

NEWSLETTER

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A comprehensive monthly compilation of curated articles and analysis from **K&A Insights**, offering in-depth coverage of regulatory updates, case laws, and emerging trends, equipping legal professionals with the strategic insights required to navigate the complexities of the legal landscape.



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NAVIGATING REGULATORY ROADBLOCKS IN INDIA'S CONSTRUCTION INDUSTRY

Discover how India's construction industry can overcome legal hurdles like environmental clearances, land acquisition laws, and labor regulations. Learn proactive compliance strategies to mitigate delays, penalties, and legal disputes for smoother project execution.

Introduction

India's construction industry operating within a highly complex legal and regulatory framework contributes approximately 9% to the nation's GDP. This framework—comprising environmental statutes, land acquisition laws, and labor regulations necessitates that they must navigate the regulatory landscape with precision, as the line between compliance and chaos is often a perilously thin one crossing which leads to project delays, litigation, and financial liabilities.

As the demand for rapid infrastructure development grows, construction companies face numerous challenges that require careful planning. This article examines the primary regulatory hurdles, including environmental clearances, land acquisition laws, and labor regulations, and offers strategies for mitigating risks through proactive compliance.

Environmental Clearances and Delays

Securing environmental clearances is a substantial challenge, as projects...

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SUPREME COURT DECLARES UNILATERAL ARBITRATOR APPOINTMENT IN PUBLIC-PRIVATE CONTRACTS UNCONSTITUTIONAL

The Supreme Court of India, in a landmark ruling on November 8, 2024, invalidated clauses allowing unilateral appointment of arbitrators by PSUs in public-private contracts, citing Article 14 of constitution of India violations.

Introduction

On November 8, 2024, a Constitution Bench of the Supreme Court of India delivered a landmark judgment in the case of Central Organisation for Railway Electrification v. ECI-SPIC-SMO-MCML (Civil Appeal Nos. 9486-9487 of 2019). The Chief Justice of India Dr. D.Y. Chandrachud authored the majority opinion for Justices JB Pardiwala and Manoj Mishra, with Justice Hrishikesh Roy and Justice P.S. Narasimha concurring in part. The Court ruled that unilateral appointment of Arbitrators in public-private contracts violates Article 14 of the Constitution, as it hinders the equal treatment of parties in arbitration proceedings. Justice Narasimha offered a nuanced concurring opinion, diverging on the interpretation of constitutional law's application to arbitration.

Background

This case arises from a dispute over Arbitrator appointments under contracts governed by the General Conditions of Contract (GCC) between the Central...

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TAXATION



SUPREME COURT'S LANDMARK RULING ON TAX REASSESSMENT NOTICES RESOLVES TOLA DISPUTE

The Supreme Court's landmark judgment in Union of India vs. Rajeev Bansal validates 90,000 tax reassessment notices issued during COVID-19. Learn how TOLA and the Finance Act, 2021, impact tax reassessments.

Introduction

In a landmark judgment, the Supreme Court of India resolved the controversy surrounding 90,000 reassessment notices issued between April 1, 2021, and June 30, 2021, under Section 148 of the Income Tax Act, 1961 ("IT Act"). The judgment, delivered by a three-judge bench in Union of India vs. Rajeev Bansal (Civil Appeal No. 8629 of 2024), comprising Chief Justice of India Dr. D.Y. Chandrachud, Justice J.B. Pardiwala, and Justice Manoj Misra, with the CJI penning the unanimous decision. The bench addressed the validity of these reassessment notices in light of the Taxation and Other Laws (Relaxation of Certain Provisions) Ordinance, 2020 ("TOLA"), which extended statutory deadlines due to the COVID-19 pandemic, despite the new reassessment regime introduced under the Finance Act, 2021.

Facts of the Case

TOLA, enacted on March 31, 2020, extended statutory deadlines for various actions under the IT Act due to disruptions caused by the pandemic...

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