



## AL INSIGHTS

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## ABOUT ACUITY LAW

Acuity Law was founded in November 2011. We advise Indian and multinational companies, funds, banks and financial institutions, founders of companies, management teams, international law firms, domestic and international investment banks, financial advisors, and government agencies in various transactions in and outside India.

Acuity Law takes pride in rendering incisive legal advice taking into consideration commercial realities. Our areas of practice are divided into the following departments – Corporate practice; Direct Tax practice; Disputes practice; and Global Trade and Indirect Tax practice.

As part of the corporate practice, Acuity Law advises on:

- Mergers and acquisitions;
- Distressed mergers and acquisitions;
- Insolvency law;
- Private Equity and Venture Funding;
- Employment and labour laws;
- Commercial and trading arrangements; and
- Corporate Advisory.

As part of the Global Trade and Tax practice, Acuity Law advises on:

- Cross-border tax planning and jurisdiction analysis;
- Strategies for acquisitions, mergers, divestitures, diversification, or consolidation of businesses;
- Inbound and outbound investment structuring;
- Endowment planning/wealth management strategies;
- Global Trade & Customs laws, including foreign trade policy;
- International supply chain optimization;
- Goods & Services Tax and other Direct and Indirect taxes.

As part of the Disputes practice, Acuity Law advises and represents clients on domestic and cross - border:

- Civil disputes;
- Criminal law matters; and
- Arbitration matters.

Acuity Law actively follows legislative and policy developments in its chosen areas of practice and shares such developments with clients and friends on a regular basis.

If you want to know more about Acuity Law, please visit our website [acuitylaw.co.in](http://acuitylaw.co.in) or write to us at [al@acuitylaw.co.in](mailto:al@acuitylaw.co.in).

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This monthly legal roundup is a compilation of our thought leadership articles published in the month of April 2025 on key legal and regulatory topics. Please click on the access links to read more.

## A. TAX

### 1. Tax evasion under CGST Act – Liability of Employees

The Supreme Court in the case of *Union of India v. Shantanu Sanjay Hundekari & Anr.*, has upheld the decision of the Bombay High Court and ruled that penalty should not be imposed on a mere employee of the Company under section 122(1A) and section 137 of the CGST Act.

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### 2. Constitutional Validity of Arrest Provisions under Customs Law & GST Law

The Supreme Court in the case of *Radhika Agarwal v. Union of India* has rejected the challenge to the constitutional validity of arrest provisions under the Customs Act, 1962 and Central Goods and Services Act, 2017. The Court has upheld the right of the authorized officers to arrest under the Customs Act and the GST Act.

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## B. DISPUTES

### 1. IBBI Amendments to CIRP Regulations: Impact on Corporate Insolvency and Real Estate

The Insolvency and Bankruptcy Board of India (“IBBI”) has notified amendments to IBBI (Insolvency Resolution Process for Corporate Persons) Regulations, 2016 (“the **Amendment**”). The Amendment seeks to further streamline the corporate insolvency resolution process with a special focus on real estate projects.

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### 2. IBBI Discussion Paper on enhancing efficiency: Proposed reforms in Corporate Insolvency Resolution Process

The Insolvency and Bankruptcy Board of India (“IBBI”) released a discussion paper on its proposal to streamline the Corporate Insolvency Resolution Process, the liquidation process as well as the insolvency resolution and bankruptcy process for personal guarantors.

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### 3. Supreme Court clarifies on CCI Approval preceding CoC’s decision

The Supreme Court in the case of *Independent Sugar Corporation Limited v. Girish Sriram Juneja*, held that a resolution plan which has a provision of a proposed combination shall obtain the approval of the Competition Commission of India before the approval of the Committee of Creditors under proviso of Section 31(4) of the Insolvency and Bankruptcy Code, 2016.

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#### 4. **NCLAT clarifies computation of condonable period under Section 61(2) of the IBC**

The National Company Appellate Tribunal (NCLAT) in the case of *Bombay Stock Exchange Ltd. v. Mrudula Brodie and Ors.*, has clarified that the condonable period of 15-days as prescribed under Rule 3 of NCLAT Rules cannot be extended if the last day of such a period falls on a day when NCLAT is not in session.

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