consent requirements is critical before selecting the transaction model.

MALAYSIA

The High Court of Malaya dismissed an application seeking to rank ship lay-up charges as sheriff's expenses following the arrest of the vessel Ocean Winner. The applicant claimed RM 455,285.40 in anchorage and administrative fees but failed to establish ***locus standi*** because the relevant lay-up licence was issued to a different entity. The court emphasized the importance of regulatory licensing in asserting priority claims against vessel sale proceeds. Without proper authorization, commercial service providers cannot elevate contractual claims to enforcement priority status. The ruling clarifies evidentiary requirements in maritime cost recovery disputes.

SINGAPORE

Singapore has issued a public consultation on amendments to the Infocomm Media Development Authority Act 2016 to harmonize competition regulation across telecommunications and media industries. The proposals address merger approval thresholds, **voiding of anti-competitive agreements**, structural separation powers, and appeal procedures. Additional authority to issue directions and approve codes of practice is also contemplated. The amendments build on the 2022 competition code that unified sectoral regulation. Stakeholder feedback will shape the final legislative framework.

Pharmaceutical

Celltrion secures Korean approval for biosimilar omalizumab autoinjector

Human Rights

Thailand prepares mandatory due diligence obligations for large enterprises

Banking

Regulator proposes clarification allowing national trust banks to conduct nonfiduciary activities

Regulation

Investment adviser anti-money laundering rule delayed until January 1, 2028

Arbitration

Supreme Court refusal leaves providers without judicial remedy to enforce No Surprises Act awards

SOUTH KOREA

Celltrion has received regulatory approval in Korea for autoinjector formulations of its biosimilar omalizumab in 75 milligram and 150 milligram doses. The product had previously been approved in pre-filled syringe formats and is already authorized in multiple global markets. The expanded delivery options enhance patient convenience and **commercial positioning.** Celltrion now offers a complete dosing portfolio across key jurisdictions. The approval highlights intensifying competition in the global biosimilar market.

THAILAND

Thailand is developing legislation that would require large enterprises to conduct ongoing human rights and environmental due diligence across their operations and supply chains. The draft Bill applies to manufacturing businesses with annual revenue above THB 500,000,000 and service or retail businesses above THB 300,000,000. Covered entities must adopt public sustainability policies and integrate **due diligence** into governance systems. The Bill reflects international trends toward mandatory corporate accountability. If enacted, it will significantly affect compliance and supplier management practices.

USA

The Office of the Comptroller of the Currency has proposed amendments clarifying that **national trust** banks may engage in nonfiduciary activities such as asset custody without performing deposit-taking or lending functions. The proposal resolves ambiguity created by earlier regulations and aligns chartering language with the National Bank Act. The change is particularly relevant for fintech and digital asset firms seeking federal trust charters. Other special purpose banks remain subject to traditional banking function requirements. Public comments will inform final rulemaking.

The Financial Crimes Enforcement Network has finalized a 2-year delay of the investment adviser anti-money laundering rule originally adopted in 2024. The rule would classify certain advisers as financial institutions under the Bank Secrecy Act, requiring compliance programs and suspicious activity reporting. The delay allows regulators to **reassess scope** and coordinate with related rules. Advisers should continue preparatory compliance planning during the extended transition period.

The Supreme Court has declined to review a Fifth Circuit ruling holding that healthcare providers lack a private right of action to enforce Independent Dispute Resolution awards under the No Surprises Act. The decision also limits standing for derivative **Employee Retirement Income Security Act** claims where patients suffer no out-of-pocket harm. As a result, providers must rely on administrative enforcement mechanisms rather than federal courts. The ruling has nationwide persuasive impact on healthcare reimbursement disputes.

Compliance

Federal appellate court restores emergency affirmative defense for emissions exceedances

The United States Court of Appeals for the District of Columbia Circuit has declined rehearing and upheld its decision restoring an emergency affirmative defense under Title V of the Clean Air Act. The court ruled that the defense addresses **liability** rather than limiting judicial remedies. Operators may rely on the defense if excess emissions result from qualifying emergency events and reasonable mitigation steps were taken. The decision reverses the Environmental Protection Agency's 2023 rescission and provides regulatory certainty for permitted facilities.

Topic of the Week

Right to Education Cannot Be Reduced to Paper Formalities: Supreme Court Directs States to Frame Binding Rules

RTE 25% Quota Is Mandatory Despite Absence of State Rules

The Supreme Court has held that the statutory obligation of private unaided schools to admit children from Weaker Sections and Disadvantaged Groups under Section 12(1)(c) of the Right of Children to Free and Compulsory Education Act, 2009 cannot be diluted due to the absence of binding rules framed by States and Union Territories. The ruling was delivered by a Division Bench in **Dinesh Biwaji Ashtikar v. State of Maharashtra (MANU/SC/0060/2026).** The Court categorically ruled that Standard Operating Procedures issued by child rights bodies, including guidelines circulated for admissions, do not have the force of law and cannot substitute statutory rules framed under Section 38 of the Act. The Bench observed that implementation of the 25 percent quota solely through executive guidelines has led to serious gaps on the ground, undermining the constitutional guarantee of free and compulsory education under Article 21A of the Constitution of India.

Failure of Procedure, Not of the Right

The case arose from a petition filed by a parent whose children were denied admission under the 25 percent quota in a neighbourhood private school in Maharashtra, despite vacant seats being disclosed through replies obtained under the Right to Information Act, 2005. The Primary Education Officer of Gondia Zila Parishad had also requested the school to grant admission, noting the family's extreme financial hardship and proximity to the school.

The **Bombay High Court dismissed the petition on the ground that the prescribed online admission procedure had not been followed**. By the time the matter reached the Supreme Court, the academic years had elapsed, rendering individual relief impracticable. Nevertheless, the Supreme Court proceeded to examine the systemic issue to prevent recurrence.

Binding Rules Are a Constitutional Necessity

The Court noted that online-only admission processes ignore realities such as digital illiteracy, language barriers, lack of assistance desks, and opaque information on seat availability. It emphasized that elementary education is a positive fundamental right imposing corresponding duties on governments, schools, local authorities, and courts.

Accordingly, the Court directed all **States and Union Territories to frame enforceable rules under Section 38 of the Right of Children to Free and Compulsory Education Act, 2009**, in consultation with child rights bodies. The National Commission for Protection of Child Rights was directed to be impleaded for compliance and monitoring. The matter is listed next on **April 6**.

A Melody Gets Legal Protection: Taj Hotels Secures Registration of Its Sound Mark

Sound recognized as a protectable trademark under Indian law

Taj Hotels has secured statutory registration of a sound mark, reinforcing the growing **recognition of non-traditional trademarks** under Indian intellectual property law. The registration has been granted in favour of The Indian Hotels Company Limited, which operates the Taj Hotels brand, with effect from **April 17, 2025,** the date of application.

The **registered sound mark consists of musical notes** D, E, E, G, A, E in D Major, set to a **4/4 time signature with a tempo of 130 beats per minute**. The application was filed as a sound mark under the Trade Marks Act, 1999, a category that continues to see limited but steadily increasing registrations in India.

Scope and Legal Protection

The sound mark has been registered across Classes 9, 35, and 43, covering software and mobile applications for hotel booking and accommodation management, advertising and promotion of hospitality services, administration of customer loyalty programmes, and services relating to temporary accommodation, food, and beverages. The registration is **valid for a period of 10 years** and is renewable for successive ten-year terms in accordance with the statute.

Registry records indicate that the company sought expedited examination by filing **Form TM-M**, citing business requirements for early registration and paying the prescribed fee. The registration formally recognizes sound as a distinct brand identifier, particularly relevant in the hospitality sector where consumer engagement increasingly relies on multi-sensory experiences.

Karta Cannot Take Shelter Behind the HUF: Bombay High Court Clarifies Personal Liability in Arbitration Enforcement

Bombay High Court holds karta personally liable where HUF assets fall short

The Bombay High Court has held that the Karta of a Hindu Undivided Family can be personally proceeded against to satisfy an arbitral award where the assets of the Hindu Undivided Family are insufficient. The ruling was delivered by Justice R I Chagla in **Manjeet Singh T Anand v. Nishant Enterprises HUF through its Karta and Another(MANU/MH/0301/2026)**, arising from execution proceedings of a commercial arbitral award.

The Court also clarified that the court at the seat of arbitration retains jurisdiction to execute and enforce an award even if the judgment-debtor's assets are located outside its territorial jurisdiction. In the present case, Mumbai was the seat of arbitration.

Jurisdiction of the Seat Court

The arbitral award dated November 30, 2023 directed payment of approximately ₹12.52 crore with interest at 10 percent and costs of ₹22.25 lakh. Around ₹14.79 crore remained unpaid, with no stay on execution. The Hindu Undivided Family objected to execution in Mumbai, contending that all disclosed assets were located in Bhiwandi, Thane district, and that execution could only proceed where the assets were situated under the Code of Civil Procedure, 1908.

Rejecting this objection, the Court held that under **Section 2(1)(e)(i) of the Arbitration and Conciliation Act, 1996**, the court at the seat of arbitration is not divested of jurisdiction merely because the assets are located elsewhere. The Court reiterated that **execution may proceed both before the seat court and the court where assets are located**, providing the award-creditor an additional forum.