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NEWSLETTER

October 2026

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SEBI CIRCULAR: RELAXATION FOR FPIs INVESTING ONLY IN GOVERNMENT SECURITIES (7 SEPTEMBER 2026)

On 7 September 2026, SEBI issued Circular[1], amending the Master Circular for Foreign Portfolio Investors (FPIs), Designated Depository Participants (DDPs) and Eligible Foreign Investors dated 30 May 2024. With immediate effect, FPIs investing only in Government Securities (G-Secs) are not required to furnish investor group details, irrespective of the route through which they invest.

SEBI has introduced a relaxation for Foreign Portfolio Investors (FPIs) investing exclusively in Government Securities (G-Secs), aimed at simplifying their regulatory and disclosure requirements. The relaxation removes the requirement to furnish investor group details for such FPIs, irrespective of the investment route, and is intended to facilitate ease of compliance for foreign investors investing solely in sovereign debt.

Key Changes:

- ***Exemption Extended To All Routes***

SEBI's circular of 10 September 2025 had exempted only those G-Sec-only FPIs investing under the Fully Accessible Route (FAR). The relevant sub-paragraph under Para 1 of Part A of the Master Circular now covers G-Sec-only FPIs investing through either FAR or the General Route.

- ***Regulatory Trigger***

On 5 June 2026, the RBI withdrew the concentration limit for FPIs investing in G-Secs through the General Route. Since investor-group identification largely supports monitoring of such limits, SEBI concluded that it no longer serves a purpose for FPIs holding only sovereign debt.

- ***Implementation***

Depositories, custodians and DDPs must update their systems and bring the circular to the notice of FPIs.

What This Means:

The change is a logical follow-through of the RBI's June 2026 liberalisation and removes a disclosure step with limited supervisory value for sovereign-debt-only investors, easing onboarding and ongoing compliance for them and their DDPs. The relief turns on the word "only": an FPI that also holds equity or corporate debt will not qualify, so DDPs should build checks to track when an FPI's holdings move outside G-Secs. The relief is confined to investor group details and does not otherwise dilute FPI eligibility or KYC requirements.

SEBI CIRCULAR: ANGEL FUNDS GET MORE TIME FOR ACCREDITED INVESTOR MANDATE (7 SEPTEMBER 2026)

By its circular[2] dated 7 September 2026, SEBI extended the deadline for Angel Funds registered on or before 10 September 2025 to comply with the Accredited Investor mandate, following representations from the Alternative Investment Fund (AIF) industry. The circular amends Para 8.1.2 of the Master Circular for AIFs dated 3 June 2026.

SEBI has extended the compliance timeline for existing Angel Funds to transition to the Accredited Investor framework. The extension provides additional time to Angel Funds registered on or before 10 September 2025, while retaining the existing restrictions on non-Accredited Investors and requiring full compliance by 31 March 2027.

Key Changes:

- ***Revised Transition Period***

The AIF Regulations were amended on 9 September 2025 so that Angel Funds registered after 10 September 2025 may

[1] HO/(485)2026-AFD-POD2/I/20296/2026

[2] HO/19/34/11(7)2025-AFD-POD1/I/20626/2026

onboard and offer investments only to Accredited Investors. Existing Angel Funds had until 8 September 2026 to transition; this is now extended to **31 March 2027**.

- ***Conditions During The Extension***

Existing Angel Funds must implement the mandate by 31 March 2027, may not offer investment opportunities to more than 200 non-Accredited Investors, and may not accept contributions for an investee company from non-Accredited Investors after 31 March 2027. Investments already made continue to be held as per the private placement memorandum and fund documents.

What This Means:

This is a timeline relaxation, not a dilution of the mandate: the 200-investor cap and the eventual bar on non-Accredited contributions remain. Fund managers should treat 31 March 2027 as the date by which onboarding is already complete, and update fund documents and investor records accordingly. The SEBI Board's approvals of 24 September 2026 (manager-led accreditation and deemed accreditation of non-residents, discussed below) may ease this onboarding once notified.

SEBI CIRCULAR: POSITION LIMITS AND PENALTIES IN COMMODITY DERIVATIVES (9 SEPTEMBER 2026)

On 9 September 2026, SEBI issued Circular[3], revising client-level position limits and the penalty framework for breaches in the commodity derivatives segment. It modifies Paras 3.4.3 and 3.5.2 of the Master Circular for Commodity Derivatives Segment dated 4 August 2023, follows the recommendations of the Working Group on agri commodity derivatives and the Commodity Derivatives Advisory Committee, and is effective immediately.

SEBI has revised the position limits and penalty framework applicable to clients in the commodity derivatives segment, with the changes aimed at allowing higher positions while providing a more structured penalty mechanism for breaches. The amendments also broaden the criteria for classification of certain agricultural commodities as "Broad Commodities" and require excess positions to be regularised within the prescribed timeline.

Key Changes:

- ***Wider "Broad Commodity" Definition***

An agricultural commodity that is not a "Sensitive Commodity" is a Broad Commodity if its five-year average deliverable supply is at least 10 lakh metric tonnes **or** at least ₹5,000 crore. Earlier, both tests had to be met, so more commodities can now qualify.

- ***Client-Level Limits Doubled***

Limits, calculated on deliverable supply, are now 2% for Broad Commodities (earlier 1%), 1% for Narrow (earlier 0.5%) and 0.5% for Sensitive (earlier 0.25%). Commodities moving from Narrow to Broad keep a 1% limit for one year, after which the exchange may raise it to 2% following a review.

- ***Capped And Graduated Penalties***

Penalties are charged per day of violation, computed as excess position × closing price × number of days × 2%, subject to a cap of ₹2,00,000 where the breach exceeds 2% of the limit and ₹10,000 where it is up to 2%. Members must bring positions within limits by the next trading day, failing which the exchange may square off the excess. More than three breaches in a month attract an additional penalty equal to the original (except where caused solely by clubbing of positions), and repeated breaches above 2% can place the member on square-off mode for a day. Penalties are credited to the exchange's Investor Protection Fund.

What This Means:

Higher limits should improve liquidity and depth in agri derivatives, while the cap addresses long-standing industry concern over disproportionate penalties for inadvertent breaches. The widened Broad definition may re-categorise some commodities, so members and large clients should re-map their positions and monitoring systems to the new limits. Exchanges must amend bye-laws and systems accordingly.

SEBI MASTER CIRCULAR FOR DEBENTURE TRUSTEES (28 SEPTEMBER 2026)

On 28 September 2026, SEBI issued a new Master Circular for Debenture Trustees (DTs)[4], rescinding the Master Circular dated 13 August 2025 because of substantial modifications since its issue. Actions taken and applications pending under the rescinded circular are deemed to be under the corresponding provisions of the new one. It is principally a consolidation exercise: it folds in developments since August 2025 rather than creating an entirely new framework.

SEBI has issued a new Master Circular for Debenture Trustees, consolidating the regulatory changes introduced since the previous Master Circular of August 2025. While the circular does not substantially alter the existing framework, it incorporates key requirements relating to the segregation of non-SEBI activities, permitted uses of the Recovery Expense Fund and timelines for issuers to provide information and documents to Debenture Trustees.

[3] HO/47/16/13(5)2026-MRD-POD1/I/20735/2026

[4] HO/17/11/12(2)2026-DDHS-POD1/I/22420/2026

Key Changes Since the August 2025 Circular:

- ***Separate Business Unit For Non-Sebi Activities***

Following the DT Regulations amendment of 27 October 2025 (Regulation 9C) and SEBI's circular of 25 November 2025, DTs must carry on activities outside SEBI's regulatory purview through a Separate Business Unit. The compliance date, extended by SEBI's circular of 28 April 2026, is **27 October 2026**. This framework did not exist in the August 2025 circular.

- ***Recovery Expense Fund***

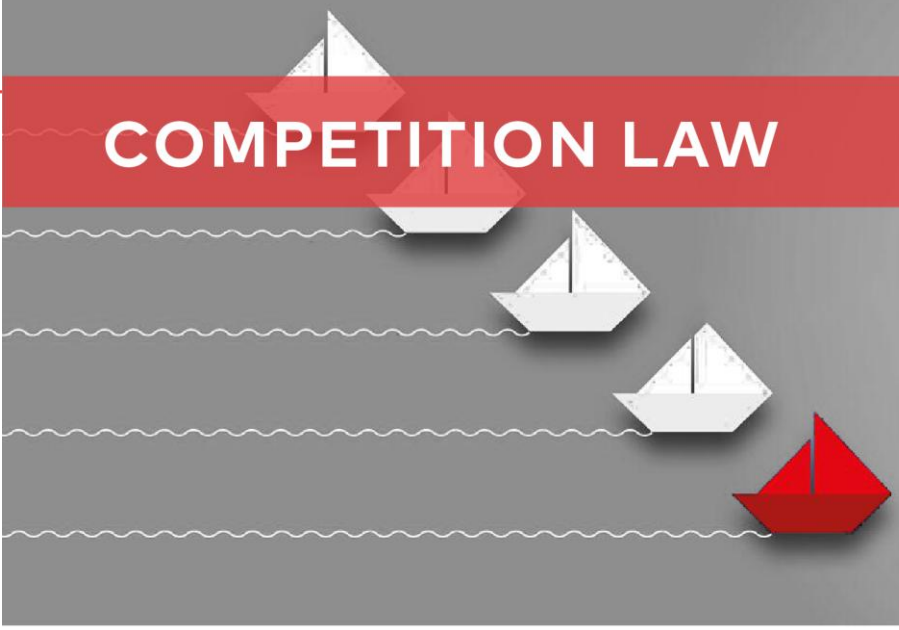
Following SEBI's circular of 25 November 2025, the fund's permitted uses are now expressly defined, covering enforcement and legal costs such as obtaining debenture-holder consent, voting, holder meetings, court applications, legal fees and asset-recovery services. Trust deeds and issue documents should be aligned with these uses.

- ***Issuer-To-Dt Information Timelines***

Issuers must provide the Security Cover Certificate within 60 days of quarter-end (75 days for the last quarter), a personal guarantor's net-worth certificate within 60 days of half-year end, and a corporate guarantor's financials within 60 days of financial year-end. Valuation and title-search reports are due once every three years, within 60 days of financial year-end. Issuers should build these dates into their post-issuance compliance calendars.

- ***Provisions Carried Forward***

Default management (investor notice, holder meetings, and consent thresholds of 75% by value and 60% by number at ISIN level for specified enforcement and Inter-Creditor Agreement decisions), security-cover monitoring and outsourcing controls are largely consolidated from the earlier framework and should not be read as new September 2026 obligations.



CCI FINDS TRUSTEES' ASSOCIATION OF INDIA AND MEMBER DEBENTURE TRUSTEES GUILTY OF CARTELISATION

In Muthoot Finance Limited v. Trustees' Association of India and Others, Case No. 29 of 2021, the Commission passed an order under Section 27 of the Act holding Trustees' Association of India ("**TAI**"/"**OP-1**"), IDBI Trusteeship Services Limited ("**OP-2**"), Axis Trustee Services Limited ("**OP-3**") and SBI CAP Trustee Company Limited ("**OP-4**") in contravention of Section 3(3)(a) and 3(3)(b) read with Section 3(1) of the Act. The Informant, a debenture-issuing NBFC that had engaged OP-2 as its debenture trustee for over a decade, alleged that OP-1 – an association of SEBI-registered debenture trustees ("**DTs**") – had fixed a uniform minimum "Benchmark Pricing" for trusteeship services and threatened adverse consequences for members who deviated from it. OP-1 separately sought a reference to SEBI under Section 21A, contending the issue fell exclusively within SEBI's regulatory domain; the Commission held its jurisdiction under Section 3 complementary to SEBI's sectoral oversight – particularly since SEBI itself had confirmed the Commission was the competent authority to decide the issue – and allowed the DG's investigation to proceed.

The DG found that OP-1 had fixed minimum pricing for DT services on three occasions – 24.01.2018, 06.06.2019 and, decisively, 23.03.2021, when it adopted a Benchmark Pricing structure with separate PSU/non-PSU floors, capped members' discretion to discount by more than 20%, and recorded that any breach "brought to the notice of OP-1, would be dealt with suitably including initiation of appropriate action against the member concerned." A follow-up meeting on 18.10.2021 was convened specifically to design penalty provisions for non-adherence. Officials of the OPs, including former office-bearers of OP-1 and CEOs of OP-2–OP-4, admitted on oath to fixing and enforcing this pricing, despite OP-1 having no legal authority to penalise members. The Commission also relied on OP-1's enforcement against a non-member DT (MITCON), which was made to withdraw and resubmit a higher bid to HUDCO and denied permission to discount below the benchmark, as well as an email from an OP-2 official warning the Informant that deviation from the new pricing would cause "adverse repercussions."

The Commission directed OP-1 (through its successor, New TAI, held liable given the substantial overlap in membership) and the other OPs to cease and desist under Section 27(a), and held six named individuals – including OP-1's erstwhile President, Secretary and Treasurer and the Managing Directors/CEOs of OP-2–OP-4 during the relevant period – liable under Section 48(1)/48(3). However, given that OP-1 had no income during the contravention period and OP-2–OP-4 had often charged below the Benchmark Pricing in practice, no monetary penalty was imposed, with a caution that recurrence would attract aggravated consequences. The order confirms that a trade association is fully an "enterprise" for Section 3 purposes and that floor-pricing by an association is a per se horizontal restraint regardless of its regulatory rationale; it also shows that individual liability under Section 48 can attach even where the association had no formal enforcement power, so long as the threat of punitive action had a coercive effect – and that a clear finding of contravention need not automatically translate into a monetary penalty.

CCI CLOSES INQUIRY AGAINST GOOGLE OVER REAL-MONEY GAMING POLICIES FOLLOWING NATIONWIDE ONLINE GAMING BAN

In WinZo Games Private Limited v. Google LLC and Others, Case No. 42 of 2022, the Commission closed its inquiry against Google LLC, Alphabet Inc., Google India Private Limited and Google India Digital Services Private Limited without any finding on the merits. The Informant had alleged abuse of dominance under Section 4 through Google's selective onboarding of only Daily Fantasy Sports and Rummy apps under a real-money gaming ("**RMG**") Pilot Program on Google Play, a correspondingly restrictive Ads

policy that limited advertising access to the same two categories, and arbitrary Google Pay payment warnings applied without any stated criteria. Vide its Prima Facie Order dated 28.11.2024, the Commission had found Google prima facie dominant in three relevant markets – licensable operating systems for smart mobile devices, app stores for the Android smart mobile OS, and online search advertising services, all in India – and prima facie in violation of Sections 4(2)(a)(i), 4(2)(b) and 4(2)(c), and directed a DG investigation.

While the investigation was pending, Google filed a commitment application under Section 48B, revised twice more after the Commission found earlier drafts deficient – including on the ground that Google's proposal effectively bundled Play Store listing with Ads access – before the Commission was prima facie satisfied with a Second Revised Commitment Application dated 23.06.2025 and put it out for public comment. During this process, Parliament enacted the Promotion and Regulation of Online Gaming Act, 2025, which received Presidential assent on 22.08.2025 and came into force on 01.05.2026, imposing a blanket, game-neutral prohibition on offering, advertising and facilitating payment for online money games, without distinguishing between games of skill and chance. The Commission held this rendered both the underlying RMG market and Google's commitment offer – premised on RMGs remaining lawful – incapable of implementation and declined Google's request to file a revised commitment merely undertaking to comply with the new statutory prohibition, holding that mandatory statutory compliance cannot be treated as a negotiated competition remedy.

Exercising its inherent powers under Section 36(1) read with Regulation 3 of the General Regulations, 2024, the Commission recalled its 28.11.2024 direction and closed the inquiry, expressly recording no finding on the merits and confining the closure to these exceptional facts; it also noted, without treating it as decisive, that the Informant had itself sought to withdraw the Information in view of the changed law. The order confirms that a Section 26(1) direction is administrative rather than adjudicatory and can be recalled where supervening legislation renders the relief sought incapable of implementation, while drawing a sharp line against treating mandatory statutory compliance as a negotiated competition remedy. The Commission's express reservation of the right to revisit the conduct should the Online Gaming Act's validity – under challenge before the Supreme Court – be altered means this should not be read as an unconditional clearance of Google's original RMG policies.

CCI CLOSES COMPLAINT AGAINST WBSEDCL OVER ALLEGED PREDATORY AND DISCRIMINATORY ELECTRICITY PRICING

In Damodar Valley Corporation v. West Bengal State Electricity Distribution Company Limited, Case No. 13 of 2025, the Commission closed the Information under Section 26(2) of the Act. The Informant ("**DVC**"), a statutory body distributing electricity to industrial and traction consumers across its Command Area in West Bengal and Jharkhand, alleged that WBSEDCL ("**OP**") – which distributes electricity across almost the entire state – abused its dominance under Section 4 by charging "competitive tariffs" in the DVC Command Area below its cost of supply (predatory pricing), applying those tariffs only to select consumer categories (discriminatory pricing), and leveraging its state-wide dominance to enter the DVC Command Area in breach of Section 4(2)(e). The OP argued the matter fell exclusively within WBERC's domain, relying on CCI v. Bharti Airtel, (2019) 2 SCC 521; the Commission held its Section 4 jurisdiction complementary to WBERC's tariff-regulatory role and proceeded to examine the conduct, while rejecting the unsubstantiated Section 3(1) allegation for want of any pleaded agreement or concerted practice.

The central issue was relevant market delineation. The Informant sought a state-wide market (where OP held ~60% share); the Commission instead delineated the relevant geographic market narrowly as the "DVC Command Area," a multiple-licensee area – with OP, DVC and India Power Corporation Limited all present – materially different from OP's sole-licensee territory elsewhere in the state. Within that market, DVC itself – not OP – was the largest player, holding roughly 67–79% share across FY 2019-20 to FY 2024-25, against OP's share rising from about 12% to 27% over the same period. The Commission accordingly found OP not dominant in the relevant market and, for completeness, also found that OP had recovered its average variable cost, applied its competitive tariff uniformly to consumers who opted for it, and that consumer migration from DVC to OP reflected free choice rather than foreclosure.

No prima facie case under Sections 3 or 4 was made out, and the Information was closed under Section 26(2). The order underscores the centrality of relevant market delineation to any Section 4 analysis: a large state-wide market share can be misleading where the area of actual competitive interaction is materially narrower and features different licensing conditions. It also reaffirms – consistent with Bharti Airtel – that sectoral tariff regulation does not oust Section 4 scrutiny, even as a regulator-sanctioned, cost-recovering, uniformly-applied tariff is unlikely to be recharacterised as predatory or discriminatory, offering a useful precedent for regulated network-utility sectors where an incumbent competes on sanctioned "competitive tariffs" within a smaller player's home territory.

CCI CLOSES COMPLAINT OVER MAHINDRA'S DENIAL OF WARRANTY CLAIM FOR USE OF EXTERNALLY SOURCED ENGINE OIL

In Mrs. Bharti Sharma v. Mahindra & Mahindra Ltd. and Anr., Case No. 28 of 2026, the Commission closed the Information

under Section 26(2) against Mahindra & Mahindra Ltd. ("**OP-1**") and its dealer, Sri Durga Automobiles ("**OP-2**"). The Informant alleged the OPs refused a warranty claim for a defective turbocharger solely because her vehicle had been serviced using an externally sourced engine oil, and that this conditioned warranty coverage on Mahindra-approved consumables in breach of Section 3(4) and Section 4. The Commission held that the arrangement complained of was, in substance, an agreement between an enterprise and an end consumer, expressly excluded from Section 3(4) by its proviso, and that it accordingly fell outside that provision altogether.

On Section 4, the Commission noted the Informant had placed no material on record regarding relevant market, market share or dominance, and that the grievance was, in substance, an individual warranty dispute rather than a market-wide restriction. It further observed that a manufacturer may reasonably prescribe consumable and technical conditions for warranty coverage on safety and performance grounds, provided these are disclosed and reasonably connected to the vehicle's functioning – noting that the Informant had voluntarily purchased the extended warranty subject to such disclosed terms. No prima facie case was made out, and the Commission did not need to, and did not, rule on whether a technical or causal link had been shown between the specific oil and the defect.

The order confirms that the Section 3(4) end-consumer proviso operates as a near-complete bar on treating an individual warranty dispute as a vertical restraint, and that a Section 4 complaint cannot proceed on bare assertions of manufacturer market power. It should not, however, be read as clearing the field for warranty denials that are undisclosed or lack any technical justification – the Commission's reasoning turned specifically on the conditions being disclosed and safety/performance-linked.

CCI APPROVES KKR-LED CONSORTIUM'S ACQUISITION OF STT GDC'S DATA CENTRE BUSINESS

On 14th July 2026, the Commission approved, under Section 31(1) of the Act, a combination notified under Section 6(2) by Opal Bidco Pte. Ltd. ("**Opal Bidco**"), Ruby Asia Holdings II Pte. Ltd. ("**Ruby**"), Singtel Interactive Pte. Ltd. ("**Singtel**"), One Hundred and Thirty First Investment Company – Sole Proprietorship LLC ("**MIC Entity**") and Sunstone Investment Pte. Ltd. ("**GIC Entity**") (Combination Registration No. C-2026/03/1397), involving Opal Bidco's acquisition of 100% of STT GDC Pte. Ltd. ("**STT GDC**"), part of the Singapore Technologies Telemedia group and present in India through STT Global Data Centres India Private Limited. Ruby and Opal Bidco are indirectly wholly owned by KKR; MIC Entity is an indirect subsidiary of Mubadala; and GIC Entity forms part of a GIC-managed investment group. Pre-transaction, STT held 81.7% of STT GDC, with Singtel and Ruby holding 4.2% and 14.1% respectively.

The Commission examined horizontal overlaps in data centre colocation services across Delhi NCR, Mumbai, Pune, Chennai, Bengaluru, Kolkata and Hyderabad, arising from Singtel's presence through Nxtra Data Limited, Mubadala's investment in Princeton Digital Group, GIC's colocation investment, and Temasek's indirect interest via CapitaLand. Finding the reported market-share estimates unreliable, it conducted a holistic assessment instead, noting: the asymmetric shareholding, with KKR holding the largest interest but no overlapping India presence, while Singtel, MIC Entity and GIC Entity held smaller interests with only minority protective rights; Singtel's relinquishment of key reserved rights over Nxtra; the absence of any pooling of the Acquirers' standalone businesses; and the sector's strong projected growth (installed capacity estimated to rise from ~1,500 MW to ~7,000 MW by FY 2029-30).

On this basis, the Commission found the cross-shareholdings unlikely to incentivise coordination and any vertical linkages across the data-centre value chain insignificant, and approved the combination under Section 31(1), leaving exact market delineation open. It separately disapproved of GIC Entity's and Singtel's sealed-cover submissions despite a joint notice under Regulation 9(4) of the Combination Regulations, 2024, directing that this practice is not to be repeated. The order illustrates the Commission's holistic approach to assessing consortium acquisitions where market-share data is unreliable, and its stricter expectation of transparency in multi-party filings going forward.

DISPUTE RESOLUTION



SUPREME COURT HOLDS INTEREST ON AWARD STOPS ONLY IF DEPOSIT BY JUDGEMENT DEBTOR COMPLIES WITH ORDER XXI RULE 1 CPC

The Supreme Court in *National Seeds Corporation Ltd. v. National Agro Seed Corporation (India)* (Civil Appeal arising out of SLP (C) No. 5710 of 2025) held that an award-debtor's liability for interest ceases only where the amount is deposited in accordance with Order XXI Rule 1 of the Code of Civil Procedure, 1908 (**Order XXI Rule 1**). The Court was dealing with a case where the award-debtor had made a partial deposit of the award merely to obtain a stay of enforcement pending a Section 34 challenge under the Arbitration and Conciliation Act, 1996 (**Arbitration Act**). Subsequently, once the Section 34 and Section 37 challenge, as well as the SLP against the award were dismissed, the executing court directed the award-debtor to pay 12% interest from the date of the award till the date of the order. However, this was opposed by the appellant, and they sought to challenge the imposition of interest when the award amount had already been deposited in court.

The Supreme Court while hearing this challenge ruled that the Arbitration Act creates a legal fiction by which an award is executable as a decree of a court. Order XXI Rule 1, which deals with payment of money under decree, allows for such payment to be made through a deposit into court. A deposit is in consonance with Order XXI Rule 1 only when it is unconditional and available for withdrawal by the decree holder; if the decree holder may withdraw only on furnishing security, it is not a deposit under Order XXI Rule 1, and interest ceases to run only on a deposit made in accordance with that Rule. As the appellant's deposit was made solely to obtain a stay and its release was conditioned on furnishing title deeds as security, interest did not cease to run. The Court also requested the Law Commission, in consultation with the RBI and the Ministries of Finance and Law and Justice, to examine the inconsistent treatment of decretal deposits by courts and recommend legislation.

DELHI HIGH COURT HOLDS INSUFFICIENTLY STAMPED ARBITRAL AWARDS MUST BE IMPOUNDED AT ENFORCEMENT STAGE

The Delhi High Court in *M/S URC Construction (P) Ltd. v. Airports Authority of India* (OMP (ENF.) (COMM.) 155/2026) held that, although the Arbitration Act and the Indian Stamp Act, 1899 (**Stamp Act**) operate independently, Section 33 of the Stamp Act read with other provisions imposes a mandatory obligation on a court to impound an insufficiently stamped instrument, including an arbitral award.

On analysis of the Stamp Act alongside Sections 34 and 36 of the Arbitration Act, the Court held that the chargeable event is the execution of the award and not its enforcement, and that the Section 36 timeline for enforcement, does not extend the one-month period under proviso (a) to Section 32(3) of the Stamp Act within which the Collector may endorse an award. Once that period lapses, a court faced with an insufficiently stamped award must impound the same under Section 33 of the Stamp Act and forward the collected duty along with penalty under Section 35 of the Stamp Act, along with the requisite documents to the Collector. In all other cases it must forward the original instrument to the Collector under Section 38(2) of the Stamp Act. The penalty under Section 35 can be waived only at the Collector's discretion under Section 40, and a decree holder cannot unilaterally cure the defect by depositing the duty alone after the statutory window has lapsed. The Court clarified that *M. Anasuya Devi v. M. Manik Reddy*, (2003) 8 SCC 565 is limited to excluding insufficient stamp duty as an objection at the Section 34 stage and creates no exception to mandatory impounding. It also issued directions for all pending and future Section 36 petitions, including a stamp-duty compliance declaration, registry scrutiny, differential treatment of petitions filed before and after 13th August 2026, and liberty to withdraw and re-file in certain cases, with the caveat that these directions do not apply to foreign awards.

DELHI HIGH COURT HOLDS 2015 AMENDMENT IS SUBSTANTIVE AND APPLIES ONLY PROSPECTIVELY

The Delhi High Court in *Hanson Agro Limited v. GAIL (India) Limited* (O.M.P. (COMM) 356/2016), deciding a batch of 19 petitions under Sections 34 and 36 of the Arbitration Act, held that the Arbitration and Conciliation (Amendment) Act, 2015 (**Amendment Act**) is substantive and not clarificatory, and that, in view of Section 26, it applies only to arbitral proceedings initiated after 23.10.2015 and to court proceedings arising from such arbitrations. In view of the Supreme Court's decision in *Central Organisation for Railway Electrification v. ECI SPIC SMO MCML (JV)*, (2025) (**CORE**), which held unilateral arbitrator appointments invalid on public policy grounds, the Court clarified whether the same can invalidate arbitral proceedings prior to the abovementioned cut-off date.

Relying on *Bhadra International (India) (P) Ltd. v. Airports Authority of India*, the Court held that while the principle of impartial and independent adjudication may have been implicit in the Arbitration Act earlier, the Amendment Act (through Section 12(5)) introduced a specific consequence of ineligibility. Objections on ineligibility may be raised at the Section 34 stage, but as the amendment introduces a substantive change that cannot apply retrospectively without a legislative mandate, it does not apply to proceedings arising from arbitrations initiated before the cut-off date. The Court clarifies that the prospective application of *CORE* to three-member tribunals cannot be read as implicitly extending the amended Arbitration Act to sole-arbitrator appointments made before that date. The Court also held that a bare or general reference to "the Act or any amendment thereto" in an arbitration clause does not extend the Amendment Act to existing proceedings, whereas a clause specifically referring to "statutory modification", along with the parties' subsequent conduct, may establish an implied agreement to be governed by the amended regime. The outcome turns on the wording of the arbitration agreement.

DELHI HIGH COURT HOLDS PRIOR AWARD ON SAME CLAUSE BY SAME ARBITRATORS DOES NOT BY ITSELF RENDER THE ARBITRATORS INELIGIBLE UNDER FIFTH SCHEDULE OF THE ARBITRATION ACT

A Division Bench of the Delhi High Court in *Steel Authority of India Limited v. British Marine PLC* (FAO(OS) (COMM) 17/2026) held that arbitrators who had interpreted an identical clause in an earlier arbitration involving one of the parties are not automatically disqualified, particularly in technical arbitrations with a restricted pool of experts, under the Fifth Schedule to the Arbitration Act, which disqualifies persons serving or who have served in the past 3 years as an arbitrator in an arbitration on a related issue involving one of the parties or their affiliates. The Court was dealing with a challenge under section 37 of the Arbitration Act, to an award arising from a Contract of Affreightment (**COA**) between SAIL and British Marine PLC. SAIL had objected to two members of the three-member tribunal in the arbitration, because they interpreted the same Clause 62 of the COA in an earlier arbitration to which SAIL was a party, and sought to challenge the award on the same ground.

The Court held that while Item 24 of the Fifth Schedule covers the present facts, it must be read with Explanation 3 to the Fifth Schedule and Rule 5 of the ICA Rules, which recognise that maritime arbitration draws on a small, specialised pool of arbitrators. Serving in another maritime arbitration on the same or a similar clause does not by itself raise justifiable doubts as to independence or impartiality, and a contrary reading would lead to scarcity and perpetual disqualification of expert arbitrators. The Court further held that SAIL had waived its right to challenge by delaying its objection despite knowing the facts, and that the challenge could not be upheld on merits either. It also upheld the tribunal's interpretation of Clause 62 (that the condition for invoking it was not met) and its approach to damages and interest, and dismissed the appeal.



EMPLOYMENT LAW

STATUTORY UPDATES

UTTAR PRADESH NOTIFIES STATE RULES UNDER ALL FOUR (4) LABOUR CODES

The Government of Uttar Pradesh has notified the rules under all four (4) labour codes, namely the Code on Wages, 2019 ("**Wages Code**"), the Occupational Safety, Health and Working Conditions Code, 2020 ("**OSH Code**"), the Code on Social Security, 2020 ("**SS Code**") and the Industrial Relations Code, 2020 ("**IR Code**"). The notification of the State rules marks a significant development towards operationalisation of the labour codes in Uttar Pradesh and provides the detailed framework for implementation of the statutory requirements under the respective codes.

The notified rules prescribe the procedural and compliance framework governing various aspects of employment, including wages, occupational safety and health, social security, industrial relations, registrations, maintenance of records, filings, inspections and other related employer obligations. Employers operating in Uttar Pradesh should review their existing compliance processes and employment documentation in light of the notified framework.

GUJARAT INTRODUCES ONLINE REGISTRATION FOR ESTABLISHMENTS UNDER THE OSH CODE

The Office of the Deputy Labour Commissioner, Ahmedabad Division, Government of Gujarat, vide a public notice dated 27 August 2026, has introduced mandatory online registration of covered establishments under Section 3 of the OSH Code through the Shram Setu Portal. The online registration facility has been operational from 25 August 2026.

The requirement applies to establishments employing ten (10) or more workers, including factories, construction sites, industrial establishments and commercial establishments. Upon registration, the registration certificate is required to be displayed at the main location of the organisation, either physically or in digital form.

Failure to obtain registration or furnishing incorrect or false information may attract action under Section 94 of the OSH Code, including a penalty of at least Indian Rupees Two Lakh (INR 2,00,000 | USD 2100), extendable up to Indian Rupees Three Lakh (INR 3,00,000 | USD 3150), depending on the nature of the contravention. Employers in Gujarat should accordingly review their registration status and complete the online registration process through the Shram Setu Portal.

ASSAM UPDATES SHOPS AND ESTABLISHMENTS FRAMEWORK UNDER ITS 2026 AMENDMENT

The Government of Assam has introduced significant changes through the Assam Shops and Establishment (Amendment) Act, 2026, which received the Governor's assent on 31 August 2026 and was published in the Assam Gazette on 02 September 2026. The amendment came into force with immediate effect and seeks to align the Assam Shops and Establishments Act, 2022 with the Central labour codes.

The key changes include online intimation and self-certification for establishments employing fewer than ten (10) workers, sixty (60) days' prior notice for permanent closure, enhanced retrenchment-related protections, and overtime wages at twice the normal wage rate. The amendment also introduces a revised definition of 'wages' aligned with the Wages Code.

Employers are now required to issue appointment letters and identity cards to employees and comply with revised earned leave requirements. The amendment further strengthens requirements relating to workplace health, safety, hygiene and fire safety.

The amendment also introduces an Inspector-cum-Facilitator framework, along with higher penalties for

contraventions and a revised adjudication and appeal mechanism.
Employers in Assam should accordingly review their employment documentation, wage and overtime practices, leave records, closure procedures and workplace safety compliances.

BIHAR CONSTITUTES WORKER RE-SKILLING FUND UNDER THE IR CODE

The Government of Bihar, through notification dated 03 September 2026, has constituted the Worker Re-Skilling Fund ("**Fund**") under Section 83(1) of the IR Code. The Fund is intended to support retrenched workers.

Under Section 83(2)(a) of the IR Code, employers are required to contribute an amount equivalent to fifteen (15) days' last-drawn wages of the retrenched worker to the Fund. This contribution is separate from retrenchment compensation; notice pay and other statutory or contractual dues payable to the worker.

Employers undertaking retrenchment in Bihar should accordingly factor the Fund contribution into their retrenchment process and maintain appropriate records of the wage calculation and payment.

MANIPUR PROPOSES TO SIMPLIFY REGISTRATION REQUIREMENTS UNDER THE SHOPS AND ESTABLISHMENTS LAW

The Government of Manipur has introduced the Manipur Shops and Establishments (Regulation of Employment and Conditions of Service) (Amendment) Bill, 2026 (Bill No. 14 of 2026) ("**Bill**") vide notification dated 03 September 2026.

The Bill proposes to amend Section 5 of the Manipur Shops and Establishments (Regulation of Employment and Conditions of Service) Act, 2021 to permit shops and establishments to register under any law for the time being in force, with the objective of avoiding multiple registration requirements. It does not propose changes to existing requirements relating to working hours, weekly holidays, leave, payment of wages, minimum wages or other employment conditions.

As the Bill has only been introduced and has not yet been enacted, the existing registration and compliance requirements under the applicable law will continue to apply.

KARNATAKA SHOPS AND COMMERCIAL ESTABLISHMENTS FRAMEWORK CHANGED BY THE 2026 AMENDMENT

The Karnataka Shops and Commercial Establishments (Amendment) Act, 2026 which came into force on 04 September 2026, introduces significant changes to the Karnataka Shops and Commercial Establishments Act, 1961 ("**Karnataka S&E Act**"), aimed at simplifying registration requirements, digitizing regulatory processes, introducing additional employee-related safeguards, and increasing monetary penalties for non-compliance.

Key amendments under the Karnataka S&E Act include an exemption for establishments employing ten (10) or more workers that are registered under the OSH Code, digitisation of registration and related processes, deemed registration where an application is not refused within seven (7) days, and continuing validity of registration until closure or cessation of business. The amendments also introduce requirements for issuing service certificates within seven (7) days of an employee's application and prohibit employers from retaining original employee documents.

The amendment further revises provisions relating to women's employment during night hours, enhances monetary penalties for specified contraventions, removes imprisonment for certain offences, and introduces revised compounding and appellate mechanisms. Employers should assess the applicability of the OSH Code exemption, review existing registration and night-shift arrangements, and update employee documentation and internal compliance processes to align with the amended framework.

Read our detailed update here: https://dsklegal.com/legal-update-karnataka-modernises-the-shops-and-commercial-establishments-framework-key-changes-introduced-by-the-2026-amendment/

EPFO NOTIFIES ENHANCED WAGE CEILING

The Ministry of Labour & Employment, Government of India ("**MoLE**"), has notified the enhanced wage ceiling for mandatory coverage under the Employees' Provident Fund Organisation ("**EPFO**") from Indian Rupees Fifteen Thousand (INR 15,000 | USD 158) to Indian Rupees Twenty-Five Thousand (INR 25,000 | USD 264) per month vide notification dated 17 September 2026. The notification has been issued under Section 2(89) of the SS Code and is effective from the date of its publication in the Official Gazette. The notification supersedes the earlier notification dated 29 May 2026, subject to the saving of actions already taken or omitted before such supersession.

EPFO has also issued frequently asked questions (FAQs) providing operational guidance for the September 2026 transition and clarifying aspects relating to EPF, EPS and EDLI coverage and contributions.

The enhancement of the wage ceiling is particularly relevant in the context of rising incomes and the gradual increase in minimum wages across various States. From an employer perspective, the impact of the revision would need to be assessed not only in relation to direct employees but also in

the context of workforce costs, employee take-home pay and manpower engaged through contractors.

Read our detailed update here: https://dsklegal.com/legal-update-wage-ceiling-enhancement-approved/

JUDICIAL FINDINGS

MATERNITY LEAVE CAN'T COST WOMEN THEIR JOBS OR PROMOTIONS: HON'BLE DELHI HIGH COURT DIRECTS CENTRE TO FRAME SAFEGUARDS [31.08.2026]

The Hon'ble Delhi High Court in *Rakhi Bisht v. Union of India and Anr., 2026 DHC 7286,* examined the scope of maternity-related protections in private employment, including the enforceability of statutory obligations against private employers. The Hon'ble Court clarified that statutory maternity protections cannot be avoided merely because the employer is a private entity. The judgment also emphasised that crèche facilities mandated under the Maternity Benefit Act, 1961 (now repealed) or SS Code, must be functional and accessible in practice, rather than existing merely on paper.

Significantly, the Hon'ble Court held that a woman returning from maternity leave is ordinarily entitled to reinstatement to the post held immediately before proceeding on leave. Where that post is no longer available for bona fide and demonstrable organisational reasons, the employee must be placed in a position as nearly equivalent as possible in terms of pay, grade, status, role, responsibilities, managerial authority and prospects for advancement. The employer must communicate the reasons for the post's unavailability and the particulars of the proposed alternative position before the employee resumes duty, and consider any objections raised through a reasoned communication.

The judgment underscores that maternity protection extends beyond the grant of maternity leave to preserving the substance of an employee's professional position upon her return. For employers, it highlights the importance of documenting return-to-work decisions, ensuring that alternative roles are genuinely equivalent, communicating changes transparently and maintaining functional crèche facilities wherever statutorily required.

HON'BLE SUPREME COURT CLARIFIES THE CONTROLLING AUTHORITY'S JURISDICTION IN GRATUITY CLAIMS [09.09.2026]

The Hon'ble Supreme Court of India in *M/s Oil and Natural Gas Corporation Ltd.("**ONGC**") v. Suryakand D. Lad & Ors., 2026 INSC 1019 and connected matters*, held that the jurisdiction of the Controlling Authority under the Payment of Gratuity Act, 1972 (now repealed) is limited to determining the amount of gratuity payable to the concerned employee and does not extend to adjudicating upon or fastening gratuity liability on any person/entity.

The dispute concerned workmen engaged through contractors at ONGC establishments. The Hon'ble Supreme Court held that the Controlling Authority could not direct ONGC, as principal employer, to pay gratuity merely on that basis. It also distinguished the principal employer's obligation under Section 21(4) of the Contract Labour (Regulation and Abolition) Act, 1970 (now repealed), which relates to payment of wages and does not extend to gratuity liability.

The judgment is fact-specific and does not create a blanket exemption for principal employers. Employers should continue to assess the actual employer-employee relationship and the terms and operation of contractor arrangements.

Read our detailed update here: https://dsklegal.com/legal-update-supreme-court-clarifies-the-controlling-authoritys-jurisdiction-in-gratuity-claims/

HON'BLE SUPREME COURT REFERS QUESTION OF DISCRETION TO IMPOSE EPF PENALTY UNDER SECTION 14B TO LARGER BENCH [09.09.2026]

The Hon'ble Supreme Court of India in *M/s Kerala Industrial Infrastructural Development Corporation v. Central Board of Trustees and Anr., 2026 INSC 990,* expressed its doubt on the earlier view taken in *Horticulture Experiment Station Gonikoppal, Coorg v. Regional Provident Fund Organisation, (2022) 4 SCC 516* and referred the question of whether the authorised officer has the discretion under Section 14B of the erstwhile Employees' Provident Funds and Miscellaneous Provisions Act, 1952 ("**EPF Act**") to levy or not levy damages for delayed PF contributions, to a larger Bench.

While the Hon'ble Supreme Court agreed that determination of damages does not require an enquiry into *actus reus* or *mens rea*, it observed that the expression "may recover" under Section 14B of the EPF Act indicates discretion to determine whether damages should be imposed. Once imposition is justified, the quantum would be governed by the applicable statutory scheme.

The legal position on the discretionary nature of Section 14B of the EPF Act is now pending consideration by a larger Bench.



RESERVE BANK OF INDIA DRAFT KYC (AMENDMENT) DIRECTIONS, 2026 – STANDARD OPERATING PROCEDURE FOR SUSPECTED MONEY MULE ACCOUNTS

The Reserve Bank of India ("**RBI**"), on September 11, 2026, released the draft Reserve Bank of India (Know Your Customer) Amendment Directions, 2026 ("**Draft Directions**"). The Draft Directions follow the Hon'ble Supreme Court's order in In Re: Victims of Digital Arrest Related to Forged Documents (MANU/SCOR/46953/2026) dated August 4, 2026, which directed the RBI to frame a standard operating procedure ("**SOP**") for dealing with money-mule activity and cyber-enabled fraud. A "Money Mule Account", as defined under the Draft Directions, means an account used, knowingly or unknowingly, to receive, layer or transfer proceeds of cyber-enabled financial fraud on behalf of another person. The Draft Directions seek to amend the existing Know Your Customer Directions, 2025 ("**KYC Directions**") by substituting the paragraph on "Operation of Bank Accounts and Money Mules" and inserting a new Annexure III containing the SOP, which governs temporary debit holds on amounts or accounts linked to money-mule activity and cyber-enabled fraud. The Draft Directions are proposed to come into effect from April 01, 2027, or earlier at a bank's discretion. They will apply to all Commercial Banks (including Small Finance Banks, Payments Banks, Regional Rural Banks and Local Area Banks) and Urban Co-operative Banks.

The key features of the SOP are as follows:

- **Trigger and scope of hold:** A "Suspected Money Mule Transaction" is a transaction of INR 1,000 (Indian Rupees One Thousand) or above that the bank's transaction-monitoring systems flag as suspicious. On identifying such a transaction, the bank must immediately place a temporary debit hold on the suspected amount. A hold on the entire account applies only where the account itself is identified as a suspected money mule account.
- **Notice to account holder:** The bank must inform the account holder of the hold on the same day if it communicates digitally, or by the next business day if it communicates physically. The notice must state the reasons for the hold, the process for its removal and the contact details of the officer handling the matter.
- **Time-bound review:** The account holder may submit an explanation, with supporting documents, within 20 (twenty) days of the hold. The bank must decide within 10 (ten) days of receiving the explanation, or within 30 (thirty) days of the hold if no explanation is received. The bank may: (a) lift the hold; (b) continue the hold and report the matter to the jurisdictional police authority; and (c) act on directions from a law enforcement agency or competent authority.
- **Governance and record-keeping**: Banks must: (a) designate nodal officers at the regional/zonal and head office levels and publicly display their contact details; (b) resolve complaints within 30 (Thirty) days; (c) maintain a centralised management information system to track holds; and (d) retain records for at least 5 (Five) years from the date of the hold or 10 (Ten) years from closure of the account.
- **Suspicious transaction reporting:** Banks must continue to file suspicious transaction reports with the Financial Intelligence Unit – India under extant instructions.

DSK View: *The SOP represents a welcome move towards standardising banks response to money-mule accounts, replacing what has so far been an inconsistent, institution-specific approach to freezing suspect transactions.*

Read more here

NATIONAL PAYMENTS CORPORATION OF INDIA EXTENDS TAP & PAY TO POINT-OF-SALE TERMINALS

The National Payments Corporation of India ("**NPCI**"), *vide* Circular No. NPCI/UPI/OC-186A/2026-27 dated September 10, 2026, has extended the UPI Tap & Pay facility previously available only for QR-code-based near-field communication transactions to point-of-sale terminals. Users can now make contactless payments by unlocking their mobile device and tapping it on a merchant's card machine. The facility applies only to person-to-merchant payments and is capped at INR 5,000 (Indian Rupees Five Thousand) per transaction without requiring additional authentication. Banks and payment service providers must use only certified, secure card machines, integrate the NPCI standard software library for such terminals, and present Tap & Pay as its own clearly visible option rather than placing it inside another menu. The bank holding the user's account must also confirm that Tap & Pay is switched on for that user before allowing each payment to proceed. Settlement, reconciliation, dispute management and online dispute resolution continue to be governed by extant UPI guidelines, and members remain bound by the RBI's turnaround time and customer compensation norms dated September 20, 2019, as amended.

Read more here

NPCI ENHANCES ARTIFICIAL INTELLIGENCE-POWERED SUPPORT FOR PAYMENT INTERFACE USERS THROUGH "MYUPI"

NPCI *vide* Circular No. NPCI/UPI/OC-227A/2026-27 dated September 10, 2026, has expanded its artificial intelligence ("**AI**")-powered support platform for the Unified Payments Interface ("**UPI**"). The platform, earlier introduced as "UPI Help", has been renamed "**MyUPI**" and now offers the following new features:

- Users can now re-initiate past payments directly through the platform, which redirects them securely to their payment application for authorisation. User can also make enquiries about a payee using their payment identifier, QR code, or mobile number without the platform disclosing that payee's personal details.
- A new safety switch allows a user who suspects that their account has been compromised to request that outgoing debit payments from a selected account be declined. This operates on a reasonable-efforts basis.
- Users can delink their mobile number from the UPI Numeric ID mapper, so that inward payments are received only through their UPI ID and bank account.

***DSK View**: With MyUPI, NPCI moves from being only the operator of the UPI network to also offering users a direct point of recourse, alongside the support provided by banks and UPI applications. The strict limits on how member banks and UPI applications may use platform data also reflect a growing regulatory emphasis on purpose limitation, in line with the principles under the Digital Personal Data Protection Act, 2023.*

Read more here

SECURITIES AND EXCHANGE BOARD OF INDIA LAUNCHES "DEMAT 2.0" PILOT FOR TOKENISED CORPORATE BONDS

On September 10, 2026, the Securities and Exchange Board of India ("**SEBI**") announced the successful launch of "Demat 2.0", a pilot project for the tokenisation of corporate bonds. The pilot tests a mechanism for issuing, holding and settling corporate bonds as digital tokens on a distributed ledger ("**DLT**"). The DLT is owned by the depositories and maintained by market infrastructure institutions. The platform connects to the RBI's wholesale central bank digital currency ("**e₹**") through the Unified Market Interface, enabling atomic settlement, under which the bond and the funds move instantaneously, and automating interest and redemption payments through smart contracts. As a result, issuers receive funds on the same day instead of after two to three days, settlement risk is reduced, and intermediaries face less reconciliation. SEBI has clarified that the bond remains the same instrument in law and that the requirements on credit rating, debenture trustees, listing and disclosure continue to apply in full. Investors may participate through their existing demat accounts without fresh KYC, provided they enable Demat 2.0 with their depository and hold an e₹ wallet with a participating bank. The first phase is limited to fresh issuances with institutional participation. Secondary market trading and retail access are expected in later phases.

***DSK View**: Demat 2.0 suggests that tokenisation in India is being built within the existing securities law framework rather than through a parallel regime. By keeping the bond legally unchanged and changing only how it is recorded and settled, SEBI has avoided the legal uncertainty that has slowed tokenisation elsewhere. The pilot's scalability will, however, depend on how quickly access to e₹-W wallets is widened beyond institutional participants.*

Read more here

RESERVE BANK OF INDIA (PAYMENTS BANKS – CLASSIFICATION, VALUATION, AND OPERATION OF INVESTMENT PORTFOLIO) SECOND AMENDMENT DIRECTIONS, 2026

The Reserve Bank of India ("**RBI**"), vide notification dated September 22, 2026, amended RBI (Payments Banks - Classification, Valuation, and Operation of Investment Portfolio) Directions, 2025 ("**Principal Directions**"), by inserting two new paragraphs i.e., Para. 83A and Para. 83B dealing specifically with the valuation of units of

Infrastructure Investment Trusts ("**InvITs**") and Real Estate Investment Trusts ("**REITs**") held by payments banks. The amendment has been issued in exercise of powers under Section 35A of the Banking Regulation Act, 1949, and takes effect immediately from the date of issue. The Amended Directions state that securities issued by InvITs and REITs, and their listed units, continue to be valued in the same manner as other quoted securities under the Principal Directions. For unquoted units, the RBI has now prescribed valuation at net asset value ("**NAV**") as disclosed by the relevant InvIT or REIT. Where the trust fails to compute and disclose NAV in the manner and at the frequency mandated under the SEBI (Infrastructure Investment Trusts) Regulations, 2014 or the SEBI (Real Estate Investment Trusts) Regulations, 2014, as applicable, or where the units are classified as infrequently traded under the respective SEBI regulations, such units must be valued at a nominal INR 1 (Indian Rupees One). Other unquoted instruments issued by InvITs or REITs are to be valued per the methodology already prescribed for comparable instruments.

***DSK View**: The amendment plugs a valuation gap that had left payments banks without clear guidance on illiquid or infrequently traded InvIT or REIT holdings. The INR 1 (Indian Rupees One) fallback is a deliberately punitive default meant to discourage reliance on stale or undisclosed NAV figures.*

Read more here

NPCI NOTIFIES MERCHANT DISCOUNT RATE ON UPI P2M TRANSACTIONS ABOVE INR 2,000

NPCI *vide* Circular No. NPCI/UPI/OC No. 237/2026-27 dated September 15, 2026 ("**Circular**"), has introduced a Merchant Discount Rate ("**MDR**") on UPI person-to-merchant ("**P2M**") transactions above INR 2,000 (Indian Rupees Two Thousand). The Circular follows Gazette Notification No. CG-DL-E-14092026-276170 dated September 14, 2026, issued by the Ministry of Finance under Section 10A of the Payment and Settlement Systems Act, 2007. That notification limits the zero-charge mandate for UPI to transactions of up to INR 2,000 (Indian Rupees Two Thousand). The MDR framework was endorsed by the UPI and Services Steering Committee on September 15, 2026 and will apply from October 15, 2026.

The key features of the Circular are as follows:

- **P2P remains free:** All person-to-person transactions remain free of charge for customers.

- **Rate and distribution:** MDR is payable by the merchant to the acquiring bank at a rate not exceeding 0.40% (Zero point Four Percent) on P2M transactions above INR 2,000 (Indian Rupees Two Thousand), subject to a cap of INR 300 (Indian Rupees Three Hundred) per transaction.

- **Capital markets:** Transactions relating to mutual funds, securities, brokers and dealers attract MDR of 0.02% (Zero point Zero Two Percent), subject to a cap of INR 300 (Indian Rupees Three Hundred).

- **Industry Programme categories:** A flat MDR of INR 5 (Indian Rupees Five) per transaction applies to specified merchant categories, including fuel, agriculture, railways, bill payments, government payments, insurance, education, debt collection (including credit card bill payments), wallet top-ups and tolls (including Fastag).

- **Small merchants:** Zero MDR continues for the person-to-person merchant (small merchant) category, which covers merchants that receive monthly UPI inward credits of up to INR 1,00,000 (Indian Rupees One Lakh) directly into their own account.

- **Payment aggregators:** Where a merchant is acquired through an authorised payment aggregator, the acquiring bank's share of MDR is split between the acquiring or sponsor bank and the payment aggregator as they agree commercially.

- **No pass-through to customers:** Acquiring banks must ensure that merchants do not pass MDR on to customers. UPI app providers may not charge any platform fee or other charge on UPI payments.

- **Small merchant fund:** A dedicated fund is proposed to promote small merchants with turnover of up to INR 20,00,000 (Indian Rupees Twenty Lakh) per annum. Each entity will contribute 5% (Five Percent) of its MDR share to the fund, and the framework is to be finalised in consultation with the RBI within 3 (three) months.

NPCI has also issued FAQs on September 15, 2026, clarifying that there is no impact on small-value UPI transactions up to INR 2,000 (Indian Rupees Two Thousand), which comprise more than 95% (Ninety Five Percent) of the total volume of UPI (P2M) transactions. Further, the Hon'ble Supreme Court of India in Anjan Datta vs. Union of India (W.P.(C) No. 001199/2026) on September 28, 2026, refused to grant an interim stay on the MDR in a public interest litigation challenging it. The Court issued notice to the Union of India, the RBI, NPCI and the UPI and Services Steering Committee, and asked the Government to explain the legal basis for the levy.

***DSK View**: The Circular marks the end of the zero MDR regime for higher value UPI merchant payments and an attempt to place UPI on a commercially sustainable footing, while keeping low-value, peer to peer and small-merchant transactions free.*

Read more here



INFRASTRUCTURE AND ENERGY

MINISTRY OF PORTS, SHIPPING AND WATERWAYS NOTIFIES NEW MEGA PORTS

The Ministry of Ports, Shipping and Waterways ("**MoPSW**") on September 25, 2026, vide gazette notification S.O. 5303(E) notified 4 (four) ports as "mega ports" under Section 73 of the Indian Ports Act, 2025. These include the Deendayal Port, Jawaharlal Nehru Port, Paradip Port, and Mundra Port. The eligibility criteria were notified on July 30, 2026 and reportedly required annual throughput of 150 million tonnes for bulk-led ports or 7.5 million TEUs for container ports.

While the new designation does not affect the port's existing classification as major or non-major port, as may be applicable, the impact in terms of planning priority, funding access or regulatory framework is yet to be clarified.

MODIFIED UDAN MOVES TO IMPLEMENTATION: 21 STATE AND UT AGREEMENTS SIGNED

On September 22, 2026, the Ministry of Civil Aviation launched key updates to the on-ground phase of the modified UDAN regional connectivity scheme and signed 21 (twenty-one) memoranda of understanding with states and Union Territories, together with the Airports Authority of India.

The most significant change includes the launch of the 'Challenge Mode' portal through which states can nominate airstrips and helipads for infrastructure development and released the scheme document for route bidding. The modified scheme, approved by the Cabinet in March 2026 and launched on July 4, 2026, runs from FY 2026-27 to FY 2035-36 with a reported outlay of INR 28,840 crores, including up to 3 (three) years of operations and maintenance support for new airports and heliports.

For developers and airport operators, the memoranda of understanding create a framework for public-private coordination on identifying and developing aviation assets, which will influence how quickly new sites move from nomination to development. The framework also includes a project acceleration timeline replacing the previous 2-3 years completion timeline to 18 (eighteen) months.

DPIIT NOTIFIES NEW RULES ALLOW TO MOBILE CNG AND CBG REFUELING UNITS

On 21 September 2026, the Department for Promotion of Industry and Internal Trade ("**DPIIT**") vide notification G.S.R. 831(E) notified amendments to the Gas Cylinders Rules, 2016. The rules permit compressed natural gas ("**CNG**") and compressed biogas ("**CBG**") to be dispensed into vehicles or specified equipment through mobile refuelling units ("**MRU**"), and prescribe conditions on design, ownership, filling, dispensing and operation.

This includes, *inter alia* a CNG MRU must be owned by a city gas distribution entity authorised for the relevant geographical area, while a CBG MRU must be owned by a licensee under Forms E and F. The assembly, including storage cascade, dispensing system, safety fittings and emergency shut-down system, needs approval from the Chief Controller. MRUs cannot serve public retail dispensing on public roads, in residential areas, commercial parking, basements or enclosed premises, and prescribed safety distances apply.

The change gives city gas distribution operators and CBG producers a regulated way to extend fuelling beyond fixed stations.

NHAI NOTIFIES REVISIONS TO THE MODEL CONCESSION AGREEMENT FRAMEWORK FOR HAM PROJECTS

The National Highways Authority of India ("**NHAI**") issued a revised Model Concession Agreement ("**MCA**") framework for highways projects on the Hybrid Annuity Model ("**HAM**"). The new MCA revises certain provisions as given below:

Sr. No	Provision	Existing Provision	Changed Provision
	Mobilisation Advance and Interest Incentives	Under Clause 23.8 of the 2019 MCA, developers were allowed mobilisation advance up to 10% of the total project cost attracting interest at average 1 year MCLR +1.25% compounded annually	New Clause 25.8 retains the 10% ceiling on mobilisation advance with interest compounded annually at average 1 year MCLR + 1.25%. But reduces the interest burden on the advance by 50% for the portion used for alternate fuel or automated equipment.
	Performance Security	Under Clause 9.1.1 of the 2019 MCA, performance security is calculated at 5% of the total project cost	Under the revised Clause 9.1.1, the performance security is reduced to 3% of the total project cost
	Additional Performance Security	Under Clauses 9.7 and 9.8, the additional performance security could be released upon achieving project milestone III.	Under the revised Clause, the period for retention of additional performance security has been extended to 1 year post commercial operation date subject to independent engineer certification.
	Rate of Interest on Reducing Completion Cost ("RCC")	Under Clause 23.6.4 of the 2019 MCA, the interest rate was benchmarked at bank rate + 3%	Under the new 25.6.4, the interest rate is benchmarked to Average 1-year MCLR of top 5 Scheduled Commercial Banks + 1% on a simple interest basis.
	Substitution Mechanism	Clause 30.4 and Schedule R of the 2019 MCA allowed standard lender substitution with their step-in rights.	Under the revised clause, Concessionaires are permitted to harmoniously substitute equity holders.
	Dispute Resolution	Under Article 38 of the 2019 MCA, all disputes were to be referred first to Conciliation and then to Arbitration under the SAROD / Arbitration and Conciliation Act, 1996	Under revised Article 44, the disputes related to claims under INR 10 crores shall be referred to Arbitration under SAROD/ IIAC. Further, provisions related to Conciliation will be replaced by Mediation as described under the Mediation Act, 2023. Furthermore, disputes over claims for more than INR 10 crores are barred from Arbitration and shall instead be referred to civil courts.

INDIA'S FIRST PORT-BASED E-METHANOL GREEN FUEL PRODUCTION FACILITY LAUNCHED

On 26 September 2026, the Ministry of Ports, Shipping & Waterways announced the commissioning of India's first port-based e-Methanol production facility. Among other significant announcements, the roadmap for the upcoming National Maritime Decarbonisation Policy ("**NMDP**"), regulatory and operational framework supports the bunkering and supply of green fuels to commercial vessels, was announced.

The NMDP establishes rules for fuel quality certifications, safe portside bunkering operations, and pricing models for zero-emission marine fuels. Major Port Authorities are empowered to enter into public-private partnerships for green fuel infrastructure, establishing concessional berth allocations for low- and zero-carbon vessels, in resonance with India's Amrit Kaal 2047 vision as well as the

International Maritime Organisation's Net Zero Framework to be adopted in October 2026.

THE CENTRAL ELECTRICITY REGULATORY COMMISSION ISSUES DRAFT CERC (INDIAN ELECTRICITY GRID CODE) (SECOND AMENDMENT) REGULATIONS, 2026

On 21 September 2026, the Central Electricity Regulatory Commission (CERC) issued the draft *CERC (Indian Electricity Grid Code) (Second Amendment) Regulations, 2026*, proposing vital operational, scheduling, and compliance revisions which include:

- Established explicit operational rules for Standalone Battery Energy Storage Systems with a flooring of 50 MW trial capacity, 25 MW trial capacity for Pumped Storage Plants and 10 MW for Standalone Energy Storage Systems;
- notice requirements for trial runs have been reduced from seven to three days for renewable energy and storage projects.
- infirm power scheduling before commercial operation is restricted until a trial run certificate is obtained;
- shorter schedule-revision reference timelines to the 5th time-block starting April 1, 2027;
- stricter grid-access restrictions in case of payment defaults for Temporary General Network Access ("T-GNA") connections including reduction by 5% per month if the dues remain unpaid for two months and complete cut-off of connectivity if the dues are unpaid till the default trigger date.
- levy of congestion charges for entities defaulting on Deviation Settlement Mechanism ("DSM") or reactive energy dues.

NHAI CONSOLIDATES PREVIOUS POLICIES ON CONSTRUCTION DELAYS, LAND ACQUISITION AND PROCESSING OF ROYALTY CLAIMS

In September 2026, the National Highways Authority of India ("NHAI") released certain updates regarding existing policies related to various aspects of highways projects:

Circular on Pre-construction milestones dated 23 September 2026

Mandating compliance with an earlier May 2025 circular, the current circular established strict pre-construction milestones for projects whose tender was issued 01 June 2025 onwards. It synchronizes project approval and award activities with land acquisition and statutory clearances to prevent construction delays, contractual disputes, and cost overruns on National Highway projects. The milestone wise timeline for each project activity are:

Sr. No	Activity	Commencement Milestone	Completion Milestone
	Environment Clearance	Once the road alignment is approved	Before receiving bids
	Forest Clearance	Once the road alignment is approved	Before issue of LOA
	Wildlife Clearance	Once the road alignment is approved	Before receiving bids
	Railway Clearance (general arrangement drawing)	During the draft feasibility study stage	Before receiving bids
	Inland Waterways Clearance (general arrangement drawing)	During the draft feasibility study stage	Before inviting bids
	Utility Shifting Estimates (Power, Water, Pipelines	During the draft feasibility study stage	Before receiving bids
	Land Acquisition (Section 3A)	Notice of intent to acquire land issued within 60 days of alignment approval	Once notification is published
	Land Acquisition (Section 3D)	After the completion of Section 3A activity	Acquisition declared for over 90% of land length before receiving bids
	Land Compensation Award (Section 3G	After the completion of Section 3D activity	Compensation finalized for over 90% of land length before issuing LOA
	Handover of Land Possession	Post compensation award	90% of land handed over on or before the Appointed Date; 100% of land handed

			over (within 1 km approach) for standalone bridges, ROBs, or tunnels before issuing LOA

Circular on land acquisition norms dated 24 September 2026

This circular aligns land acquisition under the National Highways Act, 1956 with the beneficial entitlements of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (RFCTLARR) Act, 2013 and enforces its May 2024 circular.

It reiterates the applicability of the MoRTH's Comprehensive Guidelines dated 28 December 2017 and clarifies that Competent Authorities for Land Acquisition ("CALA") must examine claims and pass Rehabilitation and Resettlement (R&R) awards under Chapter V and Schedules II/III of the 2013 Act alongside Section 3G land compensation.
It further reinforces compliance regarding valuation methodologies, rural multiplication factors, and 12% additional market value interest to eliminate administrative confusion and minimize litigation delays.

Circular on interim procedure for processing Royalty Claims dated September 05, 2026

The NHAI issued a clarificatory circular on September 05, 2026 delineating interim procedure for processing claims related to reimbursement of GST on Royalty. This alters the existing mechanism of processing royalty claims under Change in Law as a contractual consideration rather than a tax pursuant to a Supreme Court judgment in 2024. In the current framework, NHAI introduces a provision for consideration claims related to application of GST on royalties. Significantly, the applicability of GST or Service Tax on Royalties paid for mining licences remains sub judice before the Supreme Court.

The interim procedures include:

- permitting release of previously deducted GST-TDS after verifying payment proof and securing an unconditional Indemnity Bond;
- necessitating field units to verify actual royalty payments via valid challans or permits, as well as confirm proof of GST discharge through supporting documentary evidence;
- directing Regional Offices, PIUs, and Field Units not to make fresh GST-TDS deductions on royalty claims till the matter is sub judice;
- imposing an automatic obligation on contractors to refund released amounts within 7 working days should the Supreme Court pass an adverse order.



SECTION 301 FORCED-LABOR TARIFFS BEFORE THE COURT OF INTERNATIONAL TRADE

Introduction

The Court of International Trade, the federal trade court of the United States, heard a challenge to the Section 301 forced-labor tariffs on September 30, 2026. Under this Section, the United States presently applies duties of 10 percent or 12.5 percent to goods from 60 economies. Four small businesses and 25 states say the administration used Section 301 to reimpose the IEEPA tariffs that the Supreme Court struck down.

Background

The Section 301 tariffs are the third legal basis the United States administration has used for import tariffs in under two years. The courts ruled against the first two.

The first basis was the International Emergency Economic Powers Act, known as IEEPA. The Court of International Trade ruled against the IEEPA tariffs in 2025. The Supreme Court upheld that outcome on February 20, 2026, in *Learning Resources, Inc. v. Trump*. The New York Times reports that the US government must refund more than $160 billion.

The second basis was Section 122 of the Trade Act of 1974. President Trump announced a 10 percent global tariff on the day of the Supreme Court ruling. Section 122 limits such tariffs to 150 days. The trade court ruled against them, and an appeals court paused that ruling. The tariffs stayed in force until they expired on July 24. The case remains on appeal.

The third basis is Section 301. The United States Trade Representative (USTR), the federal trade agency of the United States, opened investigations against 60 economies on March 12, 2026. Each asked whether an economy failed to ban imports of goods made with forced labor, or failed to enforce that ban. On June 2, USTR found that the failures were unreasonable and burdened US commerce. On July 23, following the USTR's forced labor findings, the US Trade Representative Jamieson Greer announced tariffs of 10 percent or 12.5 percent taking effect from July 24, when the Section 122 tariffs expired.

The tariffs cover about 99.4 percent of the US imports. Seventeen economies pay the lower 10 percent rate. Each has a forced-labor import ban or committed to one through a trade agreement with the United States. They include India, Pakistan, Bangladesh, Canada, Mexico and the United Kingdom. Most other economies pay 12.5 percent.

What is Section 301?

Section 301 of the Trade Act of 1974 lets the USTR act against foreign practices that harm US commerce. USTR can open an investigation on its own or after a petition. The statute covers a foreign act, policy or practice that is unreasonable or discriminatory and burdens or restricts US commerce. Section 301(b) gives the USTR discretion to act in those cases.

If the USTR finds such a practice, it can respond with tariffs or other trade measures. Section 301(d)(3) also describes practices that the Congress treats as unreasonable.

Section 301 tariffs have been used on earlier occasions as well. The best-known use began in 2018, when Washington imposed tariffs on Chinese goods after an investigation into intellectual property theft and forced technology transfer. In first-term actions, the USTR produced country-by-country reports and tailored tariffs to each economy.
However, the latest investigations into 60 countries differed from earlier Section 301 investigations in three respects. First, the scope of imports covered was far broader, extending to 99.4 percent of US imports. Second, the investigations were not strictly directed at harm to a

particular US industry, but at the countries' failure to prohibit and effectively enforce a ban on imports of goods produced using forced labor. Finally, the timeline of only four-and-a-half months between the initiation of the investigation and the announcement of tariffs, was remarkably compressed.

The Matter in Hand

In re Section 301 Forced Labor Cases consolidates the lawsuits filed against the Section 301 tariffs. The importers argued that the administration skipped country-specific findings and applied one approach to dozens of economies after a shortened investigation. They argued that the Congress wrote Section 301 as a constrained authority. For instance, during the first-term Section 301 tariffs, the USTR produced country-by-country reports and tailored tariffs to each economy.

The Justice Department, in turn, argued that the USTR relied on data, economic principles, case studies, hearing testimony, public comments and logic. It argued that the USTR analyzed each country, the determinations share a common basis, and the government need not show with certainty that forced labor burdens US commerce. In early September filings, the government said its actions fit the text, object and purpose of Section 301.

During the hearings in the challenge to the tariffs, the judges at the Court of International Trade pressed both sides on how detailed the findings must be. The final ruling could either result in striking off the tariffs, remanding the matter back to the USTR for more detailed investigations, or simply upholding the status quo. Until the judgment is pronounced, the tariffs remain in force.

Implications on Indian Trade

A significant portion (~55%) of India's exports to the United States, is affected by these tariffs. While certain products, including generic pharmaceuticals, smartphones and other specified items, are presently exempt from the additional 10% duty, these exemptions cover only a limited and selectively defined segment of India's exports. Similarly, products already subject to Section 232 measures, including steel, aluminium and auto parts, are excluded.

The exclusion of approximately 45% of India's exports from the additional 10% duty should not be construed as providing meaningful tariff relief, since a substantial portion of these exports remains subject to other U.S. tariff measures. The remaining approximately 55% of India's exports will continue to face the additional 10% duty, further increasing the tariff burden on Indian exporters and adversely affecting their competitiveness in the U.S. market.

Regarding the impact of the Section 301 tariffs on the Indian industry, the textile industry faces a competitive risk. The USTR, in its report, recommended tariff-rate quotas for the cotton and textile industries of Bangladesh, Cambodia, Indonesia and Malaysia. Once implemented, set volumes of textiles and apparel from these countries will be allowed to enter the US markets free of the Section 301 duty. However, the Indian cotton and textile industry was not named for such a quota, putting the Indian industry at a disadvantage should the quotas be implemented.

Furthermore, this investigation and the subsequent rulings could also have implications on the India-US trade deal negotiations. As per reports, the Commerce Minister, Mr. Piyush Goyal, said that 99 percent of discussions were complete. India also asked the USTR to end the investigations, stating that the trade negotiations should handle the issues.

Finally, the current hearings before the Court of International Trade, are not to be confused as a challenge to another Section 301 investigation wherein India is under scrutiny. These investigations by the USTR concern structural excess capacity of India's manufacturing and solar sectors, which are alleged to have distorted global markets and/or harm the US's commercial interests. A ruling on the validity of the forced labor tariffs under Section 301 does not affect the other investigations underway under the provision.

DSK's View: *The main challenge in these matters is about the process the USTR followed in starting, conducting and completing the investigations. The Court may not give much weight to side arguments, such as the claim that Section 301 was used as a cover to impose unilateral trade restrictions. The more important question is whether the USTR's findings are properly supported by the record and whether the required procedures were followed. In that sense, the case is likely to turn more on the quality of the documentation, evidence and reasoning than on the Government's stated motives. The Government relies on the wide discretion that Section 301 gives the USTR. However, it may struggle to explain how similar investigations into roughly 60 economies were started and finished in just four-and-a-half months. The plaintiffs have also pointed out inconsistencies in the USTR's findings that could undermine them. For instance, the USTR cited Brazilian beef as an example of Brazil's failure to address forced labor, but then excluded Brazilian beef from the tariffs. Such gaps could raise doubts about the evidence behind the investigations.*

If the Court sends the investigations back to the USTR, the tariffs may still stay in place during that process, depending on the Court's order. After a fresh investigation, the USTR could reach the same conclusion and recommend tariffs again, but would need stronger evidence and a sounder process. A remand would also require the USTR to examine each country on its own merits, rather than applying broad

findings across many economies. This could also give the Indian Government time to engage with the United States and address the underlying concerns through the ongoing trade negotiations, potentially avoiding tariffs on India.

India has also taken domestic steps to address forced-labor concerns. It amended its Foreign Trade Policy by inserting Paragraph 2.20B, which bans imports of goods made with forced labor. The Directorate General of Foreign Trade's Handbook of Procedures, through Paragraph 2.50A, sets out a process for investigating such imports. This gives the Indian Government a concrete policy measure it can point to when engaging with US authorities.



MEDIA & ENTERTAINMENT

BOMBAY HIGH COURT GRANTS SHRUTI HAASAN INTERIM PROTECTION AGAINST AI DEEPFAKES AND MORPHED IMAGES

The Bombay High Court ("**Court**") granted an interim injunction in favour of Shruti Haasan in a suit filed against multiple entities over the alleged unauthorized use of her identity, including AI-generated deepfakes, manipulated videos and unapproved commercial endorsements. The Court held that a strong prima facie case had been made out in her favour and that the continued circulation of such AI-generated content would cause irreparable harm to Shruti Haasan's goodwill, reputation and commercial interests, thereby warranting interim protection. The Court further recognized that personality, publicity and privacy rights enjoy constitutional protection under Articles 19(1)(a) and 21 of the Constitution of India.

DELHI HIGH COURT RESTRAINS AI DEEPFAKE MISUSE OF RAJAT SHARMA'S PERSONALITY AND PUBLICITY RIGHTS

The Delhi High Court ("**Court**") granted an interim injunction in favour of India TV Editor-in-Chief Rajat Sharma, protecting his personality and publicity rights against the misuse of AI-generated deepfakes. The Court restrained multiple defendants from misusing or exploiting Rajat Sharma's name, likeness, image, voice or other personal attributes without his written authorization. Rajat Sharma mentioned in the plaint that unknown persons were using AI to create doctored videos bearing his distorted image and voice to falsely promote drugs for conditions such as diabetes, prostatitis and joint pain, with certain videos claiming endorsement by eminent doctors or government certification and that similar tactics had been used to misuse the likenesses of Amitabh Bachchan and Dr. Naresh Trehan. Holding that a prima facie case had been made out and that irreparable injury would result otherwise, the Court directed Meta to take down the infringing content and to disclose the identifying details of the defendants.

ANI MOVES DELHI HIGH COURT IN APPEAL AGAINST DENIAL OF INTERIM RELIEF IN COPYRIGHT SUIT AGAINST OPENAI

Asian News International ("**ANI**") has filed an appeal before the Delhi High Court ("**Court**") challenging the order dated July 24, 2026 of a single judge, which had declined interim relief to ANI in its copyright infringement suit against OpenAI ("**OpenAI**"), the developer of ChatGPT. In its injunction application, ANI had sought directions restraining OpenAI from storing, publishing or reproducing its copyrighted content, contending that ChatGPT reproduced its news material and attributed false statements to it. The Court had rejected the application, holding that OpenAI's storage of ANI's original works for the purpose of training ChatGPT fell within Section 52(1)(a) of the Copyright Act, 1957 and did not amount to infringement, finding no substantial similarity between ChatGPT's outputs and ANI's articles, and observing that the grant of an injunction could prejudice public interest given the transformative and widely-used nature of ChatGPT. However, ANI has filed an appeal contending that the single judge misread copyright law and impermissibly widened the scope of "fair use" for commercial purposes.

SAREGAMA MOVES DELHI HIGH COURT FOR CONTEMPT AGAINST ILAIYARAAJA OVER ALLEGED BREACH OF INJUNCTION

Saregama India has moved the Delhi High Court ("**Court**") for contempt proceedings against veteran composer Ilaiyaraaja, seeking his detention in civil prison, the attachment of his movable and immovable property and the appointment of a receiver to realise those assets for its benefit on the allegation that he has continued to exploit and assert ownership over songs that remain the subject of a subsisting injunction. The injunction was granted in Saregama's pending copyright suit whereby by an interim order dated February 13, 2026, the Court restrained Ilaiyaraaja and those acting on his behalf from exploiting, licensing or claiming ownership over copyrighted works comprising the music of

134 films. Ilaiyaraaja's subsequent application to vacate that order was dismissed on July 1, 2026. Saregama alleges that the composer has openly defied the injunction by continuing to make the covered works available on platforms such as Spotify and YouTube and asserting ownership over the same.

DELHI HIGH COURT ASKS CENTRE IF IT PLANS TO REGULATE "ADDICTION-CAUSING" FEATURES OF SOCIAL MEDIA PLATFORMS

In a PIL filed by Dr. Vikas Kathuria ("**Petitioner**") against the Union of India & Ors. ("**Defendants**"), the Delhi High Court ("**Court**"), on 16 September 2026, asked the Central Government whether it was contemplating a policy to regulate allegedly "addiction-causing" design features employed by social media platforms. The Court specifically referred to features such as infinite scrolling, autoplay, algorithmically curated and personalised feeds, persistent notifications and "likes". The Petitioner seeks the constitution of an expert committee to examine engagement-maximising design features and recommend safeguards, particularly in relation to young users. During the hearing, Additional Solicitor General Chetan Sharma stated that he did not have specific instructions on whether the government was considering such a policy. The Court directed him to obtain instructions and deferred the matter for three weeks. The next hearing in the matter is scheduled for October 07, 2026.

CBFC GETS REVISED FILM CERTIFICATION GUIDELINES AFTER 35 YEARS

On September 16, 2026, the Ministry of Information and Broadcasting ("**MIB**") introduced revised guidelines for film certification, replacing the 1991 guidelines framed under the Cinematograph Act, 1952. The revised framework states that film certification should balance adherence to societal values and standards with the protection of artistic expression and creative freedom, while also keeping pace with evolving social norms and promoting wholesome entertainment and high standards of cinematic and aesthetic quality. With respect to the depiction of violence and crime, the revised guidelines direct the Central Board of Film Certification (CBFC) to ensure that anti-social activities are neither glorified nor justified. Films should also not depict the modus operandi of criminal activities or contain imagery or dialogue that may potentially incite the commission of an offence.

MUSIC INDUSTRY PUSHES AI AND FRAUD SCREENING TO THE UPLOAD GATE

The International Federation of the Phonographic Industry (IFPI) has launched its voluntary Streaming Integrity Initiative, with 27 music companies and industry bodies, including Sony Music, Universal Music Group, Warner Music Group, HYBE and IDOL. The initiative seeks to shift fraud prevention upstream, from streaming platforms detecting artificial streams after royalties have been allocated to distributors, to the point of upload. Participating distributors are encouraged to conduct KYC checks on uploaders, screen content for potential infringement, identify AI-generated music as a risk indicator rather than an automatic basis for rejection, detect anomalous streaming activity and blacklist repeat offenders across participating platforms. The framework also envisages sharing fraud indicators among participants and measuring the effectiveness of these measures.

ZEE MOVES DELHI HC AGAINST JIOSTAR OVER CONTINUED USE OF MUSIC AFTER LICENCE EXPIRY

Zee Entertainment Enterprises Ltd. (ZEEL) ("**Plaintiff**") has approached the Delhi High Court ("**Court**") alleging that JioStar India Pvt. Ltd. ("**Defendant**") continues to use the Plaintiff's copyrighted music library, comprising over 19,450 tracks, across its television channels and streaming platforms despite the expiry of their licensing agreement on October 31, 2025. The Plaintiff alleged that the Defendant had failed to comply with the Court's May 5 order directing it to cease using the music, and argued that the Defendant, as a platform owner, could not rely on safe-harbour "notice-and-takedown" mechanisms applicable to intermediaries. The Defendant submitted that it had deployed automated algorithms to remove legacy background music, while acknowledging that isolated instances may remain. It offered to coordinate with the Plaintiff to identify and remove such tracks within two weeks. The Court directed the Plaintiff to identify specific instances of alleged non-compliance and directed the Defendant to file a formal response to the contempt application. The Court, at this stage, did not make any finding of wilful non-compliance.

BENGALURU CIVIL COURT RESTRAINS REVIEW-BOMBING OF "THE PARADISE"

The XXXV Additional City Civil and Sessions Judge, Bengaluru ("**Court**"), has passed an ex-parte ad-interim injunction restraining X Corp. (formerly Twitter) and unidentified online entities from hosting or disseminating targeted derogatory content allegedly intended to "review-bomb" the film "The Paradise" ahead of its theatrical release. The suit was filed by producer Sri Lakshmi Venkateshwara Cinemas LLP ("**Plaintiff**"), which alleged that coordinated campaigns following the trailer's release went beyond bona fide criticism and amounted to targeted commercial defamation, with the potential to cause irreparable commercial harm. The Court granted relief under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure, 1908, and dispensed with prior notice under Order XXXIX Rule 3 in view of the urgency claimed by the Plaintiff. Importantly, the Court clarified that the injunction is limited to the specific URLs identified in the plaint schedule and does not restrict genuine public reviews, opinions or bona fide criticism of the film.

DELHI HC ISSUES CONTEMPT NOTICE TO BOMBAY SHAVING COMPANY OVER REVISED ADVERTISEMENT

In the case filed by Gillette India Ltd. ("**Plaintiff**") against Visage Lines Personal Care Pvt. Ltd. ("**Defendant**"), the Delhi High Court ("**Court**") has issued a contempt notice against the Defendant (Bombay Shaving Company) over its alleged non-compliance with an undertaking given to the Court concerning the Defendant's "Switch4" advertisement. The undertaking required the company to take down the original advertisement and not republish it in the same form. The Plaintiff alleged that, despite the undertaking, the Defendant released a revised version of the advertisement retaining the core disparaging elements of the original campaign. On a prima facie viewing, the Court observed that there appeared to be no perceptible difference in the commercial impact of the revised advertisement compared to the original. The Court accordingly restrained the Defendant from disseminating the modified advertisement until the next date of hearing.

RECORD LABELS BROADEN COPYRIGHT CLAIMS AGAINST SUNO AI

Record labels including Universal Music Group and Sony Music Entertainment ("**Plaintiffs**") have expanded their ongoing litigation against AI music company Suno ("**Defendant**"), adding claims concerning the alleged use of copyrighted music obtained from YouTube to train its AI models. In August 2026, the U.S. District Court for the District of Massachusetts permitted the Plaintiffs to pursue a claim, alleging that the Defendant circumvented YouTube's technical protections, including its "rolling cipher", using stream-ripping tools such as YT-DL and YT-DLP to obtain audio recordings. The Plaintiffs have also challenged the Defendant's v6 model, alleging that it is not entirely independent of earlier models trained on allegedly unlicensed material. They contend that v6 incorporated knowledge and preference data derived from earlier models, including through knowledge distillation, and therefore remains connected to the allegedly infringing training lineage. The Defendant, however, has stated that v6 was developed using licensed content, user interactions and other data.

UNIVERSAL MUSIC GROUP SUES DISTROKID OVER ALLEGED COPYRIGHT INFRINGEMENT INVOLVING AI-GENERATED MUSIC

Universal Music Group (UMG) ("**Plaintiff**") has filed a copyright infringement and deceptive trade practices lawsuit against digital music distributor DistroKid ("**Defendant**") before the U.S. District Court for the District of Delaware ("**Court**"). The Plaintiff alleges that the Defendant's distribution network has facilitated the upload and dissemination of unauthorised AI-generated tracks, voice clones and speed-altered versions of recordings, resulting in alleged infringement and diversion of royalties from human artists and rights holders. The Plaintiff is seeking statutory damages of up to US$150,000 per infringed work, with its initial complaint identifying approximately 1,000 works as infringed and therefore seeking up to US$150 million in statutory damages. The lawsuit also raises broader questions concerning the responsibility of self-service music distributors to verify rights, vet uploaded content and implement measures to detect copyright infringement and streaming fraud before music is distributed to streaming platforms.



FOREIGN EXCHANGE MANAGEMENT (EXPORT AND IMPORT OF GOODS AND SERVICES) (AMENDMENT) REGULATIONS, 2026

The Reserve Bank of India ("**RBI**") has introduced the Foreign Exchange Management (Export and Import of Goods and Services) (Amendment) Regulations, 2026, *vide* circular bearing no. FEMA 23(R)/(1)/2026-RB dated September 22, 2026 ("**Amendment Regulations**"), amending the Foreign Exchange Management (Export and Import of Goods and Services) Regulations, 2026 dated ("**EXIM Regulations**"). The EXIM Amendment Regulations will come into force on October 01, 2026.

The following are the key amendments introduced by way of the Amendment Regulations:

- **Reduction in the period for realisation and repatriation of export proceeds:** Regulation 5(1) of the EXIM Regulations provides that the amount representing the full export value of goods and services shall be realised and repatriated by the exporter within the period specified therein. Under the EXIM Regulations, clauses (a) and (b) of Regulation 5(1) prescribed a period of fifteen months from the relevant date for realisation and repatriation in respect of goods and services. Further, where the export of goods and services is invoiced and/or settled in Indian Rupees, the first proviso to Regulation 5(1) prescribed a period of eighteen months from the relevant date.

  The Amendment Regulations amend Regulation 5(1) by substituting the period of "fifteen months" with "nine months" in clauses (a) and (b). Further, the period of "eighteen months" in the first proviso has been substituted with "twelve months". Accordingly, with effect from October 01, 2026, the period prescribed under clauses (a) and (b) of Regulation 5(1) will be nine months, while the period prescribed under the first proviso, in respect of exports invoiced and/or settled in Indian Rupees, will be twelve months.

- **Continuation of existing orders in respect of exporters in the Caution List:** Regulation 13 of the EXIM Regulations provides that where the export proceeds of an exporter remain unrealised for a period beyond one year from the due date of realisation or the extended period, if any, allowed by an Authorised Dealer, the exporter shall undertake further exports only against receipt of full advance or an irrevocable Letter of Credit.

  The Amendment Regulations insert a proviso at the end of Regulation 13 providing that exporters in the Caution List as on September 30, 2026, as per orders issued by the RBI under Regulation 16 of the Foreign Exchange Management (Export of Goods & Services) Regulations, 2015, shall continue to be governed by the said order until such time as the exporter is removed from the Caution List.

  Accordingly, the Amendment Regulations specifically provide for the continued applicability of the orders issued by the RBI under Regulation 16 of the Foreign Exchange Management (Export of Goods & Services) Regulations, 2015, in respect of exporters who are in the Caution List as on September 30, 2026, until their removal from the Caution List.

- **Powers to Authorised Dealers in respect of transactions undertaken prior to October 01, 2026**: The EXIM Regulations contain provisions under which Authorised Dealers are required to handle various export, import and merchanting trade transactions. The EXIM Regulations also provide, under Regulation 19, for an Authorised Dealer to put in place a separate, comprehensive and well-documented internal policy and standard operating procedure for handling transactions relating to export and import of goods and services as well as merchanting trade.

The Amendment Regulations insert a new Regulation 20 – Powers to Authorised Dealers after Regulation 19. Regulation 20 provides that Authorised Dealers shall handle transactions related to the export and import of goods and services, as well as merchanting trade, undertaken prior to October 01, 2026, which hitherto required approval of the RBI, under:

- the Foreign Exchange Management (Export of Goods and Services) Regulations, 2015;
- the Master Direction – Export of Goods and Services (FED Master Direction No. 16/2015-16 dated January 01, 2016, as updated till July 17, 2026); and
- the Master Direction – Import of Goods and Services (FED Master Direction No. 17/2016-17 dated January 01, 2016, as updated till January 12, 2026).

Accordingly, Regulation 20 specifically provides for Authorised Dealers to handle such transactions undertaken prior to October 01, 2026, which hitherto required RBI approval under the regulatory framework specified in the Amendment Regulations.

The Amendment Regulations provide for specific changes in the regulatory framework governing export and import of goods and services and merchanting trade with effect from October 01, 2026. In particular, the Amendment Regulations reduce the periods prescribed under Regulation 5(1) for realisation and repatriation of export proceeds, provide for the continued governance of exporters appearing in the Caution List as on September 30, 2026 by the relevant orders issued under the Foreign Exchange Management (Export of Goods & Services) Regulations, 2015, until their removal from the Caution List, and empower Authorised Dealers to handle specified transactions undertaken prior to October 01, 2026 which hitherto required RBI approval under the earlier regulatory framework.

RESERVE BANK OF INDIA (COMMERCIAL BANKS – MINIMUM CAPITAL REQUIREMENTS FOR MARKET RISK) DIRECTIONS, 2026

RBI has introduced Reserve Bank of India (Commercial Banks – Minimum Capital Requirements for Market Risk) Directions, 2026 dated September 21, 2026 bearing no. RBI/DOR/2026-27/472DOR.MRG.REC.227/21-01-002/2026-27 ("**New Market Risk Directions**"). The New Market Risk Directions will come into effect from April 01, 2027 and shall apply to all Commercial Banks, as defined therein. With the implementation of the New Market Risk Directions, Section D (except sub-section D.8) on "Capital charge for market risk" of Chapter IV on "Risk weighted assets (RWAs)" of the Reserve Bank of India (Commercial Banks - Prudential Norms on Capital Adequacy) Directions, 2025 ("**Existing Capital Adequacy Directions**") shall stand repealed.

The following are the key updates introduced by way of the New Market Risk Directions:

- **Scope of Market Risk Capital Requirements:** Interest rate risk and equity risk capital requirements apply only to instruments held in the trading book, i.e., instruments classified as Held for Trading ("**HFT**"). Instruments classified as Held to Maturity, Available for Sale or Fair Value through Profit and Loss (non-HFT), as well as investments in subsidiaries, joint ventures and associates, form part of the banking book and are subject to the applicable credit risk capital requirements. Foreign exchange risk, including risk arising from gold and precious metals, is required to be capitalised on positions held in both the trading book and the banking book. Further, matured but unpaid securities and non-performing investments are subject to credit risk capital requirements and do not attract a separate market risk capital charge.

- **Separate framework for minimum capital requirements for market risk:** Under the Existing Capital Adequacy Directions, the capital charge for market risk was contained in Section D of Chapter IV on 'Risk weighted assets (RWAs)', with Section D dealing with the capital charge for market risk. The Existing Capital Adequacy Directions therefore contained the market risk capital requirements as part of the broader framework governing prudential norms on capital adequacy.

  Under the existing framework, the capital charge for market risk was prescribed under Section D of Chapter IV on 'Risk Weighted Assets (RWAs)', covering market risk positions comprising interest rate related instruments and equities in the trading book and foreign exchange positions, including open positions in gold and other precious metals, across the banking and trading books. The existing framework prescribed separate capital requirements for interest rate risk, equity risk and foreign exchange risk, including specific and general market risk charges, and provided for the aggregation of such capital charges for determining the risk-weighted assets for market risk.

  The New Market Risk Directions establish a separate set of directions specifically governing minimum capital requirements for market risk. The New Market Risk Directions set out provisions relating to the boundary between the banking book and the trading book, scope of application of market risk, calculation of risk-weighted assets for market risk, disclosures and repeal provisions. The New Market Risk Directions provide that, with their implementation, Section D (except sub-section D.8) of Chapter IV of the Existing Capital Adequacy Directions shall stand repealed.

- **Boundary between the banking book and the trading book:** Under the Existing Capital Adequacy Directions, the capital charge for market risk applied to positions falling within the scope of the market risk framework. Under the Existing Capital Adequacy Directions, 'Banking book' means all items which are not included under trading book. In contrast, 'trading book' includes all instruments that are classified as 'Held for Trading' ("**HFT**") or 'Available for Sale' ("**AFS**") under the applicable investment portfolio directions.

  Under the New Market Risk Directions, the distinction between the trading book and the banking book is relevant for determining the applicable capital requirements for market risk.

  For capital adequacy purposes, the New Market Risk Directions provide that the trading book shall include all instruments classified as HFT under the Reserve Bank of India (Commercial Banks – Classification, Valuation, and Operation of Investment Portfolio) Directions, 2025. All other items shall be included in the banking book and shall attract the corresponding capital charge for credit risk or counterparty credit risk, as applicable.

  Accordingly, instruments classified under Held to Maturity (HTM), AFS, Fair Value Through Profit and Loss (FVTPL) (other than HFT) and investments in own subsidiaries, joint ventures and associates shall form part of the banking book and shall not attract market risk capital charge, except as specifically provided under the New Market Risk Directions.

  The New Market Risk Directions further prescribe restrictions on reclassification between the trading book and banking book after initial designation. A bank shall not reclassify instruments between the trading book and banking book for regulatory arbitrage, i.e., with the intention of achieving lower capital requirements. Where reclassification results in a reduction in the bank's total capital requirement, the difference is required to be maintained as a disclosed Pillar 1 capital surcharge, in addition to the capital requirements of the book into which the instruments have been reclassified.

- **Recognition and treatment of internal risk transfers:** The New Market Risk Directions introduce specific provisions governing internal risk transfers between the banking book and trading book. Internal risk transfer is defined as an internal written record of transfer of risk between the banking book and trading book, or between the GIRR internal risk transfer desk and trading book, or between the CVA portfolio and trading book, through internal derivatives trades.

  In relation to credit risk transferred from the banking book to the trading book, the banking book exposure shall be deemed to be hedged for capital requirement purposes only where the prescribed conditions are fulfilled, including that the trading book enters into an external hedge with an eligible third-party protection provider which exactly matches the internal risk transfer and that the external hedge meets the specified requirements. Where the prescribed requirements are fulfilled, both the trading book leg of the internal risk transfer and the external hedge shall be reckoned for market risk capital requirements. Where the requirements are not fulfilled, the banking book exposure shall not be deemed to be hedged for capital purposes and the treatment prescribed under the New Market Risk Directions shall apply.
  The New Market Risk Directions also prescribe a specific framework for internal transfer of general interest rate risk ("**GIRR**") from the banking book to the trading book, including the requirement for a dedicated "GIRR internal risk transfer desk" specifically approved by the Department of Supervision, RBI. Separate provisions have also been prescribed for internal risk transfers between the credit valuation adjustment (CVA) portfolio and the trading book.

  Calculation of risk-weighted assets for market risk: Under the New Market Risk Directions, a bank shall use the simplified standardised approach ("**SSA**") for computing risk-weighted assets for market risk. The risk-weighted assets for market risk shall be determined by multiplying the capital requirements calculated under the Directions by a factor of 12.5. The capital requirement under the SSA is the simple sum of the capital requirements arising from the three risk classes, namely interest rate risk, equity risk and foreign exchange risk.

  The New Market Risk Directions prescribe separate requirements for interest rate risk, equity risk and foreign exchange risk, including specific risk and general market risk requirements for interest rate risk, treatment of equity positions, measurement of foreign exchange exposure and treatment of options.

- **Market risk capital requirement on a continuous basis:** The New Market Risk Directions provide that, while calculating market risk capital requirements, a bank shall include interest rate risk and equity risk for trading book instruments and foreign exchange risk, including gold and precious metals, for trading book and banking book instruments. A bank shall compute and maintain capital charge for market risk at both group/consolidated level and solo/standalone level. Further, irrespective of the reporting frequency, a bank shall meet the capital requirements for market risk on a continuous basis, i.e., at the close of each business day.

- **Treatment of securitisation exposures:** The New Market Risk Directions prescribe specific risk capital requirements for securitisation exposures held in the trading book. For securitisation and re-securitisation transactions undertaken prior to September 24, 2021, the specific risk capital requirement is to be determined in accordance with the rating-based capital charges specified in Table 2 – Part A and Table 2 – Part B, respectively. The Directions further provide that re-securitisation exposures are not allowed under the Reserve Bank of India (Commercial Banks – Securitisation Transactions) Directions, 2025. For securitisation transactions undertaken on or after September 24, 2021, the specific risk capital requirement for securitisation exposures held in the trading book shall be calculated in accordance with the revised method prescribed under paragraphs 88 to 125 of the Reserve Bank of India (Commercial Banks – Prudential Norms on Capital Adequacy) Directions, 2025. Accordingly, the specific risk capital requirement applicable to each securitisation exposure in the trading book shall be calculated by dividing the risk weight calculated as if the exposure were held in the banking book by 12.5.

- **Disclosure requirements:** The New Market Risk Directions require a bank to disclose qualitative as well as quantitative information on its market risk as part of its Pillar 3 disclosure requirements under the Basel III framework. The prescribed disclosures comprise the general qualitative disclosure requirements relating to market risk and market risk under the simplified standardised approach, with the detailed templates and disclosure frequency set out in Annex I to the New Market Risk Directions.

RESERVE BANK OF INDIA (PRIORITY SECTOR LENDING – TARGETS AND CLASSIFICATION) THIRD AMENDMENT DIRECTIONS, 2026

The RBI has, *vide* circular bearing no. RBI/2026-27/256 FIDD.CO.PSD.BC.No.10/04.09.001/2026-27 dated September 11, 2026, issued the Reserve Bank of India (Priority Sector Lending – Targets and Classification) Third Amendment Directions, 2026 ("**PSL Third Amendment Directions**"), amending the Reserve Bank of India (Priority Sector Lending – Targets and Classification) Directions, 2025 (updated as on August 07, 2026) ("**PSL Directions**"). These amendments will come into force with immediate effect.

The following are the key amendments introduced by way of the PSL Third Amendment Directions:

- **Curtailed exclusion window:** The RBI has amended the date for the exclusion of specified advances from Adjusted Net Bank Credit ("**ANBC**") from September 30, 2026 to August 31, 2026.

- **Amendment to Paragraph 6.1:** Item VI of the table under paragraph 6.1 of the PSL Directions has been amended to provide that advances extended in India out of fresh FCNR(B) / NRE deposits (including deposits that are renewed upon maturity), qualifying for exemption from Cash Reserve Ratio (CRR) and Statutory Liquidity Ratio (SLR) requirements shall be excluded from ANBC, in accordance with the RBI's CRR and SLR fourth amendment directions dated August 25, 2026, as applicable to the relevant banks.

- **Amendment to the Note:** The Note under Item VI has been amended to provide that "the amount to be excluded from ANBC for computation of priority sector targets shall not exceed the outstanding FCNR (B) / NRE deposits eligible for exemption from maintenance of CRR / SLR" in terms of the Reserve Bank of India (Cash Reserve Ratio and Statutory Liquidity Ratio) Fourth Amendment Directions dated August 25, 2026.

RESERVE BANK OF INDIA (COMMERCIAL BANKS – CLASSIFICATION, VALUATION, AND OPERATION OF INVESTMENT PORTFOLIO) THIRD AMENDMENT DIRECTIONS, 2026

The RBI has issued the Reserve Bank of India (Commercial Banks – Classification, Valuation, and Operation of Investment Portfolio) Third Amendment Directions, 2026 *vide* circular bearing no. RBI/2026-27/264 DOR.MRG.REC.No.228/00-00-001/2026-27 dated September 22, 2026 ("**Investment Portfolio Third Amendment Directions**"), amending the Reserve Bank of India (Commercial Banks – Classification, Valuation, and Operation of Investment Portfolio) Directions, 2025 dated November 28, 2025 ("**Investment Portfolio Directions**"), with a view to ensuring clarity and uniform practices in the valuation of units of Infrastructure Investment Trusts ("**InvITs**") and Real Estate Investment Trusts ("**REITs**"). These amendments will come into force with immediate effect.

The following are the key amendments introduced by way of the Investment Portfolio Third Amendment Directions:

- **Valuation of InvITs:** A new paragraph 84A has been inserted providing that quoted securities issued by InvITs and units of InvITs shall be valued in accordance with the valuation framework applicable to quoted securities under the Investment Portfolio Directions.

- **Unquoted InvIT units:** Unquoted InvIT units shall be valued at the NAV disclosed by the InvIT. Where an InvIT fails to compute and disclose NAV in the manner prescribed under the SEBI (Infrastructure Investment Trusts) Regulations, 2014, the value of the units shall be treated as Rs. 1/-. The same treatment applies to InvIT

units classified as infrequently traded in terms of SEBI (Infrastructure Investment Trusts) Regulations, 2014.

- **Other unquoted InvIT instruments:** Other unquoted instruments issued by an InvIT shall be valued in accordance with the methodology specified for the relevant instrument under the Investment Portfolio Directions.

- **Valuation of REITs:** A new paragraph 84B introduces a corresponding framework for REITs. Quoted securities issued by REITs and REIT units shall be valued in accordance with the framework applicable to quoted securities.

- **Unquoted REIT units:** Unquoted REIT units shall be valued at the NAV disclosed by the REIT. Where a REIT fails to compute and disclose NAV in the manner and frequency prescribed under the SEBI (Real Estate Investment Trusts) Regulations, 2014, the value of the units shall be treated as Re. 1/-. This treatment also applies to REIT units classified as infrequently traded under the SEBI (Real Estate Investment Trusts) Regulations, 2014.

- **Other unquoted REIT instruments:** Other unquoted instruments issued by a REIT shall be valued in accordance with the methodology specified for the relevant instrument under the Investment Portfolio Directions.

The Investment Portfolio Third Amendment Directions provide a specific valuation framework for units of InvITs and REITs. The amendments prescribe the valuation of quoted securities and units in accordance with the instructions for quoted securities under the Investment Portfolio Directions, while prescribing valuation at the NAV as disclosed by the InvIT / REIT for unquoted units. Where the InvIT / REIT fails to compute and disclose the NAV in the manner and frequency specified under the applicable SEBI Regulations, the value of such units shall be treated as Re. 1/- for the purpose of the Investment Portfolio Directions. The amendments also prescribe the valuation methodology for other unquoted instruments issued by an InvIT or REIT. These amendments seek to ensure clarity and uniform practices in the valuation of units of InvITs and REITs.



SECTION 96(4) OF THE CODE EXCLUDING PERSONAL GUARANTORS FROM INTERIM MORATORIUM APPLIES RETROACTIVELY TO PENDING APPLICATIONS

The Hon'ble Bombay High Court, in ***Indian Bank v. Shabbir Abbas Patel and Ors.***,[5] has held that Section 96(4) of the Insolvency and Bankruptcy Code, 2016 ("**Code**"), introduced with effect from 26.05.2026, applies retroactively to applications already pending under Sections 94 and 95 of the Code in respect of personal guarantors to corporate debtors, and is not confined to applications filed after the amendment.

In the present case, the Hon'ble Court considered a batch of writ petitions filed by secured creditors seeking to proceed with recovery and enforcement measures. The contesting Respondents claimed protection under the interim moratorium arising from pending insolvency applications. The question before the Hon'ble Court was whether Section 96(4) of the Code, excluding personal guarantors to corporate debtors from such protection, applied to applications pending on 26.05.2026.

The Respondents contended that the words "is filed" indicated prospective operation and that the amendment could not take away the protection available under pending applications. Reliance was placed on the principles of literal interpretation recognised in *B. Premanand v. Mohan Koikal*[6] and the observations concerning interim moratorium in Rakesh Bhanot v. Gurdas Agro Pvt. Ltd.[7] The Petitioner-creditors, however, relied upon the Mischief Rule of interpretation, as explained in ***Bengal Immunity Co. Ltd. v. State of Bihar & Ors.***,[8] and the Select Committee Report on the Insolvency and Bankruptcy Code (Amendment) Bill, 2025, to contend that restricting the amendment to future filings would perpetuate the misuse of interim moratorium to obstruct legitimate recovery proceedings.

The Hon'ble Court, referring to ***State Bank's Staff Union (Madras Circle) v. Union of India***[9] and ***Vineeta Sharma v. Rakesh Sharma***,[10] explained that a retroactive provision operates from its commencement but may apply to a pre-existing status or proceedings still in progress. The Hon'ble Court observed that the process commencing with an application under Sections 94 or 95 and culminating in its admission or rejection under Section 100 of the Code is procedural in nature. The interim moratorium under Section 96 is a transitory arrangement during this process and does not confer an absolute or indefeasible vested right upon the debtor. While considering ***Dilip B. Jiwrajka v. Union of India***[11], the Hon'ble Court held that the protective nature of the interim moratorium did not confer a vested right to its continuation.

The Hon'ble Court further rejected the contention that the words "is filed" confined the amendment to future applications, observing that the words "to be filed" would have indicated such an intention. It held that applying the amendment to pending proceedings furthered its purpose of preventing misuse of the interim moratorium. The Hon'ble Court also held that Section 6 of the General Clauses Act, 1897 was inapplicable, as there was no repeal, and that Section 179(3) of the Code did not assist the Respondents, as it concerned suits or applications in the name and on behalf of the debtor.

Agreeing with the views expressed in ***Tata Capital Financial Services Ltd. v. Neel Motors LLP***[12] and ***IDBI Trusteeship***

[5] Writ Petition No. 2819 of 2026, Hon'ble Bombay High Court
[6] (2011) 4 SCC 266
[7] (2025) 6 SCC 781
[8] AIR 1955 SC 661
[9] (2005) 7 SCC 584
[10] (2020) 9 SCC 1
[11] (2024) 5 SCC 435
[12] Commercial Arbitration Petition No. 620 of 2021, Hon'ble Bombay High Court

Services Ltd. v. Manish Jain,[13] the Hon'ble Court held that the interim moratorium under Section 96 of the Code ceased to operate from 26.05.2026 in pending applications concerning personal guarantors to corporate debtors. In view thereof, the Hon'ble Court allowed the writ petitions and granted relief in the respective matters, including setting aside the impugned orders of the Debts Recovery Tribunal ("**DRT**") and issuing directions for continuation of recovery, auction, possession and proceedings before the DRT and the Debts Recovery Appellate Tribunal ("**DRAT**").

PLEA OF FRAUDULENT OR MALICIOUS INITIATION OF CIRP UNDER SECTION 65 CANNOT BE RAISED FOR THE FIRST TIME IN APPEAL

The Hon'ble National Company Law Appellate Tribunal, Principal Bench, New Delhi ("**NCLAT**"), in *Affle 3i Ltd. v. Axis Trustee Services Ltd. and Anr.*,[14] has held that a plea of fraudulent or malicious initiation of the Corporate Insolvency Resolution Process ("**CIRP**") under Section 65 of the Insolvency and Bankruptcy Code, 2016 ("**Code**") cannot be raised for the first time in an appeal under Section 61, where the supporting facts and material had not been placed before the Adjudicating Authority and debt and default otherwise stood established.

In the present case, Talent Unlimited Online Services Pvt. Ltd. ("**Corporate Debtor**") was admitted into CIRP on an application under Section 7 of the Code filed by Axis Trustee Services Ltd. ("**Debenture Trustee**"). The National Company Law Tribunal, New Delhi ("**Adjudicating Authority**"), found the existence of financial debt and default on the basis of transaction documents, notices, acknowledgments of liability and the Information Utility's record of default. Affle 3i Ltd. ("**Appellant**"), a shareholder and investor in the Corporate Debtor, also asserting rights as an arbitral award-holder and decree-holder, challenged the admission order. The Appellant alleged that CIRP had been fraudulently invoked to defeat its contractual inspection rights and enforcement of arbitral orders and an award. It further relied upon the absence of a positive response to its subsequent proposal to acquire the financial debt without any haircut as indicative of misuse of the insolvency process.

The Appellant relied upon ***Independent Sugar Corporation Ltd. v. Girish Shriram Juneja & Ors***.[15] and ***Chandra Shekhar Jha & Anr. v. Religare Enterprises Ltd. & Ors.***[16] to contend that the expression "person aggrieved" under Section 61 of the Code could not be subjected to an unduly rigid interpretation. The Debenture Trustee opposed the appeal, contending that the Appellant's grievance arose solely from its shareholding and disclosed no independent injury. It further submitted that the plea under Section 65 had neither been raised before nor adjudicated upon by the Adjudicating Authority.

The Hon'ble NCLAT, referring to ***Innoventive Industries Ltd. v. ICICI Bank***[17] and ***Swiss Ribbons Pvt. Ltd. v. Union of India***,[18] observed that the Adjudicating Authority had examined the material on record and satisfied itself regarding the existence of financial debt and occurrence of default. It clarified that Section 65 of the Code empowers the Adjudicating Authority to prevent abuse of CIRP where proceedings are initiated fraudulently or with malicious intent for a purpose other than insolvency resolution. However, such a plea requires specific material facts and cogent supporting evidence.

Relying upon ***Beacon Trusteeship Ltd. v. Earthcon Infracon Pvt. Ltd. & Anr***.[19], the Hon'ble NCLAT held that allegations of collusion or fraudulent initiation must first be examined by the Adjudicating Authority and cannot be raised for the first time at the appellate stage. It noted that the Corporate Debtor had contested debt and default before the Adjudicating Authority, and the allegation that it had deliberately pushed itself into insolvency required substantiation. Since the foundational material supporting the Appellant's allegations had not been placed before the Adjudicating Authority, the Hon'ble NCLAT declined to examine the allegations under Section 65 in appeal.

In view thereof, the Hon'ble NCLAT rejected to interfere with the admission order and disposed of the appeal with liberty to the Appellant to file a proper application under Section 65 of the Code before the Adjudicating Authority.

[13] IDBI Trusteeship Services Ltd. v. Manish Jain and Ors., CS(COMM) 800/2025
[14] Company Appeal (AT) (Insolvency) No. 1474 of 2026
[15] Civil Appeal No. 6071 of 2023
[16] Company Appeal (AT) (Insolvency) No. 992 of 2023
[17] (2018) 1 SCC 407.
[18] (2019) 4 SCC 17
[19] Civil Appeal No. 7641 of 2019



PROCEDURE FOR PREPONEMENT OF THE DATE OF COMPLETION OF A REGISTERED PROJECT

The Bihar Real Estate Regulatory Authority ("**BRERA**") has issued an Office Order bearing Letter No. RERAP2311201700018-10/261 dated September 01, 2026 ("**Preponement Office Order**"), setting out the procedure for consideration of requests made by a promoter for preponement of the date of completion of a registered real estate project and for corresponding revision of the validity period of its registration.

The Preponement Office Order is issued in exercise of the powers conferred under Sections 34, 37 and 38(2) of the Real Estate (Regulation and Development) Act, 2016 ("**RERA Act**") read with Section 5(3) thereof and the relevant provisions of the BRERA General Regulations, 2026. The BRERA records that under Section 4(2)(l)(C), a promoter declares, at the time of registration, the time within which it undertakes to complete the project, and under Section 5(3) the registration remains valid for that declared period; and that the RERA Act contains no express prohibition against a promoter voluntarily seeking reduction of that period, provided the request is examined without adversely affecting the rights and interests of the allottees. The key features of the Preponement Office Order are:

- **Application:** A promoter voluntarily seeking to reduce or prepone the declared date of completion, and consequential preponement of the validity period recorded in the registration certificate of a registered project under RERA, must apply to BRERA along with a duly executed revised Form B and such supporting documents as BRERA may require.

- **Processing charge:** Every such application must be accompanied by a non-refundable processing charge of Rs. 2,00,000/- (Rupees Two Lakh), stated to be intended to ensure that such requests are made only after due consideration and are not filed casually or as a routine matter.

- **Safeguarding allottees:** Before allowing any request, BRERA must satisfy itself that the proposed revision is not prejudicial to the interests of the allottees or otherwise contrary to the RERA Act, the Rules or the Regulations. BRERA may direct that the revised date and the order allowing preponement be reflected on its website and communicated or made available to the concerned allottees.

- **No right conferred:** Submission of required documents (revised Form B) and payment of the processing charge do not, by themselves, confer any right on the promoter to obtain preponement. Every request is considered on its own merits after such scrutiny and verification as BRERA considers necessary, and BRERA may call for additional information or documents, seek clarification from the promoter and impose such conditions as may be necessary.

- **Effect of approval:** Where the request is allowed, the date of completion and the corresponding validity period of registration stand revised in accordance with the order, and a corrigendum is issued containing all the information set out in the original registration certificate. The revised date thereafter constitutes the date by which the promoter has undertaken to complete the project.

- **Completion beyond the revised validity date:** If the project remains incomplete on the revised validity date, the promoter must seek extension of registration strictly in accordance with Section 6 of the RERA Act. Such application is considered independently and must be accompanied by the applicable fees, additional charges and late charges; the fact that the validity period was earlier preponed at the promoter's request confers no special right or relaxation.

- **No postponement under this procedure:** The procedure applies *only* to voluntary requests for reduction or preponement. It does not apply to any request seeking postponement, enhancement or extension of the validity period originally granted or subsequently revised, which is dealt with solely under Section 6 of the RERA Act.

- **General application:** The Preponement Office Order lays down a general procedure applicable to all similarly situated registered real estate projects and is not to be treated as a dispensation, concession or benefit confined to any particular promoter or project.

DSK View: *As per the Preponement Office Order, the revised date becomes the operative completion date for regulatory purposes and the date on which the project registration will lapse if the project is not completed. Any subsequent extension application will be considered on its own merits, without credit for the earlier voluntary preponement. Given the non-refundable processing charge of Rs. 2,00,000/- (Rupees Two Lakh) and the absence of any right to relief, a promoter should seek preponement only where the construction schedule provides a reliable basis for earlier completion of the project.*

Read more here

GUIDELINES FOR SUBMISSION OF COMPLETE APPLICATIONS FOR REGISTRATION OF REAL ESTATE PROJECTS

The Jammu & Kashmir Real Estate Regulatory Authority ("**JKRERA**") has issued Circular No. 01-JKRERA of 2026 dated September 07, 2026, bearing No. JKRERA-ESTT/40/2026(7950817) (the "**JKRERA Registration Circular**"), laying down guidelines for the submission of a complete application for registration of a real estate project under the Real Estate (Regulation and Development) Act, 2016 ("**RERA Act**"). The JKRERA Registration Circular has been issued in exercise of the general superintendence conferred on the Chairperson over the affairs and functioning of the Authority under Section 25 of the RERA Act. The following guidelines apply to an application for registration of a real estate project

- Every document uploaded on the JKRERA portal must be clear, readable and properly scanned. Applications containing illegible, blurred or incomplete documents may be returned for compliance.

- The declaration in Form 'B' must be uploaded strictly in the format prescribed under the applicable Rules, without any alteration, deletion or addition.

- The promoter must ensure that all mandatory fields in the online application are duly completed and that complete particulars are furnished wherever optional fields are relevant to the project. Blank fields will ordinarily be construed to mean that the information is either 'Nil' or 'Not Applicable' in respect of the project concerned.

- Where a prescribed document is not applicable to a particular project, the promoter must upload a signed self-declaration clearly indicating the reasons for its non-applicability.

- Responsibility for the correctness, authenticity and completeness of all information and documents submitted rests entirely with the promoter, who must ensure that the application conforms to the RERA Act, the Rules, the Regulations and all orders, circulars and directions issued by JKRERA from time to time.

- Registration of a project by JKRERA is expressly not to be construed as validation of the correctness or legality of the information or documents submitted. If at any stage any information is found to be false, misleading, suppressed or inconsistent with the RERA Act, the Rules, the Regulations or JKRERA's directions, the Authority is at liberty to initiate appropriate proceedings under the applicable provisions of law.

- For the purposes of Section 5 of the RERA Act, the statutory period of 30 (Thirty) days for deemed registration of the project under RERA, shall be considered from the date on which the application is found to be complete in all respects, together with all requisite information and supporting documents as required under the RERA Act, the Rules, the Regulations and the JKRERA portal.

DSK View: *The JKRERA Registration Circular places the onus for the accuracy and completeness of the information furnished in the registration application primarily on the promoter. Accordingly, the RERA registration and the particulars submitted in connection therewith can be treated as representations made by the promoter, and the promoter should ensure that all information and supporting documents submitted for registration are accurate, complete and consistent with the underlying project and transaction documents.*

Read more here

ODISHA RERA - DIRECTIONS ON UPLOADING COMPLETION AND OCCUPANCY CERTIFICATES FOR PROJECTS WHOSE REGISTRATION HAS EXPIRED

The Odisha Real Estate Regulatory Authority ("**ORERA**") has issued Order No. 6633/ORERA dated September 07, 2026 ("**ORERA CC/OC Directions**") under Section 37 of the Real Estate (Regulation and Development) Act, 2016 ("**RERA**

Act"), requiring promoters of projects whose registration has expired to upload/submit the completion certificate ("**CC**") and/or occupancy certificate ("**OC**") of the project on the ORERA portal.

Pursuant to Section 11(4)(b) of the RERA Act, a promoter is required to obtain the CC and/or OC for its project and make it available to the allottees or their association of owners' of the project. The ORERA has found that the RERA registration for significant projects have expired (in spite of extension of time period granted by ORERA), without the CC/OC being uploaded on its portal or shared with the allottees. The ORERA CC/OC Directions are aimed to address non-compliance by promoters for submission of CC and OC. The key features of the ORERA CC/OC Directions are as follows:

- **Certificate already obtained:** A promoter that already holds the CC and/or OC must upload it on the ORERA portal within 30 (Thirty) days of the expiry of its project registration.

- **Certificate applied for but not yet issued:** A promoter that has applied for the CC and/or OC but is yet to receive it must, within the same 30 (Thirty) days, upload a copy of its application along with proof of filing and payment of fees. The promoter must then peruse with the competent authority, upload the certificate as soon as it is issued and share it with the allottees.

- **Consequences of non-compliance:** In case of failure of a promoter to comply with the ORERA CC/OC Directions, the ORERA may: (i) freeze and/or restrict operation of project bank account under Section 4(2)(l)(D) of the RERA Act; (ii) bar the promoter from registering Agreements for Sale and Conveyance Deeds; and (iii) penalise the promoter under the RERA Act and the rules framed thereunder. Such action by the ORERA will be withdrawn upon deposit penalty amount and submission the OC or proof that it has applied for the OC.

DSK View: *The ORERA CC/OC Directions is likely to prompt compliance by the promoters of the provisions of the RERA Act not just during the construction phase of a project but also till the completion of the Project. The ORERA CC/OC Directions also acts as a deterrent for delinquent promoters who have defaulted in completion of the project within the time period set out in the RERA certificate. RERA authority can suo-moto take cognisance of such projects where the promoters have defaulted in implementing the project within the approved time period. ORERA can also freeze the project bank account under Section 4(2)(l)(D) of the RERA Act so that the amounts in such account cannot be used by the promoter for any other purpose.*

Read more here

BIHAR REAL ESTATE REGULATORY AUTHORITY (GENERAL) REGULATIONS, 2026

The Bihar Real Estate Regulatory Authority ("**BRERA**") has, in exercise of the powers conferred under Section 85 of the Real Estate (Regulation and Development) Act, 2016 ("**RERA Act**"), notified the Bihar Real Estate Regulatory Authority (General) Regulations, 2026 ("**BRERA General Regulations, 2026**") vide Notification No. RERA/Regulation/61./2026-1027 dated August 28, 2026. The BRERA General Regulations, 2026 came into force upon their publication in the Official Gazette on September 07, 2026. They repeal and replace the Bihar Real Estate Regulatory Authority (General) Regulations, 2024 and the Bihar Real Estate Regulatory Authority (General) (Amendment) Regulations, 2024. The key features of the BRERA General Regulations, 2026 are as follows:

- **Additional registration documents:** In addition to the documents prescribed under Section 4 of the RERA Act and Rules 3 and 4 of the Bihar Real Estate (Regulation and Development) Rules, 2017, a promoter shall submit the following documents: (i) income tax returns for the preceding 3 (Three) financial years of every director or partner where the promoter entity is less than 3 (Three) years old; (ii) a memorandum of division of the saleable area between the promoter and the landowners, supported by an affidavit-cum-declaration, unless the project land is owned by the promoter entity; (iii) a copy of the online Jamabandi as currently reflected on the official portal of the Department of Revenue and Land Reforms, Government of Bihar, a current revenue receipt and a non-encumbrance certificate, each issued not earlier than the preceding financial year; (iv) a copy of the permit letter issued by the competent authority; and (v) the registered development agreement where the project land is not owned by the promoter.

- **Quarterly reporting and late charges:** The Quarterly Progress Report in Form 7, together with Forms 1, 2 and 3, a dated photograph of the display board and the QR Code of the project issued by BRERA, must be uploaded within 30 (thirty) days of expiry of the relevant quarter. Default attracts penalty of up to 5% (Five Percent) of the estimated project cost under Section 61 of the RERA Act; alternatively the promoter may upload on payment of late charges of Rs. 10,000/- (Rupees Ten Thousand) for delay of up to 15 (Fifteen) days, Rs. 25,000/- (Rupees Twenty Five Thousand) for delay of 16 (Sixteen) to 30 (Thirty) days, Rs. 50,000/- (Rupees Fifty Thousand) for delay of 31 (Thirty One) to 60 (Sixty) days and Rs. 1,00,000/- (Rupees One Lakh), for delay beyond 60 (Sixty) days. An incomplete report attracts an additional charge of Rs. 25,000/- (Rupees Twenty Five Thousand) and a report containing false information attracts penal charge of Rs. 50,000/- (Rupees Fifty Thousand).

- **Annual statement of accounts:** The statement of accounts of the project in Form 4, issued under the third proviso to Section 4(2)(l)(D) of the RERA Act, must be certified and signed by a chartered accountant in practice who is *not* the auditor of the promoter enterprise, and uploaded by 30 November of the succeeding financial year. Any change in the board of directors, partners or designated partners must be uploaded within 1 (One) month of its occurrence and applied for online with the requisite amendment fees.

- **Display board:** The promoter must erect a weatherproof, geo-tagged display board of minimum size 5' x 4' at the project site carrying the project name, registration number, QR Code, date of registration, phases, number of towers and number of storeys. In a plotted development the board must additionally show the approved site plan, the revenue details of the project land (plot number, khata number and thana number) and the layout plan superimposed on the revenue map. Failure to upload a geo-tagged dated photograph of the board with the Quarterly Progress Report attracts late charges of Rs. 5,000/- (Rupees Five Thousand) for delay of up to 15 (Fifteen) days, Rs. 10,000/- (Rupees Ten Thousand) for delay of 16 (Sixteen) to 30 (Thirty) days, Rs. 25,000/- (Rupees Twenty Five Thousand) for delay of 31 (Thirty One) to 60 (Sixty) days and Rs. 50,000/- (Fifty Thousand) for delay beyond 60 (Sixty) days.

- **Booking amount capped at 10% (Ten Percent):** The Booking Amount must be specifically stated in Schedule 'C' of the Agreement for Sale executed between the promoter and the allottee, and shall not exceed 10% (Ten Percent) of the consideration amount of the booked unit.

- **Landowner may be treated as a promoter:** While adjudicating complaints under Section 31 of the RERA Act, the BRERA or the Adjudicating Officer may treat the landowner as a promoter where the development agreement outlines active participation of the landowner in the development activities, where profit-sharing arrangements exist between the promoter and the landowner in addition to sharing of built-up area, or where the landowner independently markets, advertises or sells units before completion. For the purposes of compensation under Section 18(2) of the RERA Act relating to defective title, the promoter and the landowner are jointly liable.

- **Extension of registration:** Grant of extension is not a matter of right and each application is decided on its merits, having regard to whether the period sought is commensurate with the remaining development work. Additional charges are Rs. 1,00,000/- (Rupees One Lakh) for an extension of up to 6 (Six) months, Rs. 2,00,000/- (Rupees Two Lakh) for an extension of more than 6 (Six) months but up to 12 (Twelve) months, and Rs. 5,00,000/- (Rupees Five Lakhs) in special cases involving an extension beyond 12 (Twelve) months, with BRERA retaining the discretion to levy a further additional charge on a case-to-case basis. The charge may be waived where the delay was caused by factors beyond the promoter's control and is supported by documentary evidence. In no circumstances may the registration of a project be extended beyond the validity period of the sanctioned map for that project.

- **Late filing of extension applications:** An extension application must ordinarily be filed at least 3 (Three) months before expiry of registration. An application filed after lapse of registration attracts late charges of Rs. 50,000/- (Rupees Fifty Thousand) within 3 (Three) months of lapse of registration, Rs. 1,00,000/- (Rupees One Lakh) between 3 (Three) and 6 (Six) months of lapse of registration, and Rs. 2,00,000/- (Rupees Two Lakh) beyond 6 (Six) months of lapse of registration.

- **Change of separate bank account:** A promoter seeking a change in the separate account, and allied accounts, opened under Section 4(2)(l)(D) of the RERA Act must apply with an additional charge of Rs. 25,000/- (Rupees Twenty Five Thousand), and such change is permitted only upon the BRERA's satisfaction as to compliance with Sections 4(2)(l)(D), 11(4)(g) and 11(4)(h) of the RERA Act.

- **Registration of constructed projects:** Promoters of projects constructed after commencement of the RERA Act but never registered may apply for registration, subject to a strict assessment of whether Section 3 of the RERA Act was violated and whether any third-party liability was created before registration. Over and above the usual registration fees, a processing charge of Rs. 10,00,000/- (Rupees Ten Lakhs) per project is payable where the number of units is up to 16 (Sixteen), with Rs. 1,00,000/- (Rupees One Lakh) for every additional unit beyond 16 (Sixteen) and Rs. 5,00,000/- (Rupees Five Lakhs) for every undivided space. The application must carry a chartered accountant's certificate that no sale proceeds or booking advances have been received and certifying the source of funds used in construction, a valid occupancy certificate, an affidavit that no execution or public demand recovery proceedings are pending, and current geo-tagged photographs.
- **Revival of lapsed and revoked projects:** In cases where the project registration has lapsed and construction has been stalled, and where the concerned promoter/developer has expressed willingness and applied to complete the aforesaid project, the same would be considered and taken up in the first phase. Within this category of stalled projects, such projects shall be selected where allottees' interests have been

created, construction has reached a satisfactory stage, the promoter gives an undertaking that he has adequate financial capability, there are no issues with the competent authority (particularly regarding non-approval or non-revalidation of plans), and there are no land-related disputes in relation to the project in question.

- **Completion and account closure:** On completion, the promoter must upload the occupancy certificate, chartered accountant's certificate on the total amount spent, current photographs showing front, side and rear elevation of the project, details of bookings and sale deeds executed from the promoter's share, and an affidavit as to provision of services and pending proceedings in respect of the project. The BRERA may then write to the bank for closure of the separate account.

DSK View: *The BRERA General Regulations, 2026 codify a test for determining when a landowner may be treated as a promoter, which is directly relevant to joint development and area-sharing arrangements in Bihar and may have implications for the allocation and documentation of promoter-level obligations between the landowner and developer. Accordingly, the development agreement and related transaction documents should clearly delineate the respective roles, responsibilities and liabilities of the parties. In particular, the joint liability for defective title under Section 18(2) of the RERA Act should be considered alongside, and appropriately addressed through, the title representations, warranties and indemnities to be provided by the landowner under the development agreement.*

Read more here

PUNJAB RERA — FOUR-MONTH FORCE MAJEURE EXTENSION OF PROJECT REGISTRATION

The Real Estate Regulatory Authority, Punjab ("**PBRERA**") has issued an Office Order under Section 37 of the Real Estate (Regulation and Development) Act, 2016 ("**RERA Act**") vide Memo No. RERA/Pb./Admn/EG(J)/2026/15400 dated September 17, 2026 ("**PBRERA Force Majeure Order**"). The order extends, by 4 (Four) months, the validity of registration and the corresponding completion timeline of registered real estate projects, treating the prevailing West Asia situation as a 'war' for the purpose of invoking force majeure under the RERA Act.

The PBRERA Force Majeure Order gives effect to the advisory of the Government of India, Ministry of Housing and Urban Affairs (Housing Division), issued *vide* OM No. 17024/66/2018-HOUSING UD/E-9042100 dated 31 July 2026, by which all Real Estate Regulatory Authorities were advised that, in the light of delay attributable to force majeure conditions arising from the prevailing West Asia situation, they may exercise their powers under the RERA Act to issue suitable orders or directions granting extension of registration and corresponding completion timelines of registered projects whose completion date, revised completion date or extended completion date falls on or after 28 February 2026, for a period of 4 (Four) months, through a common order or direction instead of requiring separate applications from the concerned promoters. The PBRERA Force Majeure Order is issued in terms of Section 6 of the RERA Act read with Rule 6 of the Punjab Real Estate (Regulation and Development) Rules, 2017. Projects that have received the completion certificate or the occupancy certificate on or after 28 February 2026 are not eligible for extension under the directions.

The PBRERA Force Majeure Order further clarifies that the extension pertains solely to the validity of registration and the completion timeline of the project as recorded with the PBRERA, and does not in any manner alter the contractual rights and obligations of promoters and allottees under the Agreement for Sale and the same shall apply only to projects validly registered on or before 28 February 2026, and come into force with immediate effect.

DSK View: *The PBRERA Force Majeure Order extends only the regulatory validity and completion timeline recorded with PBRERA; it does not alter the possession date agreed in the Agreement for Sale. Accordingly, any allottee claim for interest or compensation for delayed possession under Section 18 of the RERA Act, and any contractual delay remedy, must be assessed by reference to the Agreement for Sale and the applicable law rather than on the assumption that the regulatory extension automatically defers civil liability.*

Read more here

TAMIL NADU RERA - RETURN OF DEFICIENT APPLICATIONS FOR REGISTRATION OF REAL ESTATE PROJECTS AT INITIAL SCRUTINY

The Tamil Nadu Real Estate Regulatory Authority ("**TNRERA**") has issued Circular No. TNRERA/A3/3139/2026 dated September 17, 2026 ("**TNRERA Registration Circular**"), laying down instructions for the immediate return, at the stage of initial scrutiny, of applications for registration of a real estate project under the Real Estate (Regulation and Development) Act, 2016 ("**RERA Act**") that are submitted without the required documents. The TNRERA Registration Circular comes into force on October 12, 2026.

TNRERA has noted that applications for registration of real estate projects under the RERA Act are being filed on its online portal without the correct and complete documents being uploaded in the relevant fields. This results in queries, the return of applications, unnecessary delay and additional work for TNRERA's Registration Wing. To address the issue, the TNRERA Registration Circular stipulates that any application found, at the initial scrutiny stage, to have 1

(One) or more of the following prima facie deficiencies will be returned by TNRERA without any query being raised:

- A blank or empty document has been uploaded in the relevant field of the registration application.
- The application has been submitted without Form '5'.
- The requisite site photographs have not been uploaded.
- Form 'B' has not been uploaded, or has been uploaded without the necessary signature or, where applicable, not on the prescribed stamp paper.

DSK View: *The TNRERA Registration Circular treats 4 (Four) routine filing lapses as grounds for returning an application at the initial scrutiny stage, without raising a query or providing an opportunity to cure the deficiency in the pending application. The promoter therefore bears the consequences of an incomplete filing: the application may need to be resubmitted, and the restrictions under Section 3 of the RERA Act continue to apply unless and until the project is registered.*

Read more here

BIHAR RERA - REVISED STANDARD OPERATING PROCEDURE FOR MAINTENANCE AND OPERATION OF PROJECT BANK ACCOUNTS

The Bihar Real Estate Regulatory Authority ("**BRERA**") has issued Office Order No. 288 dated September 21, 2026 ("**Project Accounts SOP**"), prescribing a revised Standard Operating Procedure for the maintenance and operation of project bank accounts in the light of Section 4(2)(l)(D) of the Real Estate (Regulation and Development) Act, 2016 ("**RERA Act**"). The Project Accounts SOP is issued in continuation of Regulation 14 of the BRERA General Regulations, 2026, comes into force with immediate effect, and has been circulated *vide* Memo No. RERA/Registration/40/2020-1142 dated September 21, 2026, to the Convenor of the State Level Bankers' Committee, Bihar, for circulation to all member banks operating in the State, and to all promoters of registered projects.

The Project Accounts SOP has been issued in compliance with the directions of the Hon'ble Supreme Court in its judgment dated September 12, 2025, in Mansi Brar Fernandes v. Shubha Sharma & Anr., Civil Appeal No. 3826 of 2020 and connected matters. By that judgment, all Real Estate Regulatory Authorities were directed to devise and implement an appropriate standard operating procedure ("**Standard Operating Procedure**") governing the operation of escrow and project bank accounts in strict conformity with the RERA Act. The judgment also directed that all amounts realised from allottees be deposited in the designated escrow or project bank account and disbursed only in a phased manner commensurate with the actual progress of the project. The following are the key features of the Project Accounts SOP:

- **Three designated accounts:** For every registered project the Scheduled Bank must open and maintain three designated accounts, the RERA Master Account, the RERA Project Account and the RERA Promoter Account named in the prescribed format "Name of Promoter – Project Name – RERA Master/Project/Promoter Account". Dedicated project bank accounts must be opened, and their details furnished, *prior* to submission of the application for registration. Where there is more than one promoter, the promoters must put in place enforceable arrangements *inter se* before applying, and the accounts are opened and operated by the principal promoter without prejudice to the rights and liabilities of the others.
- **Master Account as sole collection account, with automatic sweep:** The entire amount paid by allottees, including instalments, must be received only in the RERA Master Account, whose particulars must be prominently stated in the allotment letter, the agreement for sale, demand notices, payment schedules, invoices and all other communications to existing and prospective allottees. The promoter must furnish irrevocable standing instructions for an automatic sweep of not less than 70% (Seventy Percent) of every credit to the RERA Project Account and not more than 30% (Thirty Percent) to the RERA Promoter Account. The RERA Master Account is to operate as a zero-balance account, with the sweep reconciled by the end of the same business day.
- **No other debit route from the RERA Master Account:** The Scheduled Bank must ensure that no debit, withdrawal, transfer or payment is permitted from the RERA Master Account by cheque, withdrawal slip, debit card, internet banking, UPI, NEFT, RTGS, IMPS, demand draft, banker's cheque, bank guarantee, standing instruction other than the approved auto-sweep, or by any other payment instrument or electronic mode whatsoever. The automatic sweep transfers are the only debit transactions permitted.
- **RERA Project Account to be ring-fenced and free of security:** The RERA Project Account is to be maintained as a dedicated and ring-fenced account which must remain free from any lien, charge, encumbrance, pledge, set-off or any other third-party interest in favour of any bank or financial institution. No loan, overdraft, credit facility or other encumbrance may be created against the account or the balance lying in it, and the amounts may not be attached, frozen or otherwise restrained by any authority or person except under an

order of a competent court or as specifically directed by BRERA.

- **Withdrawals only against the three professional certificates:** No withdrawal is permitted from the RERA Project Account unless the promoter furnishes Form-1 (Architect's Certificate), Form-2 (Engineer's Certificate) and Form-3 (Chartered Accountant's Certificate), and the Scheduled Bank must permit withdrawal only to the extent so certified and only after satisfying itself that the withdrawal conforms to Section 4(2)(l)(D) of the RERA Act. Cumulative withdrawals may under no circumstances exceed the amount permissible under Section 4(2)(l)(D) read with those certificates.

- **Permitted application of RERA Project Account funds:** Funds in the RERA Project Account may be utilised only towards land cost, development cost (including construction and allied development expenses) and refund of the principal amount payable to an allottee where such refund is permissible. Interest, penalty, compensation, damages, taxes, statutory dues or any other liability arising on cancellation of allotment, refund to allottees, breach of contract or any other cause must not be paid or withdrawn from the RERA Project Account and must be borne by the promoter from other sources.

- **RERA Promoter Account:** The RERA Promoter Account receives not more than 30% (Thirty Percent) of amounts realised from allottees through the auto-sweep and may be used for expenses other than land cost and development or construction cost, including administrative, establishment, marketing, sales, finance and statutory expenses. On cancellation or refund, the principal is ordinarily paid from the RERA Project Account while interest, penalty, compensation, damages, taxes and other consequential liabilities are paid from the RERA Promoter Account or the promoter's own funds.

- **Change of designated accounts requires prior written approval:** A promoter may change the RERA designated accounts from one bank to another, or within the same bank, only with the prior written permission of BRERA, and under no circumstances without it. The request must be accompanied by certificates of the Branch Manager of the existing bank confirming that closure has been requested, together with a duly certified statement of all the designated accounts from the date of opening to the date of the application; confirming that all withdrawals from the RERA Project Account were permitted only on the Architect's, Engineer's and Chartered Accountant's certificates and in proportion to the percentage of completion; and specifying the balance in each account, indicating separately the funds in the RERA Project Account and in the RERA Promoter Account.

- **Undertakings from the incoming bank:** Before the new accounts are opened, the Branch Manager of the proposed Scheduled Bank must undertake that it will operate the accounts strictly in accordance with the RERA Act, the Rules, the Regulations, the Project Accounts SOP, BRERA's directions, and that no lien, charge, pledge, right of set-off, security interest or other encumbrance will be created over the RERA Project Account or the funds in it and that, *in the event of any lending against the project*, the bank will recognise and preserve the statutory rights and interests of the allottees. On approval, the transfer must be effected without interruption in the operation of the accounts, and the promoter must intimate BRERA immediately with documentary evidence of the transfer and activation.

- **No lender control:** No lien, charge, pledge, right of set-off, security interest or other encumbrance may be created by any bank or financial institution over the RERA Master Account or the RERA Project Account or the funds available in them, and no lender or financial institution may be made a joint signatory or otherwise permitted to exercise operational control over the RERA Project Account. Any agreement or arrangement contrary to this is to be treated as being in violation of the RERA Act and the Project Accounts SOP.

- **Closure of accounts:** The designated accounts may not be closed without the prior written permission of BRERA, even after completion of the project. On completion and grant of the occupancy certificate, the promoter must upload the documents mandated by Regulation 15(1) of the BRERA General Regulations, 2026, and the entire balance in the RERA Project Account may be withdrawn only with the prior written approval of BRERA under Regulation 15(2) of the BRERA General Regulations, 2026.

- **Obligations cast on the Scheduled Bank:** The bank must follow the prescribed nomenclature; obtain the irrevocable auto-sweep instructions at account opening; keep the RERA Master Account and RERA Project Account free of encumbrance and refuse operational control to any lender; report any suspicious, unusual or potentially non-compliant transaction to BRERA immediately and decline it if prohibited; ensure, while conducting diligence for opening or operating the accounts or extending any financial assistance, that no charge is created over the RERA Master Account or RERA Project Account, with allottees' statutory rights duly protected where security is created over project assets; immediately stop permitting withdrawals from the RERA Project Account upon expiry or lapse of the project

registration unless the promoter produces a valid extension or specific written permission of BRERA; comply with every order of BRERA relating to freezing, de-freezing, attachment, operation or monitoring of the accounts; and preserve all records.

- **Consequences of non-compliance:** Violation by a promoter renders it liable to action under the RERA Act. Non-compliance by a Scheduled Bank may be taken into consideration by BRERA while issuing directions under the RERA Act and may also be reported to the Reserve Bank of India for such action as may be deemed appropriate.

DSK View: *The Project Accounts SOP marks a significant step towards strengthening financial discipline in the real estate sector in Bihar. By regulating the entire chain of fund flow in accordance with the directions of the Hon'ble Supreme Court, BRERA has reinforced the core objectives of the RERA Act and enhanced protection for homebuyers through greater transparency and accountability.*

Read more here



SPORTS AND GAMING

SPORTS

CENTRE ISSUES REMOVAL OF DIFFICULTIES ORDER UNDER THE NATIONAL SPORTS GOVERNANCE ACT

The Ministry of Youth Affairs and Sports ("**Ministry**"), notified the National Sports Governance (Removal of Difficulties) Order, 2026 ("**Order**") *vide* notification dated September 9, 2026, (*accessible here*) in exercise of its powers under Section 38 of the National Sports Governance Act, 2025 ("**NSG Act**").

The Order provides that, until the National Sports Board ("**NSB**") is constituted, the Central Government may notify the National Sports Election Panel without the recommendations of the NSB, thereby removing the difficulty in giving effect to the requirement under Section 16 of the NSG Act for constitution of the National Sports Election Panel.

SUPREME COURT SEEKS CLARIFICATION ON NSG ACT APPLICABILITY TO BCCI

The Supreme Court of India ("**SC**"), in *Board of Control for Cricket in India v. Cricket Association of Bihar & Ors. vide* order dated September 8, 2026 (*accessible here*), has asked the Board of Control for Cricket in India ("**BCCI**") and the state cricket associations to explain why they should not be governed by the NSG Act.

A bench comprising Chief Justice Surya Kant and Justices Joymalya Bagchi and V. Mohana raised the question while hearing applications filed by certain cricket bodies in the BCCI matter, which has been pending before the SC since 2014, and directed counsel for the BCCI and the state cricket associations to obtain instructions on why the terms and conditions of service of their office-bearers should not be governed by the NSG Act.

THE MINISTRY OF YOUTH AFFAIRS AND SPORTS INVITES APPLICATIONS FOR RECOGNITION AS THE NATIONAL SPORTS FEDERATION FOR YOGASANA

The Ministry, *vide* a public notice (*accessible here*), has invited applications from eligible bodies for grant of recognition as the National Sports Federation ("**NSF**") for the sport of Yogasana, with September 17, 2026, as the last date for submission.

The notice has been issued in compliance with the judgment of the Delhi High Court ("**DHC**") dated July 9, 2026 in *Yoga Federation of India v. Union of India, 2026 SCC OnLine Del 5024* ("**Judgement**"), which quashed the recognition granted to Yogasana Bharat as the NSF for Yogasana on November 27, 2020, together with the subsequent speaking order and annual renewals, as being contrary to the National Sports Development Code of India, 2011 (*accessible here*).

Under the Judgment, the DHC held, *inter alia*, that Yogasana Bharat did not satisfy the mandatory eligibility requirements at the time of recognition, including the minimum period of existence and the prescribed number of state and union territory affiliates, and that Ministry had relied on the recommendation of the Ministry of AYUSH without independent evaluation.

The DHC clarified that no applicant, including the petitioner, would be automatically recognised, and protected the medals, titles, rankings and selections secured by athletes during the period of Yogasana Bharat's recognition.

GAMING

SUPREME COURT ISSUES NOTICE ON DELTA CORP'S PLEA FOR GAMING LICENCE IN DAMAN

The Supreme Court, on September 1, 2026, issued notice (*accessible here*) on Delta Corp Limited's ("**Delta Corp**") challenge to the Bombay High Court's ("**BHC**") judgment (*accessible here*) concerning its application for a licence to operate electronic amusement/slot machines at its five-star hotel in Daman. The dispute concerned the Goa Public Gambling (Amendment) Act, 1992 ("**Amendment**"), which introduced Section 13A permitting the government to authorise such machines in five-star hotels. Although the Amendment was extended to the UT of Daman and Diu ("**UT**") in 1998, the BHC held that the Amendment was never brought into force in the UT as the Central Government had not appointed a date for its commencement by notification in the official gazette.

The BHC accordingly held that Section 13A was not applicable and that no licence could be granted. Delta Corp had received a no-objection letter in 2007 and subsequently invested over INR 450 crore in constructing the Deltin Hotel. Its licence application dated March 14, 2014 was ultimately refused, following which it approached the BHC, which dismissed the petition on April 29, 2026. The judgment is now under challenge before the SC, which issued notice, returnable on October 1, 2026.

NEW JERSEY PETITIONS THE US SUPREME COURT ON WHETHER KALSHI'S SPORTS EVENT CONTRACTS ARE SUBJECT TO STATE GAMBLING LAWS

The Attorney General of New Jersey and the interim director of the New Jersey Division of Gaming Enforcement, in *Mary Jo Flaherty and Jennifer Davenport, V. Kalshiex, LLC, vide* a petition for a writ of certiorari filed on September 2, 2026 (*accessible here*) ("**Petition**"), asked the Supreme Court of the United States ("**US SC**") to review the decision of the U.S. Court of Appeals for the Third Circuit ("**Third Circuit**") in *KalshiEX LLC v. Flaherty*. By a split decision dated April 6, 2026, the Third Circuit had held that sports event contracts offered by KalshiEX LLC ("**Kalshi**") on a designated contract market registered with the Commodity Futures Trading Commission ("**CFTC**") are swaps within the exclusive jurisdiction of the CFTC, and that the Commodity Exchange Act, 1936 likely pre-empts the enforcement of New Jersey's gambling laws against such contracts.

The Petition relies on a decision of the U.S. Court of Appeals for the Ninth Circuit dated August 28, 2026, in proceedings concerning the State of Nevada, which reached the opposite conclusion and held that Kalshi's sports event contracts amount to gambling rather than federally regulated swaps, and contends that the resulting conflict between the two circuits warrants review.

CCI CLOSES WINZO'S ANTITRUST CASE AGAINST GOOGLE FOLLOWING THE PROHIBITION ON ONLINE MONEY GAMES

The Competition Commission of India ("**CCI**"), *vide* an order dated September 8, 2026 (*accessible here),* has closed its inquiry in Case No. 42 of 2022 against Google LLC, Alphabet Inc., Google India Private Limited and Google India Digital Services Private Limited (collectively, "**Google**"), initiated on information filed by WinZO Games Private Limited ("**WinZO**") under the Competition Act, 2002 ("**Competition Act**"). WinZO had alleged that Google abused its dominant position under Section 4 of the Competition Act by permitting only daily fantasy sports and rummy real-money gaming ("**RMG**") applications on Google Play and Google Ads under its 2022 pilot programme, while excluding other categories of RMG applications, and by displaying warnings on certain payments made through Google Pay.

The CCI noted that the Promotion and Regulation of Online Gaming Act, 2025 ("**PROGA**"), which came into force on May 1, 2026, prohibits the offering and advertisement of online money games and the facilitation of payments towards such games, irrespective of whether they are games of skill or chance. The CCI held that the reliefs sought by WinZO could no longer be granted, as a direction to Google to host or advertise RMG applications would be contrary to PROGA, and accordingly recalled its order directing investigation and closed the inquiry. The CCI clarified that the closure does not constitute a finding on the merits of Google's conduct and reserved the right to take cognizance of the matter if the relevant provisions of PROGA are stayed, struck down, repealed or otherwise cease to operate.

FINANCIAL ACTION TASK FORCE PUBLISHES REPORT AND RISK INDICATORS ON MONEY LAUNDERING RISKS IN THE GAMING AND GAMBLING SECTORS

The Financial Action Task Force, on September 9, 2026, published its findings on the *Risks of Gaming and Gambling* along with accompanying red flag risk indicators ("**Report**") (*accessible here*). The Report examines money laundering, terrorist financing and proliferation financing risks across casinos, sports betting, other forms of gambling and online gaming, and draws on inputs from more than 80 jurisdictions, industry bodies and researchers. The Report identifies the growth in market size, the increased use of online platforms and the availability of payment methods enabling rapid and anonymous cross-border transactions as factors creating new opportunities for criminal abuse of these sectors.

The Report identifies indicators of abuse including the use of gambling platforms to move funds without actual gambling, structuring of multiple small transactions to avoid detection, unusually large or coordinated bets on events flagged for

possible competition manipulation, and the use of multiple accounts and payment methods under different identities. The Report further highlights links between gaming and gambling abuse and offences such as corruption, cyber-enabled fraud and professional money laundering networks, the use of illegal or unlicensed offshore operators, and the risk of beneficial ownership of platforms being structured to bypass thresholds for regulatory checks.

GOVERNMENT OF HARYANA NOTIFIES RUMMY AND POKER AS GAMES OF SKILL

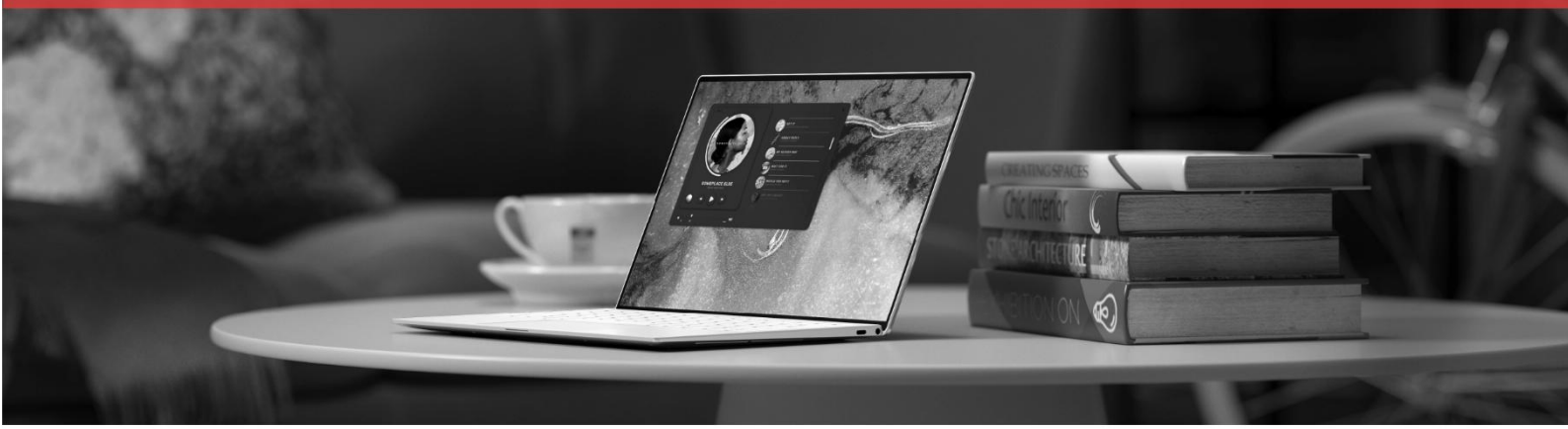
The Government of Haryana on September 10, 2026, (*accessible here*) notified Rummy and Poker as games of skill for the purposes of the Haryana Prevention of Public Gambling Act, 2025 ("**Haryana PGA**"). The notification has been issued under the proviso to clause (g) of sub-section (1) of Section 2 of the Haryana PGA and published in the Haryana Government Gazette Extraordinary.

INDIA'S ONLINE GAMING FRAMEWORK FACES A REGISTRATION STANDSTILL

Four months after the 2026 rules took effect, the Online Gaming Authority of India reportedly had not approved a single game registration as of 1 September 2026, despite MeitY recording 201 gaming-related complaints (*accessible here)*.

The reported position underscores the practical uncertainty created by the Promotion and Regulation of Online Gaming Act, 2025: "online money games" involving financial stakes are prohibited, including related advertising and facilitation of gaming-related payments. Registration is confined to e-sports and non-wagering online social games that may charge subscription fees, yet neither category has reportedly generated an application.

The regulatory impasse is accompanied by constitutional and commercial challenges before the Karnataka, Madhya Pradesh and Delhi High Courts, leaving operators, platforms, payment intermediaries and advertisers to navigate a framework whose implementation architecture remains untested.



TRAI REPEALS REGULATIONS GOVERNING DURATION OF ADVERTISEMENTS ON TELEVISION CHANNELS

The Telecom Regulatory Authority of India ("**TRAI**"), through the Standards of Quality of Service (Duration of Advertisements in Television Channels) (Repealing) Regulations, 2026, notified on September 10, 2026 ("**Repealing Regulations**") (available here), has repealed the Standards of Quality of Service (Duration of Advertisements in Television Channels) Regulations, 2012, together with all orders and directions issued thereunder. The Repealing Regulations came into force on the date of their publication in the Official Gazette, i.e. September 10, 2026. The 2012 regulations had, among other things, prescribed a ceiling of twelve minutes of advertisements in a clock hour to monitor compliance with Rule 7(11) of the Cable Television Networks Rules, 1994 ("**CTN Rules**").

The notification of the Repealing Regulations follows the decision by the Ministry of Information and Broadcasting ("**MIB**") to remove the twelve-minute advertisement duration cap. MIB, through a press release dated August 14, 2026, noted the difference between the regulatory framework applicable to television broadcasting and digital media, where no equivalent advertisement-duration restriction exists. Subsequently, by a Gazette notification dated August 21, 2026 (available here), MIB omitted Rule 7(11) of the CTN Rules.

In view of the omission of Rule 7(11), TRAI has repealed the regulations and the orders and directions issued thereunder to align its regulatory framework with the amended CTN Rules. The repeal does not affect the previous operations of the regulations or the validity, effect or consequences of any action, direction or order taken or issued under them before the repeal. TRAI has also retained the ability to revisit advertising limits in the future in the context of consumer protection and quality of service.

TRAI INTRODUCES NEW FRAMEWORK FOR UNSOLICITED COMMERCIAL COMMUNICATIONS

The Telecom Regulatory Authority of India ("**TRAI**") on September 18, 2026, has issued the Telecom Commercial Communications Customer Preference (Third Amendment) Regulations, 2026 (5 of 2026) ("**Amendment Regulations**") (available here), amending the Telecom Commercial Communications Customer Preference Regulations, 2018 ("**TCCCP Regulations**"). The Amendment Regulations strengthen the framework governing unsolicited commercial communication ("**UCC**"), including the treatment of automated calls, sender and telemarketer compliance, detection of suspected UCC, complaint handling and enforcement. The Amendment Regulations have staggered effective dates, with most provisions taking effect 30 days from the date of publication in the Official Gazette, specified A2P and header-misuse provisions taking effect after 60 days from the date of publication in the Official Gazette, and certain appeal and complaint-related provisions taking effect after 90 days from the date of publication in the Official Gazette.

A key change is the introduction of the concept of an "Application-to-Person (A2P) call", which covers automated, robo and AI-voice calls made without human intervention. The introduction of the A2P call framework is intended to bring such automated calling activity within the regulatory framework and subject it to the applicable requirements governing unsolicited commercial communications. The Amendment Regulations also update the regulatory framework relating to consent, relationships and service communications, and introduce specific concepts relating to "Spam" and "Spammer". These amendments are intended to clarify the circumstances in which commercial communications may be made to consumers and the obligations applicable to entities initiating such communications.

The Amendment Regulations further introduce additional obligations for senders making A2P calls. Senders will be required to declare A2P calls in advance and disclose the relevant Calling Line Identification (CLI) ranges to the Originating Access Provider ("**OAP**"). A2P calls that are not appropriately declared will be treated as UCC. The Amendment Regulations also require Network Service Operators to provide Virtual Network Operators with real-time access to the Distributed Ledger Technology ("**DLT**") interface to enable them to discharge their compliance obligations.

The Amendment Regulations further introduce an AI/ML-based UCC detection mechanism. Regulation 21A (Terminating Access Providers) of the Amendment Regulations provides a mechanism to identify high-probability UCC CLIs and share such information through the DLT platform within the prescribed timeframe. This may trigger graduated action by the OAP, including KYC re-verification, physical verification and, in appropriate cases, restriction of access to telecom resources.

The Amendment Regulations also prescribe a more detailed framework for misuse of headers and content templates, including suspension of the relevant resources, credential resets, police complaints and consequences for telemarketers where credentials are compromised. A formal appeal mechanism has also been introduced for unresolved UCC complaints, enabling complainants to approach the Appellate Authority under the Telecom Consumers Complaint Redressal Regulations, 2012.

The complaint-handling and enforcement framework has been substantially revised. The Amendment Regulations distinguish between registered and unregistered Senders and Telemarketers, prescribe complaint-volume thresholds and introduce graduated consequences for violations, including a fifteen-day resource bar for a first violation and more stringent measures for repeated violations. TRAI has also been empowered to apply differentiated enforcement based on the economic or sectoral importance of a Sender and to publish details of violators. The Amendment Regulations further introduce audit and compliance requirements for OAPs, including a financial disincentive of ₹1,000 per complaint in specified cases where required scrubbing of A2P calls is not undertaken. The Regulations also revise the framework for restoration of telecom resources, prescribing restoration charges of up to ₹5,000 per resource, subject to an overall cap of ₹5 lakh. In addition, Terminating Access Providers (TAPs) may levy a charge of up to ₹0.05 per minute on OAPs for A2P calls, subject to specified exemptions.

The amendments also revise the relevant schedules to the TCCCP Regulations, including the verification procedures, opt-in and opt-out categories and Sender notification requirements. In particular, the amendments consolidate the "FULLY BLOCK" category into "BLOCK PROMO" and preserve transactional and service communications from being blocked under the applicable preference mechanism.

TRAI MANDATES ADDITIONAL VOICE- AND-SMS-ONLY SPECIAL TARIFF VOUCHERS

The Telecom Regulatory Authority of India ("**TRAI**"), through the Telecom Consumers Protection (Thirteenth Amendment) Regulations, 2026 (6 of 2026) dated September 21, 2026 ("**Thirteenth Amendment**") (available here), has amended Regulation 4(2)(c)(iii) of the Telecom Consumers Protection Regulations, 2012. The Thirteenth Amendment requires telecom service providers ("**TSPs**") to offer additional Special Tariff Vouchers ("**STVs**") exclusively for Voice and SMS services, with appropriate reductions in tariff. The Thirteenth Amendment will come into force 30 days from the date of publication in the Official Gazette. i.e., September 21, 2016.

The Thirteenth Amendment follows the Twelfth Amendment dated December 23, 2024, which required TSPs to offer at least one Voice-and-SMS-only STV with a validity period of up to 365 days. TRAI subsequently observed that such STVs were generally being offered only with longer validities, such as 80/84 days or 336/365 days, while shorter-duration options were not being made available. TRAI therefore sought to expand the range of validity periods for Voice-and-SMS-only STVs.

Under the Thirteenth Amendment, TSPs are required to offer Voice-and-SMS-only STVs corresponding to each validity period of 30 days or less for which they offer bundled Voice, SMS and data STVs, with or without value-added services. TSPs must also offer a Voice-and-SMS-only STV renewable on the same date every month, with the last day of the month applying where the corresponding date is unavailable, and at least one longer-validity Voice-and-SMS-only STV corresponding to the validity period of a bundled Voice, SMS and data STV.

The Thirteenth Amendment requires an "appropriate reduction" in tariff for these Voice-and-SMS-only STVs rather than prescribing a strictly proportional reduction. TRAI explained that the appropriate reduction would depend, among other factors, on whether the corresponding bundled STV contains consolidated data or a per-day data allowance, and recognised that pricing of such STVs may also reflect prevailing market conditions and quantity-based pricing.

Accordingly, the Thirteenth Amendment expands the range of Voice-and-SMS-only STVs that TSPs must make available, particularly for shorter validity periods, while leaving TSPs flexibility in determining the applicable tariff subject to the requirement of an appropriate reduction.

MINISTRY OF CONSUMER AFFAIRS INTRODUCES AMENDED FRAMEWORK FOR E-COMMERCE ENTITIES

The Department of Consumer Affairs, Ministry of Consumer Affairs, Food and Public Distribution, has notified the Consumer Protection (E-Commerce) (Amendment) Rules, 2026 ("**Amendment Rules**") (available here) on September 9, 2026, amending the Consumer Protection (E-Commerce) Rules, 2020 ("**E-Commerce Rules**"). The Amendment Rules have been issued under section 101(2)(zg) of the Consumer Protection Act, 2019 and will come into force on January 1, 2027.

The Amendment Rules introduce enhanced obligations for e-commerce entities in relation to search and ranking practices, disclosures, grievance redressal, pricing transparency, dark patterns, seller information and use of consumer data.

The definition of "ranking" has been expanded to cover the relative prominence or relevance given to sellers, as well as goods or services offered through a marketplace, irrespective of the technology used to present, organise or communicate such ranking. E-commerce entities are prohibited from manipulating search results or search indexes in a manner that misleads users having regard to their search queries. Further, sponsored listings must be distinctly identified through clear and prominent disclosures. Marketplace e-commerce entities must also publish on their platform, in plain and intelligible language, the main parameters determining the ranking of goods or sellers, in descending order of significance, together with their relative importance. The existing requirements relating to disclosure of the e-commerce entity's details and grievance redressal timelines continue. The Amendment Rules additionally require the grievance officer to provide the complainant with a copy of the complaint as recorded. E-commerce entities must also become partners in the convergence process of the National Consumer Helpline (NCH).

Where imported goods are offered for sale, the Amendment Rules additionally require disclosure of the identification of the goods and the full and complete name of the country of origin, in accordance with the Legal Metrology (Packaged Commodities) Rules, 2011. The existing requirement to disclose the name and details of the importer continues under the E-Commerce Rules. Where an e-commerce entity or seller announces a price reduction, the reduced price and prior price must be displayed together. The "prior price" is defined as the lowest price at which the relevant goods or services were offered during the 30 days preceding the announcement of the price reduction. Invoices must also clearly and prominently display the seller's name in the same font size as the name of the e-commerce entity.

E-commerce entities must comply with the Guidelines for Prevention and Regulation of Dark Patterns, 2023 (available here), conduct a yearly self-audit to ensure that their platforms are free from dark patterns, and prominently display a certificate confirming such compliance.

As per the Amendment Rules marketplace e-commerce entities must disclose key information regarding sellers, including the seller's business name, whether or not it is registered, geographic address, customer-care number, website and email details (where available), ratings or other aggregated feedback, and other information necessary to enable informed consumer decisions. Following a purchase, a marketplace must, upon written request from the consumer, provide further seller information necessary for effective dispute resolution, including the seller's principal geographic address, website and email details. Marketplace entities must also disclose the main ranking parameters applicable to goods and sellers.

Marketplace entities are further prohibited from using consumer information collected by them to facilitate the direct or indirect sale of goods by a seller, whether related or unrelated, under a brand or name common with that of the marketplace, or to promote or advertise a seller as being associated with the marketplace, unless the relevant consumer has provided express and affirmative consent. They are also prohibited from collecting bundled fees from users for services unrelated to the e-commerce platform, subject to an exception for loyalty or membership programmes and benefits, services, offers or incentives provided in connection with such programmes.

Sellers must provide comprehensive information necessary to enable consumers to make informed pre-purchase decisions, including the country of origin, best before or use before date, return, refund and exchange terms, warranty and guarantee information, delivery and shipment details, cost of return shipping, payment modes and grievance redressal information. Sellers must also provide any identification number issued by the Central Government, including their GSTIN or Micro and Small Enterprises registration number. For food products, disclosure of the best before or use before date remains subject to the Food Safety and Standards Act, 2006 and the regulations made thereunder.

The Amendment Rules introduce a more prescriptive framework for e-commerce operations, particularly in relation to ranking and search algorithms, sponsored listings, discount and pricing practices, grievance mechanisms, seller disclosures, consumer-data use and dark-pattern compliance. E-commerce entities and marketplace platforms should therefore review their platform interfaces, ranking and search mechanisms, pricing and promotional practices, seller onboarding and disclosure processes, grievance mechanisms and consumer-data practices ahead of the January 1, 2027, effective date.



WHITE COLLAR CRIME

PREVENTION OF MONEY LAUNDERING ACT, 2002

ED CANNOT ARREST ON THE VERY MATERIAL FOR WHICH IT SOUGHT PERMISSION TO RECORD A STATEMENT, ABSENT A SUPERVENING CIRCUMSTANCE

The Bombay High Court allowed a writ petition filed by a Director of a company challenging his arrest by the Directorate of Enforcement ("**ED**") under the Prevention of Money Laundering Act, 2002 ("**PMLA**"), setting aside the impugned and subsequent remand orders. On January 29, 2026, the ED had obtained the Special Court's permission to record the Petitioner's statement under Section 50 of the PMLA. Without recording his statement, it sought permission to arrest him on February 12, 2026, and arrested him that day admittedly without any new incriminating material having emerged in the interim.

The Court held that, having formed a written opinion that the Petitioner was required to be interrogated on the material already in its possession and having obtained the Special Court's permission to do so, the ED could not abandon that course within twelve days and invoke the provision under Section 19 on the very same material, unless fresh incriminating material or a supervening circumstance had emerged, warranting such arrest. The Court also took serious note of the ED's failure to refer to its earlier application and the Special Court's order in its subsequent application seeking the Petitioner's arrest, observing that such suppression could not be countenanced given the drastic nature of the power of arrest and its impact on personal liberty. The Petitioner was accordingly granted bail, subject to conditions including a personal bond with sureties, surrender of his passport and periodic reporting to the ED.

Rajendra Narpatmal Lodha v. Directorate of Enforcement

PROLONGED PRE-TRIAL CUSTODY MAY OVERRIDE THE TWIN CONDITIONS UNDER SECTION 45 OF PMLA

The Delhi High Court granted regular bail to an accused who had spent nearly four years in custody in a case under the Prevention of Money Laundering Act, 2002 ("**PMLA**"), carrying a maximum sentence of seven years under Section 4. As of July 2026, only five of twenty-seven prosecution witnesses had been examined, and the Court found that the delay was not attributable to the Applicant.

The Court reiterated that the Section 45 inquiry proceeds on broad probabilities, without conclusively determining guilt, and examined both twin conditions. It held that Section 436A of the Code of Criminal Procedure, 1973 ("**CrPC**"), although not conferring an absolute right to bail, assumes particular significance after an accused has undergone one-half of the maximum period of imprisonment and the trial remains pending. Where prolonged incarceration is coupled with the absence of a reasonable prospect of the trial concluding within a reasonable time, the restrictions under Section 45 may yield to the constitutional protection of personal liberty under Article 21 of the Constitution. The court further held that the seriousness of the predicate offences under the Unlawful Activities (Prevention) Act, 1967 ("**UAPA**") could not, by itself, justify continued custody in the distinct PMLA case. Bail was accordingly granted subject to conditions.

Masasasong Ao v. Directorate of Enforcement

PREVENTION OF CORRUPTION ACT, 1988

RECEIPT OF MONEY BY AN INTERMEDIARY DOES NOT, BY ITSELF, PROVE ACCEPTANCE BY THE PUBLIC SERVANT

The *Supreme Court* acquitted a former Divisional Security Commissioner of the Railway Protection Force, who had been convicted in two CBI cases under the Prevention of Corruption Act, 1988 ("**PC Act**"), for allegedly collecting

illegal gratification for transfers and postings through subordinate personnel acting as intermediaries.

The Court held that criminal liability cannot be fastened on a public servant merely because money changed hands with an intermediary, unless the prosecution independently establishes that the intermediary was acting under the accused's authority and that the demand and acceptance of illegal gratification are attributable to the accused himself. Emphasising that proof of demand and acceptance constitutes the indispensable foundation for a conviction under the PC Act, the Court found material inconsistencies between the accounts of the complainant and the approver-intermediary, and that the chain linking the intermediaries' receipts to the accused rested on the uncorroborated testimony of pardoned approvers. The Court accordingly held that the foundational facts of demand and acceptance necessary to invoke the presumption under Section 20 of the PC Act had not been established. Both appeals were allowed and the appellant was acquitted of all charges.

Bharat Raj Meena v. Central Bureau of Investigation

PRIOR SANCTION UNDER SECTION 19 OF THE PC ACT IS MANDATORY EVEN FOR RETIRED PUBLIC SERVANTS AFTER THE 2018 AMENDMENT

The *Allahabad High Court*, in an application under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 **("BNSS")**, set aside an order of the Special Judge (Anti-Corruption) taking cognizance against a former Vice-Chancellor of a university for offences under Section 7 of the Prevention of Corruption Act, 1988 ("**PC Act**") and Sections 166 and 120-B of the Indian Penal Code, 1860. The applicant had resigned from service in 2013, but the FIR was registered in September 2018, and cognizance was taken in 2025, i.e., after Amendment Act No. 16 of 2018 came into force on 26 July 2018.

The Court held that, following the amendment, previous sanction under Section 19 is mandatory even for retired public servants. The court further held that although the amendment operates prospectively, it applied in the present case as cognizance was taken after the amendment came into force. Noting that sanction had been sought but declined on the erroneous ground that none was required because the applicant had retired, the Court held that the cognizance order had been passed without proper application of judicial mind, resulting in a failure of justice. The Court accordingly set aside the impugned orders and directed that the prosecution/competent authority may take necessary steps to obtain fresh sanction within six weeks, following which the Trial Court would pass a fresh cognizance order in accordance with law.

Dina Nath Jauhar v. State of U.P. & Anr.

COMPANIES ACT, 2013

SECTION 448 FRAUD PROSECUTIONS REQUIRE COMPLAINT BY SFIO DIRECTOR OR AUTHORISED CENTRAL GOVERNMENT OFFICER

The *Supreme Court* dismissed the Union of India's review petition against its judgment dated January 09, 2026 in *Yerram Vijay Kumar v. State of Telangana*, in which it had held that an offence under Section 448 of the Companies Act, 2013 is an offence covered under Section 447, and that by virtue of the second proviso to Section 212(6), a Special Court can take cognizance of such offences only on a written complaint by the Director, Serious Fraud Investigation Office (SFIO), or an officer of the Central Government authorized by a general or special written order.

The Centre had pointed out that the judgment could affect cases investigated by authorities other than SFIO, such as Registrars of Companies. Declining to reconsider the judgment since the complaints in the case were filed by private individuals, the Court clarified that the Union of India is at liberty to exercise its power under the second proviso to Section 212(6) and authorize any officer of the Central Government to institute such complaints, in addition to the Director, SFIO.

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