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Weekly Round Up

A curated weekly review for legal developments and insights

EDITOR'S PICK (STORY OF THE WEEK)

Welcome to this week's round-up.

The Supreme Court is the highest court in the country, but is access to it equally within reach of every Indian? Tamil Nadu's Chief Minister has renewed the demand for a Supreme Court bench in Chennai, bringing back a debate that has survived decades of Law Commission recommendations, Parliamentary Committee reports and repeated resistance from the Supreme Court itself. This week's lead piece, "Courting Chennai: The Law Behind the Demand for a Regional Supreme Court Bench," examines a constitutional question that goes beyond Tamil Nadu: Article 130 permits the Supreme Court to sit at places beyond Delhi, but who gets to decide when and where?

It also finds its place in our Trending Topics column, bringing a fresh legal perspective to an issue currently drawing public and institutional attention, examining the renewed demand for a regional Supreme Court bench in Chennai, bringing the issue back into focus, and exploring the legal framework under Article 130. **[Read it here]**

That is only the start. This week's round-up also brings you fresh developments from the Supreme Court, the High Courts and the regulatory authorities.. Scroll on.

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CASE DOCKET

- *Union of India v. Vijay Chand Baid*
- *Ram Kumar v. Smt. Asha Kataria*

PRACTICE KIT

- *Corporate Insolvency Resolution Process under IBC (Insolvency and Bankruptcy Code, 2016)*

TRENDING TOPICS

PUFE Transactions Under the IBC: Sections 43, 45, 49 and 50 After the 2026 Amendment



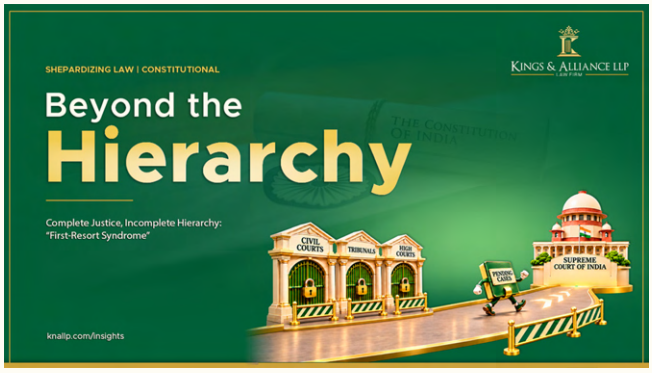
A company approaching insolvency may have already paid certain creditors ahead of others, transferred valuable assets for a fraction of their worth or entered into credit arrangements that place an excessive burden on its finances. By the time insolvency proceedings begin, these transactions may have significantly altered what remains available to creditors. The question is whether such dealings should be allowed to stand simply because they took place before the insolvency process commenced.

The Insolvency and Bankruptcy Code, 2016, addresses this through its framework of avoidance transactions, commonly known as PUFE transactions: preferential, undervalued, transactions defrauding creditors and extortionate credit. Each category addresses a different form of pre-insolvency dealing, with distinct statutory requirements, exceptions and consequences. The Code also separately deals with fraudulent and wrongful trading, where the consequences may extend to the persons responsible for carrying on the corporate debtor's business.

But when does an ordinary commercial transaction become an avoidable one? Does every transfer at an undervalue indicate an attempt to defraud creditors? And where does the distinction lie between reversing a transaction and holding those responsible personally liable? **[Read the full article here]**

SHEPERDIZING LAW

Complete Justice, Incomplete Hierarchy : First-Resort Syndrome!



The Supreme Court of India is constitutionally the highest court in the country, ordinarily positioned at the end of the judicial hierarchy. Yet, in certain cases, it has increasingly found itself at the beginning of disputes that would ordinarily be decided by civil courts, statutory tribunals or High Courts. What begins as an exercise to

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secure justice in an exceptional situation can, over time, turn the Court into the principal forum for resolving every dispute connected to that matter.

The power to do complete justice under Article 142 of the Constitution allows the Supreme Court to mould relief in matters properly before it. Article 32, meanwhile, guarantees the right to approach the Court directly for the enforcement of Fundamental Rights. Together, these provisions have enabled the Court to intervene where ordinary legal and regulatory mechanisms have failed. However, the question is not merely how far the Court can go to deliver justice, but what happens when its intervention begins to displace the institutions ordinarily entrusted with adjudication.

The Amrapali litigation offers a striking illustration. What began as a constitutional intervention to protect thousands of stranded homebuyers gradually developed into prolonged judicial supervision, with disputes involving contractors, creditors and other stakeholders being drawn towards the Supreme Court.

At what point does complete justice begin to compromise the judicial hierarchy? And when does a constitutional remedy intended to address institutional failure risk becoming a substitute for the institutions themselves?

[Read the full article here]

Case Docket

No Guilty Mind Needed: Delhi HC Restores a FERA Penalty Cut on the Wrong Grounds



Can a person escape a substantial penalty for violating foreign exchange regulations simply because they had no criminal intent or received no monetary benefit? The Delhi High Court addressed this question in Union of India v. Vijay Chand Baid, setting aside an Appellate Tribunal order that had reduced a FERA penalty from ₹5,00,000 to ₹15,000.

The Tribunal had relied on the absence of mens rea, lack of financial gain and the respondent's financial circumstances to justify the reduction. The High Court disagreed, holding that mens rea is not required for imposing a penalty for breach of a civil obligation under FERA and that the absence of monetary benefit cannot, by itself, justify reducing the penalty. It also emphasised that proportionality must be supported by reasons demonstrating that the penalty is grossly excessive or unduly harsh.

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But how far can an appellate tribunal go in reducing a penalty once the contravention itself has attained finality? And what does proportionality actually require before such interference is justified?

[Read the full article here]

Whose Claim Prevails in Child Custody ? Delhi High Court Clarifies



Can grandparents seek custody of their grandchildren simply because they believe they can provide a better upbringing than the surviving parent? In Ram Kumar v. Smt. Asha Kataria, the Delhi High Court examined this question in a custody dispute between a mother and the paternal grandfather following the death of the children's father.

The grandfather argued that he could offer the children better education, care and living conditions, while alleging that their mother was preventing them from maintaining contact with their paternal family. The Court, however, found no evidence that the mother was neglecting the children or was incapable of raising them. It also considered the children's expressed wishes to continue living with her, emphasising that their welfare, rather than a comparative assessment of material facilities, must guide custody decisions.

But how much weight should a child's preference carry in custody proceedings? And under what circumstances can a grandparent's claim override the custody of a surviving parent?

[Read the full article here]

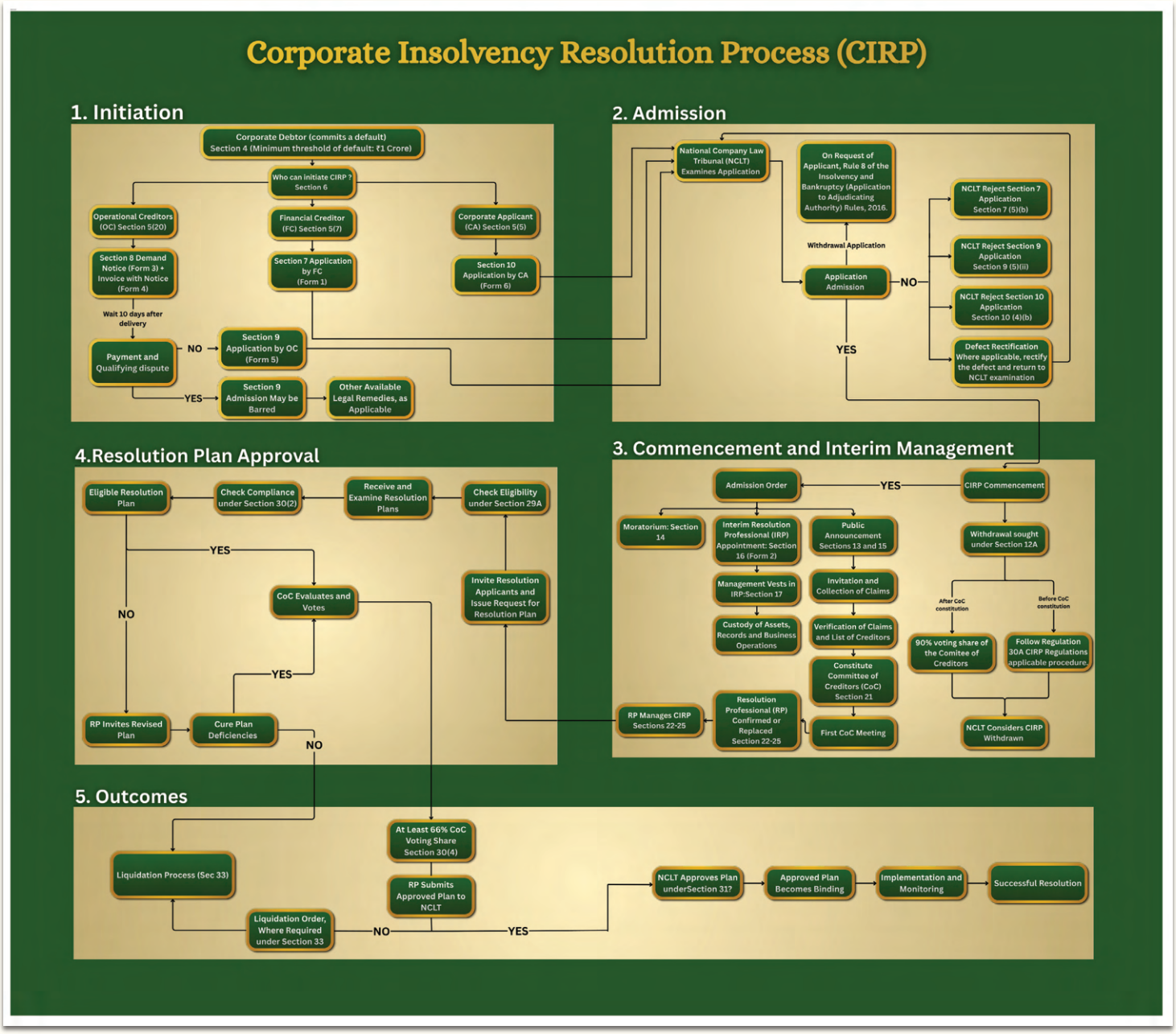
Practice Kit

Corporate Insolvency Resolution Process (CIRP): The Five Stages, Step by Step.



A practical guide to the Corporate Insolvency Resolution Process (CIRP) under the Insolvency and Bankruptcy Code, 2016. This Practice Kit breaks down the five stages of CIRP, from initiation of insolvency proceedings and admission by the NCLT to interim management, approval of a resolution plan and the eventual outcome of resolution or liquidation. It also maps the relevant statutory provisions, prescribed forms and voting thresholds at each stage.

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[Understand Each Stage of CIRP Through Our Flowchart : here]

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