



SAGA LEGAL

---

# COMMUNIQUE

## NOVEMBER 2025

---

Delhi | Bengaluru | Mumbai | Hyderabad

---

# TABLE OF CONTENTS

Courts this Month:

(i) Supreme Court..... **1**

(ii) High Courts..... **4**

Notifications/Amendments Insight..... **6**

Deals of the Month..... **8**



SAGA LEGAL

## SUPREME COURT THIS MONTH

- The Hon'ble Supreme Court in the case of *AB vs. PA (Criminal Appeal No. 1013 of 2021)* stated that forcefully subjecting an individual to DNA testing forms a serious intrusion of privacy and personal liberty. The Court reiterated that undisputable significance of non-access as a requirement to initiate DNA testing and questions into legitimacy. The Bench comprising Justice Prashant Kumar Mishra and Justice Vipul Manubhai Pancholi observed a *"The presumption under Section 112 of the Evidence Act operates in favour of legitimacy, and proof of non-access at the relevant period is the only mode of rebuttal recognised by law. In absence of specific plea of nonaccess, supported by strong and unambiguous evidence, the foundation for displacing the statutory presumption simply does not exist ... A direction for DNA testing must have a direct and demonstrable nexus with the offences under investigation. In the absence of such nexus, compelling a person to undergo DNA profiling, amounts to unwarranted intrusion into bodily autonomy and privacy, contrary to the safeguards implicit in Articles 20(3) and 21 of Constitution of India."*
- The Hon'ble Supreme Court in the case of *Mohammadhanif Mohammadibrahim Patel & Ors. vs. Pallaviben Rajendra Kumar Patel & Ors. (SLP (C) No. 27549 of 2025)* held that appellate courts are within their rights to grant interim relief even in cases that were dismissed by trial courts. The Court stated so while overruling a matter that was dismissed by the Gujarat High Court which had affirmed that no injunctions can be granted in favour of a plaintiff who had already lost the case before the trial court. The Bench comprising Justice JB Pardiwala and Justice K.V. Viswanathan observed *"An appeal is considered a continuation of the original suit, and the appellate court has co-extensive power to grant appropriate interim relief to prevent irreparable injury and preserve the status quo pending the final disposal of the appeal."*, and further added that *"in a suit for specific performance concerning an immovable property, if the relief sought is not granted and the aggrieved party appeals, then an application seeking to maintain the status quo filed before the appellate court cannot be dismissed solely because the suit for specific performance stood dismissed."*
- The Hon'ble Supreme Court in the case of *Lal Chandra Ram vs. State of U.P. & Ors. (Criminal Appeal No. 4920 of 2025)* held that a criminal complaint can be initiated by anyone under the Prevention of Damages to Public Property Act, 1984, since it does not impose any restrictions on who may set the law in motion. The Bench comprising Justice Pankaj Mittal and Justice Prasanna B Varale observed *"there is no provision in the Code of Criminal Procedure, 1973 which bars a citizen from filing a complaint for prosecution of a public servant or any other person who has allegedly committed an offence. ... it is a well-recognized principle of criminal jurisprudence that anyone can set out or put the criminal law into motion except where the statute enacting or creating an offence indicates to the contrary."*
- The Hon'ble Supreme Court in the case of *Balaji Steel Trade vs. Fludor Benin S.A. & Ors. (Arbitration Petition No. 65 of 2023)* held that Indian Courts do not maintain any jurisdiction to appoint arbitrators for a foreign-seated arbitration proceeding, irrespective of the nationality of the parties under the Arbitration and Conciliation Act, 1996. The Court was ruling on a matter relating to a Buyer-Seller Agreement which had stipulated that the seat of arbitration shall be in Benin and the applicable law shall be Beninese law, but the petitioner being an Indian company relied on ancillary contracts containing Indian-seated arbitration clauses to invoke the Group of Companies doctrine to argue for a domestic arbitration. The Bench comprising Justice P.S. Narasimha and Justice A.S. Chandurkar observed that *"The petitioner's endeavour to confer jurisdiction upon this Court by invoking ancillary contracts of a different genus, executed with different parties, and containing materially different*



SAGA LEGAL

*arbitration clauses, is wholly misconceived and contrary to the territorial principle that lies at the heart of the 1996 Act... the doctrine is applied sparingly and only where there is compelling evidence of mutual intention of all the parties concerned to bind a non-signatory to an arbitration agreement. Such intention may be inferred from direct participation in negotiation, performance of contract, or from the role played in the overall transaction. However, a mere overlap of shareholding, or the fact that entities belong to the same corporate family, is not by itself sufficient."*

- The Hon'ble Supreme Court in the case *K Subramaniam (Died) through K.S. Balakrishnan & Ors. vs. M/S Krishna Mills Pvt. Ltd. (Civil Appeal No. 2561 of 2025)* held that a tenant challenging a "fair rent" order cannot rely on the pendency of a suit to avoid eviction, where the Court has not granted a stay to such effect. The Court upheld the eviction of the tenant and stated that wilful defaults in rent payment arguing uncertainty as a defence cannot be sustained where the Court has fixed such rate and no order of stay was sought against it. The Bench comprising Justice Dipankar Dutta and Justice Manmohan observed that *"If a person does not seek stay of an order passed by a Court below, it would only indicate either of the two things viz., (i) that he is willing to comply with the order, or (ii) that he has no objection to the orders of the Court below being put into execution... The bogey of judicial finality cannot, thus, be pressed into service to unfairly deny a party the benefits of a judicial decision, operation of which does not suffer from any interdiction by the superior court."*
- The Hon'ble Supreme Court in the case of *Kapadam Sangalappa vs. Kamtam Sangalappa (Civil Appeal Nos. 281-282 of 2015)* iterated that decrees cannot be executed merely on presumption and further added that onus falls on the decree-holder to prove that there exists

a violation of the terms of the decree by the judgement debtor. The Bench comprising Justice P.K. Mishra and Justice Vipul Pancholi observed that *"It is a trite law that in execution petition, the primary onus lies on the decree-holder to show that the judgment debtor has wilfully disobeyed the conditions of the decree... we are of the view that the appellants had failed to establish violation of the compromise decree by the respondents. The burden of proving violation of the decree rests squarely on the decree-holders. In the absence of cogent proof of such violation, the execution cannot be sustained."*

- The Hon'ble Supreme Court in the case of *Mihir Rajesh Shah vs. State of Maharashtra (Criminal Appeal No. 2195 of 2025)* iterated that where the written ground of arrest is not furnished in a language that the arrestee understands, the remand and arrest is rendered illegal. The Court comprising Chief Justice B.R. Gavai and Justice Augustine George Masih observed that *"The grounds of arrest must be provided to the arrestee in such a manner that sufficient knowledge of facts constituting grounds is imparted and communicated to the arrested person effectively in a language which he/she understands. The mode of communication ought to be such that it must achieve the intended purpose of the constitutional safeguard. The objective of the constitutional mandate would not be fulfilled by mere reading out the grounds to the arrested person, such an approach would be antithesis to the purpose of Article 22(1). There is no harm in providing the grounds of arrest in writing in the language the arrestee understands, this approach would not only fulfil the true intent of the constitutional mandate but will also be beneficial for the investigating agency to prove that the grounds of arrest were informed to the arrestee when a challenge is made to the arrest on the plea of non-furnishing of the grounds of arrest."*



SAGA LEGAL

- The Hon'ble Supreme Court in the case of *Rajeswari & Ors. vs. Shanmugam & Anr. (Civil Appeal No. 13835 of 2025)* ruled that where a decree for specific performance does not create or purport to create any right, title or interest in an immovable property, an instrument assigning such decree does not require registration. The Bench comprising Justice J.B. Pardiwala and Justice K.V. Viswanathan observed that *"...registration is mandatory only for non-testamentary instruments transferring or assigning any decree or order of a Court or any award when such decree or order or award purports or operates to create, declare, assign, limit or extinguish, whether in present or in future, any right, title or interest, whether vested or contingent, of the value of one hundred rupees and upwards, to or in immovable property ... when the decree itself which is for specific performance does not create or purport to create any right, title or interest in any immovable property, the question of registering an instrument assigning such a decree cannot arise"*

## HIGH COURTS THIS MONTH

- The High Court of Kerala in *KAS vs. SR & State of Kerala* (RPFC No. 155 of 2015) held that divorced Muslim woman retains the statutory right to seek maintenance under Section 125 of the Code of Criminal Procedure, 1973, until she remarries or receives the full amounts due under Section 3 of the Muslim Women (Protection of Rights on Divorce) Act, 1986, reaffirming that both remedies operate cumulatively rather than exclusively. The Single-Judge Bench comprising Justice Kauser Edappagath observed *"the husband's liability to pay reasonable and fair provision for future maintenance and the wife's right to receive it accrue as on the date of the divorce. The fact that the petition filed by the wife under Section 3 (1) of the Muslim Women Protection Act, 1986 was prolonged even after her remarriage cannot be a ground to deny the benefit she accrued as on the date of divorce."*
- The High Court of Chattisgarh in *Raj Kumar Sonwani vs. Kumari Purnima* (FA(MAT) No. 168 of 2025) ruled that an unmarried daughter who has attained the age of majority is entitled to receive marriage expenses from father under the Hindu Adoptions and Maintenance Act, 1956. The Court also added that the daughter is also entitled to receive statutory maintenance from her father until she is married, regardless of attaining the age of majority. The Division Bench comprising Justice Sanjay Agrawal and Justice Sanjay Kumar Jaiswal observed that *"A careful perusal of the aforesaid provision would show that clause (ii) of the definition of 'maintenance' under Section 3(b) of the Act of 1956 is inclusive and an unmarried daughter's expenses for marriage are included. In the case of an unmarried daughter, 'maintenance' includes reasonable expenses of and incidental to her marriage. ... it is quite vivid that though the respondent/plaintiff is a major, aged about 25 years, but by virtue of Section 3(b)(ii) read with Section 20(3) of the Act of 1956, she, being an unmarried daughter, is clearly entitled for maintenance from her father appellant/defendant till she is married, as well as marriage expenses, which is her statutory right. The appellant/defendant, being the father of respondent/plaintiff, has a moral and legal responsibility and obligation to maintain his daughter, who is unmarried, even though she has attained the age of majority."*
- The Madras High Court in *Rahul Surana vs. Directorate of Enforcement* (CRL RC No. 1541 of 2025) ruled that no fresh cognizance is required for supplementary prosecution complaints as the Prevention of Money Laundering Act, 2002 does not consider it as a fresh or independent complaint. The Division Bench comprising of Justice S.M. Subramaniam and Justice Mohammed Shaffiq opined that *"...supplementary complaint is not a fresh or independent complaint but is deemed to be part and parcel of the main complaint in respect of which cognizance has already been taken. Taking multiple cognizance of the same offence would render the judicial process redundant and result in delay in the justice delivery process. Once cognizance of an offence is taken, any further supplementary prosecution complaint is considered as flowing from the main prosecution complaint for which the Court has already taken cognizance. So, adding multiple layers of procedure to an already cognized complaint is a futile exercise."*
- The High Court of Kerala in *Jomon Jacob vs. State Election Commission & Ors.* (WP(C) No. 42170 of 2025) iterated that persons in mental health facilities cannot be disqualified from voting in elections unless declared to be of unsound mind by Court. In the present case, the Court was ruling on a question of whether persons residing in mental health rehabilitation facilities should be excluded from the electoral roll or made to vote separately unless a competent court has declared them to be of unsound mind under Section 74(1)(b) of the Kerala Municipality Act, 1994. The Single-Judge Bench comprising Justice PV Kunhikrishnan observed that *"...Section 74(1)(b) says that a*



SAGA LEGAL

*person shall be disqualified for registration in an electoral roll if he is of unsound mind and stands so declared by a competent court.... That is the only disqualification mentioned in the Act 1994 for not allowing registration in the electoral roll ... there is a legal presumption that every person, including a person with mental illness, shall be deemed to have the capacity to make decisions regarding their mental health care or treatment, if such person has the abilities mentioned in sub clauses (a) to (c)"*

- The Calcutta High Court in *Central Bank of India vs. Jay Kumar Goyal* (CS-COM No. 83 of 2025) stated that the right to file written statement is a statutory right and that substantive justice cannot suffer owing to procedural lapses. The Court was considering an application filed by the defendants in the pending commercial suit, praying for an extension of time, beyond 30 days but within 120 days from the service of the writ of summons to file the written statement. The Single-Judge Bench comprising Justice Aniruddha Roy opined that *"Right to file written statement is also statutory right which is in conformity with the elementary principle of natural justice. If the defendant is denied of this right of filing written statement, if it is otherwise permitted to be filed by extending the time to be extended by the Court within the meaning of the four corners of the relevant statute, then such valuable right to defend the proceeding by the defendant would be defeated. For procedural lapses, substantive justice should not suffer by taking away a substantive right of a party."*
- The High Court of Delhi in *Spice Jet Limited vs. Union of India* (WP(C) 2491 of 2012) upheld the applicability of the Employees' Provident Fund ("EPF") Scheme to 'International Workers.' The Court ruled that the classification introduced under Paragraph 83 of the EPF Scheme was reasonable and consistent with India's international treaty obligations, and accordingly dismissed the employers' challenge.

The Division Bench comprising Chief Justice Devendra Kumar Upadhyaya and Justice Tushar Rao Gedela observed that *"...in our considered opinion, the classification made by inserting and later on substituting Para 83 in the principal scheme, is reasonable, and it also has an object sought to be achieved in the sense that the purpose of mandating an employee to be a member of a fund/scheme under the Act is to provide social security. In case all the Indian employees irrespective of the amount of pay they draw per month, are mandated to become the member of the Scheme/Fund, they will be subjected to harsh economic duress for the reason they will be required to contribute to the Scheme/Fund throughout their period of employment which generally will be much large as compared to the length of employment of foreign employees in an Indian establishment, which normally is 2 to 5 years."*

- The High Court of Orissa in *SR vs. AM* (WP(C) No. 12857 of 2025) ruled that apart from the parent, affectionate relationships with grandparents also beneficial for children and they cannot be denied reasonable visitation rights, even where custody of a minor child rests with one parent. The Court was ruling on a matter where the Family Court denied visitation rights to a father who had been denied access since the child was only a week old. The Single-Judge Bench comprising Justice Sanjay Kumar Mishra while setting aside the order, added that *"...apart from the natural father, the grandparents cannot be denied reasonable access/visitation rights, which will also help the child's normal development... the grandparents, being ancillary part and parcel of the family, would hold the way for welfare of the child. Therefore, meeting of the grandparents with the children would also be a necessary part for upbringing, before their mind is polluted by unilateral act of any of the single parents."*

## NOTIFICATIONS / AMENDMENTS INSIGHTS

- On 14 November 2025, Ministry of Electronics and Information Technology ("**MeitY**") vide Notification No. G.S.R. 846(E) notified the long-awaited Digital Personal Data Protection Rules, 2025 ("**Rules**"), formally operationalising the Digital Personal Data Protection Act, 2023 ("**Act**"). The Act strengthens an individual's control over their personal data, establishes safeguards against misuse, and reinforces privacy protections in the digital ecosystem. The Rules introduce a phased implementation framework: provisions relating to the constitution and functioning of the Data Protection Board take effect immediately; Rules governing Consent Managers become operational in 12 months; and the remaining core compliance obligations including notice requirements, security safeguards, breach-reporting timelines, and obligations applicable to Significant Data Fiduciaries ("**SDFs**") will apply in 18 months. The Rules formally establish the Data Protection Board of India, a four-member digital-first adjudicatory body responsible for monitoring compliance and enforcing the Act. Decisions of the Board may be appealed before a fully digital Appellate Tribunal, ensuring streamlined and remote access for Data Principals. The Rules also provide the framework for registration, duties, and operational standards for Consent Managers, who must offer an interoperable platform for Data Principals to provide, manage, review, and withdraw consent, and must act strictly in a fiduciary capacity. Further, the Rules impose robust reasonable security safeguards, including mandatory encryption, maintenance of access logs, and other technical and organisational measures. In the event of a personal-data breach, Data Fiduciaries must furnish detailed information to the Board within 72 hours of becoming aware. SDFs are subject to additional obligations, such as conducting an annual Data Protection Impact Assessment and independent audit, with the reports to be filed with the Board. Importantly, the Rules introduce the requirement of "verifiable consent" for processing children's personal data, obligating Data Fiduciaries to adopt appropriate measures and due-diligence steps to ensure that any individual claiming to be a parent is in fact a verifiable adult.
- On 13 November 2025, the Reserve Bank of India ("**RBI**") notified the Second Amendment to the Foreign Exchange Management (Export of Goods & Services) Regulations, 2015 ("**FEMA Export Regulations**") through Notification No. FEMA 23(R)/(7)/2025-RB, extending key compliance timelines. Accordingly, the period to realise and repatriate export proceeds has been lengthened from nine months to fifteen months, and the window for exporters who receive advance payments to ship goods has been extended from one year to three years under revised Regulation 9 and Regulation 15 respectively. This regulatory update is aimed at easing cash-flow pressures for exporters giving them extra time to manage global trade delays and foreign-exchange headwinds while aligning with the broader trade-relief stance adopted by RBI via concurrent policy moves.
- On 28 November 2025, RBI issued a press release through which it has undertaken a comprehensive overhaul of its regulatory framework by consolidating over 9,000 prior circulars, guidelines, and instructions into a streamlined set of 244 "Master Directions" that cover all categories of regulated entities i.e. banks, NBFCs, cooperative banks, payment banks, credit-info entities and more. This consolidation is intended to simplify compliance: regulated entities now have a single, authoritative set of rules to follow, improving clarity and reducing duplication or confusion. At the same time, nearly 9,445 existing circulars and older instructions are being formally withdrawn / repealed,



SAGA LEGAL

which helps eliminate outdated or conflicting regulations. Overall, the move reflects a shift toward a more accessible, consolidated regulatory regime lowering the compliance burden and helping regulated entities stay on top of evolving rules more easily.

- On 25 November 2025, the Securities and Exchange Board of India (“SEBI”) issued a circular bearing reference no. HO/17/11/12(3)2025-DDHS-POD1/I/145/2025 amending Chapter IV of the Master Circular for Debenture Trustees to clarify and expand the scope of activities for which the REF may be utilised in the event of a default. Under the revised framework, a Debenture Trustee (or Lead Trustee) may draw upon the REF without prior debenture-holder approval for a specified list of enforcement and recovery-related expenses, including convening meetings and e-voting, obtaining consents, filing court or tribunal applications, legal fees, hiring enforcement professionals, and asset-recovery costs. The designated stock exchange must release the required funds within five working days upon receiving the Trustee’s intimation and audit certificate. By removing ambiguity and streamlining access to enforcement funding, this amendment significantly strengthens the ability of trustees to act swiftly to protect debenture holders’ interests and reduces operational bottlenecks in default recovery proceedings.
- On 21 November 2025, the Government of India officially brought the Four Labour Codes into force, thereby subsuming 29 existing central labour laws into a consolidated, modernised framework aimed at simplifying compliance and enhancing worker protections. The reform package ensures timely monthly wage payments (by the 7th of every month), enforces “equal pay for equal work,” extends social-security and welfare benefits to gig, contract, and platform workers,




and provides for formal appointment letters even for temporary and casual workers. For women workers, the new regime prohibits gender discrimination, mandates women’s representation on grievance committees, and permits women to work even in night shifts or heavy-duty industries under consent and safety conditions thereby aiming to broaden economic opportunities and workplace inclusivity.

## DEALS THIS MONTH


- Ace International, a Delhi-based dairy-ingredients firm has raised USD 35 million in a funding round led by Dutch development bank FMO, with participation from responsAbility, Incofin and Fiedlin Ventures. The capital will be used to set up a greenfield, fully-integrated dairy-nutrition processing facility in Kuppam, Andhra Pradesh aimed at expanding capacity beyond the firm's existing Uttar Pradesh plant (which currently processes about 500,000 litres of milk per day), strengthening its supply chain and supporting production of specialised nutrition ingredients for both domestic and export markets.
- Square Yards, a company running integrated real estate and mortgage-fintech platform has secured USD 35 million in fresh equity led by South Korea-based investor Smile Gate Group along with participation by existing backers. The funding values Square Yards at approximately USD 900 - 935 million, putting it on the cusp of unicorn status, and marks a key step as it readies for a planned public offering (IPO) in 2026 at a targeted INR 2,000 crore valuation. Proceeds will support scaling across its real-estate brokerage, mortgage distribution, fintech (through its Urban Money arm) and property-services verticals, as the company expands its footprint in India and abroad.
- Neo, Mumbai-based wealth and asset-management start-up Neo has raised approximately USD 25 million in a follow-on round led by Crystal Investment Advisors (part of the Atha Group), with participation from other existing shareholders. According to regulatory filings, the raise involved allotment of equity shares at a premium price reflecting investor confidence in Neo's growth trajectory. The company plans to deploy the funds toward further growth initiatives, operational scaling and expansion of its alternative-asset offerings, building on its earlier fundraises and existing portfolio of credit and wealth-management products.
- Wealthy, a Bengaluru-based wealth management platform has raised INR 130 crore in a Series B financing round led by Bertelsmann India Investments. The fresh capital will be used to enhance the company's technology stack including AI-led wealth-tech tools expand operations into tier-II and tier-III markets across India, onboard a large distributor network (targeting 50,000 distributors), and scale its assets-under-management (AUM), as it aims for long-term growth in India's evolving wealth management and retail-investor space.
- Agnikul Cosmos, a Chennai-based space-tech firm has raised USD 17 million (INR 150 crore) in a new funding round, valuing the company at approximately USD 500 million. The funds are earmarked for scaling up the manufacturing of aerospace and rocket components, advancing its launch-vehicle production capabilities, and furthering its stage-recovery programme (aimed at reusable launch systems). A portion of the infusion will also go toward development of a 350-acre integrated space campus in Tamil Nadu, which is planned to house end-to-end facilities for design, manufacturing, testing, and launch-vehicle systems positioning Agnikul to strengthen India's domestic space-launch ecosystem and meet growing demand for small-sat launches.



SAGA LEGAL

-  **New Delhi:** 248, Third Floor, Okhla Industrial Area Phase 3 Delhi-110020
-  **Bengaluru:** 2216, First Floor, UKS Steel Plaza, 80 Feet Road, HAL 3rd Stage, Indiranagar, Opp ISRO Bengaluru- 560 075
-  **Mumbai:** 3/A-3, 3rd Floor, Court Chambers 35, New Marine Lines, Mumbai-400020

 [contact@sagalegal.in](mailto:contact@sagalegal.in)

 +91 11 4106 6969 | +91 11 4107 6969 | +91 80 4229 6819 | +91 22 3155 0631

 [www.sagalegal.in](http://www.sagalegal.in)

## DISCLAIMER

This publication is intended to be circulated for informational purposes only. The publication in no way constitutes legal advice/opinion being provided by Saga Legal to its readers or the public at large. Saga Legal encourages the readers to seek professional legal advice before acting upon the contents provided herein. The firm shall not be responsible for any liability or loss that may be attributed to the contents of this publication. This publication is property of Saga Legal, and the same may not be circulated, distributed, reproduced or otherwise used by anyone without the prior express permission of its creators.