

NEWSLETTER

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Monthly Bulletin

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DOING BUSINESS IN INDIA

We are pleased to share our e-book titled

"Doing Business in India"



Please scan the **QR code** above or **[Click Here](#)** to download the e-book. Alternatively, you may write to us at **info@clasislaw.com**

The book intends to give the readers an overview of the various aspects of doing business in India including but not limited to the applicable legislations, compliances and processes.

FEATURED ARTICLE



REAL TIME RELIEF IN PROTECTING THE COPYRIGHT AND BROADCAST REPRODUCTION RIGHTS

Written By
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Introduction

The Hon'ble Delhi High Court[1] granted superlative injunction which has been referred to as an extended version of dynamic+ injunction while deciding an application under Order XXXIX Rule 1 and 2 of Civil Procedure Code, 1908, filed by Star India Pvt. Ltd. (**"the Plaintiff"**) against IPTV Smarter Pro and others (**"the Defendants"**) concerning copyright infringement by the Defendants for the content produced and owned by the Plaintiff.

Facts of the Case

The Plaintiff had filed a suit before Delhi High Court, seeking a permanent injunction against Defendants from infringing the copyright and broadcast reproduction rights of the Plaintiff. Initially, the Court granted an ex-parte ad interim injunction on 10.02.2025,[2] against the Defendants mentioned in the memo of parties and directed the domain name registrars and internet service providers (ISPs) to block access to infringing domains and URLs. In the said order, the Court further directed that if Plaintiff discovers any other domain infringing the exclusive rights of the Plaintiff, it may then be reported to the learned Joint Registrar (Judicial), who shall then extend the interim injunction orders to such domains as well.

Subsequently, the Plaintiff discovered further infringing entities including three rogue mobile applications and 16 rogue websites and accordingly, it filed applications for impleadment of fresh Defendants. Due to the ongoing and upcoming high-value sports events, the Plaintiff sought real-time blocking powers to curb further infringements.

Arguments of the Plaintiff

The Plaintiff argued that approaching the Court each time for seeking injunction against a new rogue site or application is inefficient and infeasible, especially during the Court's vacation period. Further, any delay in blocking infringements causes irreparable damage to the Plaintiff's exclusive broadcasting rights in view of live sporting events. The Plaintiff limited its prayer for real-time blocking powers only until 03.07.2025. In support of his arguments, the Plaintiff relied upon previous orders passed in its favour, granting real-time injunction for IPL 2025 in **CS(COMM) 266/2025** and **CS(COMM) 688/2023** with emphasis on real-time blocking during sporting events.

Arguments of the Defendant

The Defendant (specifically Defendant No. 7) contested the application on the ground that the relief sought in the present application exceeds what has been originally prayed in the main suit.

Observations of the Court

The Court acknowledged that the Plaintiff is the rightful owner of the content, either by production or acquisition of broadcast rights. It further considered the organized and bad-faith operations of rogue

FEATURED ARTICLE

websites and applications, intending to infringe intellectual property rights flagrantly. Recognizing the speed at which infringing websites appear and disappear, especially around live events, the Court emphasized the need for dynamic and real-time relief mechanisms. The Court acknowledged that earlier orders only covered rogue websites, however, the Court found no legal impediment to extending similar reliefs to mobile apps and their associated domains/URLs. The Court described this order as a **“superlative injunction”**, akin to a **“Dynamic+ Injunction”**, allowing the Plaintiff to seek real-time blocking without needing to file a fresh application each time.

Analysis of other orders

In *Star India Pvt. Ltd. vs. Jiolive.TV & Ors.*,^[3] the Delhi High Court granted a decree of permanent injunction in favour of the Plaintiff granting relief by restraining 396 rouge websites from infringing the Plaintiff's broadcast production rights in any manner as well as by blocking access to various rogue websites identified by the Plaintiff.

In another case concerning *Star India Pvt. Ltd. vs. <https://crichdplayer.org/> & Ors.*,^[4] while deciding the application under Order XXXIX Rules 1 and 2, the Delhi High Court granted Dynamic+ interim injunction to the Plaintiff, acknowledging that a clear law that “rights of a Plaintiff, who is an intellectual property rights holder, cannot be rendered otiose in this world of rapidly developing technology and for that, enforcement of intellectual property rights on any social platform, including but not limited to, the internet as well along with the real world, ought to be visible and effective.”

Furthermore, in the present case,^[5] while adjudicating upon a previous application by the Plaintiff under Order XXXIX Rules 1 and 2, the Court granted an extension of interim relief to the Plaintiff against any domain discovered by the Plaintiff during the course of the proceedings, to be notified by the Plaintiff for infringing the Plaintiff's exclusive rights. Thereby, laying down a general rule for protection under interim injunction extended to the copyright owner in such cases.

Relief and Conclusion

While hearing the present application and considering the urgency and high stakes of the matter, the Court directed the Defendants to suspend infringing domains/URLs/apps and disclose identifying and payment details in real-time. Further, the Court also issued directions for blocking access to such infringing domains/apps and ensuring compliance from ISPs valid till 03.07.2025.

With the continuous evolution and expansion of the internet, instances of copyright infringement have seen a significant rise. In response to the increasing need to protect copyrighted material and uphold the rights of original content creators, the judiciary has progressively adapted its remedial framework. Courts have moved beyond traditional static injunctions to adopt more effective and adaptive mechanisms. One such development is the issuance of dynamic injunctions, which extend to mirror and redirect websites that replicate infringing content. Building on this, dynamic+ injunctions have been introduced to proactively address both present and potential future infringements, allowing for the expedited removal of unauthorized content even when it reappears under new domains or platforms. Further advancing this approach, the judiciary has begun to grant superlative injunctions, which extend the protective ambit beyond websites to include emerging digital platforms such as mobile applications that may be discovered during the course of pending litigation. This evolving jurisprudence reflects a robust and forward-looking effort to ensure comprehensive protection of intellectual property in the digital age.

FOOTNOTES:

[1] *Star India Pvt Ltd vs. IPTV Smarter Pro & Ors. CS(Comm) 108/2025 I.A. 14129/2025.*

[2] *Star India Pvt Ltd vs. IPTV Smarter Pro & Ors. CS (Comm) 108/2025 I.A. 3363/2025.*

[3] *Star India Pvt. Ltd. vs. Jiolive.TV & Ors. CS (Comm) 688/2023 I.A. 19115/2023.*

[4] *Star India Pvt. Ltd. vs. <https://crichdplayer.org/> & Ors. CS (Comm) 266/2025 I.A. 7769/2025.*

[5] *Star India Pvt. Ltd. supra note 2.*

LEGAL UPDATES

Financial Assistance Alone Does Not Constitute a “Financial debt” Without a Formal Agreement

Introduction

In a recent ruling,[1] the National Company Law Tribunal (“NCLT”), comprising Shri Mahendra Khandelwal (Judicial Member) and Shri Atul Chaturvedi (Technical Member), dismissed a Section 7 application filed under the Insolvency and Bankruptcy Code, 2016 (“IBC” or “the Code”). The application, filed by an alleged Financial Creditor, sought initiation of the Corporate Insolvency Resolution Process (CIRP) against the Corporate Debtor. However, the Tribunal held that the financial assistance extended by the Applicant did not qualify as a “financial debt” under Section 5(8) of the Code.

Brief Facts

In May 2019, the Corporate Debtor approached the Applicant, seeking financial assistance of USD 150,000 (approximately ₹1.25 crore) for the construction of residential apartments in Malviya Nagar, New Delhi. The Corporate Debtor assured the Applicant that the project would generate profits in the range of USD 70,000 to 80,000, and agreed to share 50% of those profits with the Applicant. Additionally, it was orally promised that the principal amount would be repaid within a period of six to eight months. Based on these assurances, the Applicant claims to have disbursed the said amount to the Corporate Debtor. However, no formal loan agreement was executed, and no documentation was presented to confirm the terms or the disbursement.

However, despite repeated demands, the Corporate Debtor allegedly failed to repay the principal amount or share any portion of the promised profits. Subsequently, on October 9, 2024, the Applicant issued a legal notice demanding repayment of USD 190,000 which included the principal and the anticipated share

included the principal and the anticipated share of profits. With no response or repayment forthcoming, the Applicant filed a Section 7 application under the Insolvency and Bankruptcy Code, 2016, seeking initiation of insolvency proceedings against the Corporate Debtor on the grounds of financial default. The application was primarily supported by WhatsApp messages exchanged between the directors of the two entities, which were submitted as evidence of the transaction.

Analysis of the Court

Upon reviewing the material submitted, the NCLT found that the Applicant had failed to establish the existence of a financial debt under Section 5(8) of the IBC. Crucially, there was no loan agreement or formal documentation evidencing the disbursement of funds as a loan. The Applicant did not submit any bank statements, fund transfer records, or signed contractual terms that would indicate a binding obligation on the part of the Corporate Debtor to repay the money. The only communication submitted was a WhatsApp chat between the directors of the two companies, which was not supported by a Section 65B certificate under the Indian Evidence Act, 1872. As such, the Tribunal held this electronic communication to be inadmissible as evidence.

The Tribunal cited the decision in *Pawan Kumar v. Utsav Securities Pvt. Ltd.* (2020)[2], where the NCLAT held that in the absence of a written agreement, it is difficult to establish key financial terms such as loan tenure and interest rate, which are necessary to classify a transaction as a financial debt. Similarly, in *Imdadali M Momin and Ors. v. Pellucid Lifesciences Pvt. Ltd.* (2024) [3], the NCLAT held that a loan without specified terms of repayment and interest does not satisfy the criteria under Section 5(8). The Applicant

LEGAL UPDATES

argued that the profit-sharing arrangement implied a “time value of money,” a key characteristic of financial debt. However, the Tribunal rejected this contention, noting that the arrangement was contingent on uncertain future events namely, the profitability and sale of the real estate project. Referring to *Realpro Realty Solutions Pvt. Ltd. v. Sanskar Projects and Housing Ltd.* (2023)[1], the NCLT emphasized that speculative or contingent profit-sharing agreements do not constitute valid consideration involving the time value of money under the IBC. Moreover, the Tribunal noted that the Applicant had not submitted any document evidencing default by the Corporate Debtor, such as a certificate from a financial institution or entries in the Corporate Debtor’s books of accounts. There was no evidence of any security created against the alleged loan or of any enforceable financial contract between the parties. In the absence of such fundamental elements, the Tribunal concluded that the Applicant failed to demonstrate the existence of a financial debt.

Conclusion

Based on the foregoing findings, the NCLT held that the alleged transaction did not meet the statutory definition of a financial debt under Section 5(8) of the IBC. As a result, the question of default by the Corporate Debtor did not arise. The Tribunal reiterated that for a transaction to be classified as a financial debt, it must involve a definite disbursement of money against consideration for the time value of money, supported by clear and admissible documentation. Since the Applicant failed to meet this threshold, the Section 7 application was dismissed. This ruling reinforces the principle that insolvency proceedings cannot be invoked in the absence of robust, verifiable evidence of a financial obligation and default.

FOOTNOTES:

- [1] *Company Petition IB (IBC) No. 862/ND/2024*
- [2] *Company Appeal (AT)(Ins) No.251 of 2020*
- [3] *Company Appeal (AT) (Ins.) No. 1145 of 2024*
- [4] *Company Appeal (AT) (Insolvency) No. 374 of 2023*

COMPILED REGULATORY UPDATES

1. Launch of final set of company forms in MCA Portal.

The Ministry of Corporate Affairs (“MCA”) on May 30, 2025, issued an important update regarding launching of the final set of 38 company forms on the MCA21 V3 portal on July 14, 2025, at 12:00 AM. This release includes 13 annual filing forms and 6 audit/cost audit-related forms. To facilitate this transition, several critical timelines and instructions have been provided. E-filings on the MCA V2 portal would cease from June 18, 2025, 12:00 AM, requiring all pending V2 filings to be completed beforehand. Offline payments in the V2 portal will be discontinued from June 8, 2025, 12:00 AM, necessitating online payment methods. The MCA V3 portal will experience downtime from July 9, 2025, 12:00 AM, to July 13, 2025, 11:59 PM, during which no V3 filings or resubmissions will be possible. Users are advised to file or resubmit V3 forms before this period to avoid penalties. Additionally, pending details for specific SRNs must be uploaded by June 17, 2025, using the designated MCA portal services, or risk SRNs being marked as “NTBR”. Stakeholders are urged to comply with these directives for uninterrupted regulatory adherence.

2. IBBI amends the Insolvency Resolution Process for Corporate Persons Regulations

The Insolvency and Bankruptcy Board of India (“IBBI”) has notified the Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Corporate Persons) (Fourth Amendment) Regulations, 2025 on May 26, 2025 to further amend the Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Corporate Persons) Regulations, 2016. Some of the key amendments are as follows:

- (i) The committee of creditors may now direct the resolution professional to invite the providers of interim finance to attend as observers the meeting(s) of the committee.
- (ii) The resolution professional may, with the approval of the committee of creditors, invite expression of interest for submission of resolution plans for the corporate debtor as a whole, or for sale of asset(s) of the corporate debtor, or for both.
- (iii) In case a resolution plan provides for payment in stages, the financial creditors who did not vote in favour of the resolution plan will be paid at least pro rata and in priority over financial creditors who voted in favour of the plan, in each stage.
- (iv) The resolution professional is required to submit to the committee of creditors the resolution plans, non-compliant plans and specified transactions under regulation 39(2) and the orders, if any, of the adjudicating authority in respect of such transactions.

3. Protection of Interests in Aircraft Objects Act, 2025 enforcement

The Ministry of Civil Aviation on April 30, 2025 notified the applicability of the Protection of Interests in Aircraft Objects Act, 2025. The Act came into force from May 1, 2025.

4. SEBI issues circular on Cybersecurity and Cyber Resilience Framework (“CSCRF”)

SEBI on April 30, 2025 issued a circular for clarifications with respect to CSCRF for SEBI Regulated Entities (“REs”) to revise the thresholds and categorization of REs. The category of REs will be decided at the beginning of the financial year based on the data of the previous financial year and such RE shall remain in the same category throughout the financial year irrespective of any changes in the parameters during the financial year. The category will be validated by the respective reporting authority at the time of compliance submission.

COMPILED REGULATORY UPDATES

5. SEBI proposal on demat mandate for IPO

SEBI on April 30, 2025 published a consultation paper on amendment to SEBI (Issue of Capital and Disclosure Requirements) Regulations, 2018 with the objective of mandatory de-materialization of existing securities of select shareholders prior to initial public offer ("IPO"). As per the proposed amendment, the issuer making IPO shall ensure that all the specified securities which are held by the promoters, promoter group, directors, key managerial personnel, senior management, qualified institutional buyers, registered stock brokers and non-systemically important Non-Banking Financial Companies and other regulated entities (as identified), domestic current employees and shareholders who have special rights are in dematerialised form prior to the filing of the offer document.

6. Draft Aircraft (Investigation of Accidents and Incidents) Rules, 2025

The Ministry of Civil Aviation on May 14, 2025 published the draft Aircraft (Investigation of Accidents and Incidents) Rules, 2025 to seek public comments. The proposed rules prescribe the scope of applicability to whole of India and to Indian citizens globally, aircraft registered in India worldwide, aircraft registered outside India but operating in or over India, and aircraft operated by person who is not citizen of India but has principal place of business or permanent residence in India. Further, as per the draft rules, the sole objective of the investigation of an accident or incident shall be the prevention of accidents and incidents and not to apportion blame or liability. Any investigation conducted in accordance with the provisions of the aforementioned rules shall be separate from any judicial or administrative proceedings to apportion blame or liability.

7. Release of RBI (Digital Lending) Directions, 2025

The Reserve Bank of India (RBI) issued RBI (Digital Lending) Directions, 2025 (Digital Lending Directions) on 08 May 2025. As part of the efforts to consolidate various regulatory instructions and streamline them, consolidated directions on the subject have been prepared and issued as the Digital Lending Directions. Further, instructions on the following two aspects have also been included as part of these Directions for the first time: (a) instructions on "Digital Lending – Transparency in Aggregation of Loan Products from Multiple Lenders". Basis the comments received, final instructions on the same are being issued as part of these Digital Lending Directions, and (b) instructions regarding operationalization of the Public Directory of Digital Lending Apps as announced in the Statement on Developmental and Regulatory Policies dated August 08, 2024.

OFF BEAT SECTION

WORLD ENVIRONMENT DAY 2025: UNITING TO BEAT PLASTIC POLLUTION

On **June 5, 2025**, the global community observed **World Environment Day**, focusing on the pressing issue of plastic pollution. This year's theme, **"Ending Plastic Pollution"**, underscores the urgent need to address the pervasive presence of plastics in our environment.

The **Republic of Korea** hosted the 2025 celebrations, marking its second time since 1997. The celebrations took place in **Jeju Province**, renowned for its natural beauty and environmental initiatives. Jeju has set an ambitious goal to become plastic-free by 2040, implementing measures like a disposable cup deposit system and mandatory waste separation at recycling centres.

DID YOU KNOW?



Plastic pollution has infiltrated every facet of our lives, from the water we drink to the food we consume. Microplastics have been detected in soil, air, and even within human bodies. Annually, approximately 11 million tonnes of plastic waste enter aquatic ecosystems, posing significant threats to marine life and biodiversity.

HOW WE CAN CONTRIBUTE



At an organizational level, our firm remains committed to supporting sustainable practices and reducing our environmental footprint. Whether through smarter procurement choices, internal awareness initiatives, or support for local sustainability efforts, every small step contributes to a larger impact.

Here are a few ways by which each of us can help:

- Support recycling and proper waste segregation;
- Reduce single-use plastics in daily life and at work;
- Encourage sustainable packaging and procurement; and
- Participate in clean-up drives and awareness campaigns.

GLOBAL COMMITMENT

World Environment Day 2025 aligns with ongoing international efforts to formulate a **global treaty to end plastic pollution**. The first part of the fifth session of negotiations for this treaty took place from 25 November to 1 December 2024 and was hosted by the Republic of Korea. The second part of the fifth session is scheduled to take place from 5 August to 14 August 2025 in Geneva, Switzerland.



Notable Recognitions & Accolades

