

JSA Newsletter

Environmental Disputes and ESG Regulatory

October-December 2025 Edition

Supreme Court judgment

Supreme Court upheld Bombay High Court's decision on Futala Lake

The Supreme Court of India ("SC"), in its judgment dated October 7, 2025, in the case of *Swacch Association, Nagpur vs. State of Maharashtra and Others*¹, dismissed the appeal by Swacch Association, Nagpur, and upheld the Bombay High Court's decision to allow specific constructions around Futala Lake in Nagpur. The case put forward by the appellant was that the said Futala Lake was a "wetland" and it ought to be protected for its environmental value and that the constructions which were made there were of permanent nature. The SC dismissed the appeal and affirmed the Bombay High Court's judgment, finding that the Futala Lake was created in 1799 for irrigational needs and ruled that the lake is a man-made body that does not fall under the statutory definition of a "wetland" as per the Wetlands (Conservation and Management) Rules, 2017. Further, the SC stated that it is only proper that this waterbody in the city of Nagpur continues to exist with twin objectives, namely to bring public good for the citizens of the city of Nagpur and also contribute to maintain environment friendliness without causing any ecological damage, both to the waterbody itself as well as to the quality of aqua life. The SC expressly held that the public trust doctrine would extend in respect of man-made or artificially created natural objects, waterbodies, lakes, wetlands, etc. which are drawn and created from the nature or natural resources. This would in ultimate analysis pave way to extend to ensure the availment of right of healthy environment and ecological balance recognised for the citizens under Article 21 of the Constitution of India. At the same time, promoting sustainable development for public good is not alien to it.

SC directions on tiger safaris: eco-sensitive zones and silence zones for all tiger reserves and bans tiger safaris in core/critical tiger habitats

The SC, in its judgment dated November 17, 2025, in the case of *T. N. Godavarman Thirumulpad vs. Union of India and Others*², issued significant directions on tiger reserve governance. Some of the key findings are as follows:

1. with respect to Corbett Tiger Reserve, the Central Empowered Committee will monitor and supervise the implementation of the ecological restoration plan developed by the State of Uttarakhand;
2. with respect to tiger reserves where roads traverse the core/critical tiger habitat, strict night regulation (no traffic from dusk to dawn except ambulances/emergency) needs to be exercised. Further, all the States are directed to notify the buffer and core areas of the tiger reserves within 6 (six) months from the date of this judgment; and
3. all State Governments are directed to notify eco-sensitive zones around all tiger reserves within 1 (one) year from the date of this judgment. Further, it is clarified that the minimum eco-sensitive zones extent will be the entire

¹ 2025 INSC 1199

² 2025 INSC 1325

buffer/fringe area; where buffer is disjunct/absent, a radial cushion of 1 km from the critical habitat must be included and there will be a complete ban on mining activities.

SC review decision on projects commenced/expanded without environmental clearance case

The SC, in its judgment dated November 18, 2025, in the case of *Confederation Of Real Estate Developers Of India ("CREDAI") vs. Vanashakti and Another*³, addressed the review petition revisiting the SC's earlier judgment dated May 16, 2025 in *Vanashakti v. Union of India*⁴ ("JUR"), which had struck down the notification of the Ministry of Environment, Forest and Climate Change ("MoEFCC") dated March 14, 2017 permitting a one-time route to process "violation" cases and its July 7, 2021 office memorandum laying down a standard operating procedure to handle such cases. The JUR had also adopted an uncompromising remedial consequence demolition/closure for projects commenced/expanded without prior Environmental Clearance ("EC"), even where penalties were paid. CREDAI sought review, supported by public-sector project proponents including the Steel Authority of India Limited (through its subsidiary) and the State of Karnataka (for an already-constructed greenfield airport). They contended that the JUR overlooked binding coordinate-bench precedent, misapplied Section 15 of the Environment (Protection) Act, 1986, and would cause disproportionate and counterproductive demolition of public-interest infrastructure.

Through this review judgment, SC recalled its earlier judgment that banned ex post facto (retrospective) ECs, ruling by a 2:1 majority that such clearances could be allowed in exceptional cases with heavy penalties, to prevent devastating demolition of public projects.

SC clarifies the rules for calculating the limitation period for challenging an EC appeals

The SC, in its judgment dated November 19, 2025, in the case of *Talli Gram Panch vs. Union of India and Others*⁵, dismissed the appeal and laid down the rules for calculating the limitation period for challenging an EC before the National Green Tribunal ("NGT"). The SC stated that "*Where multiple statutory "duty bearers" are obliged to communicate the grant of an EC to "any person aggrieved", the limitation period under Section 16(h) of the NGT Act, 2010 starts from the earliest date on which the EC is clearly and completely communicated to the public by any of those duty bearers*". Further, the SC clarified that:

1. "Communication" in this context is in rem, not merely in personam;
2. publication of the fact of grant of environmental clearance and an indication where full details can be accessed is sufficient; publication of the *entire EC document* in newspapers is not required; and
3. once the earliest effective communication occurs, a person aggrieved cannot rely on later communications (such as RTI replies) to extend or reset the limitation period.

SC directions on endangered birds: Great Indian Bustard and the Lesser Florican and scaling up of renewable energy

The SC, in its judgment dated December 19, 2025, in the case of *M.K. Ranjitsinh & Others vs. Union of India and Others*⁶, has endorsed the Expert Committee's⁷ recommendations for both Rajasthan and Gujarat for long-term monitoring of Great Indian Bustard and Lesser Florican populations and habitats, including climate change impacts. The SC took an ecocentric worldview, as opposed to a purely anthropocentric one. Drawing on the Bishnoi community's ethos, it endorsed the perspective that: "*By practising ecocentric living, they honour the intrinsic value of*

³ 2025 INSC 1326

⁴ 2025 SCC OnLine SC 1139

⁵ 2025 SCC OnLine SC 2497

⁶ 2025 INSC 1472

⁷ which was constituted by the Order dated March 21, 2024

every living being sustaining a delicate harmony that thrived long before we were told that we can conquer nature and overrule it."

Further, the SC underlined the necessity of solar and wind power for India's energy needs but stressed that infrastructure development must be environmentally sensitive. The SC directed the Inspector General, Wildlife Division, MoEFCC, for overseeing and implementing the approved recommendations of the Committee within 2 (two) years from the date of this judgment which include completing mitigation measures such as undergrounding, re-routing, and corridor optimisation, including undergrounding 250 km of critical lines identified by Director, Wildlife Institute of India in Rajasthan.

SC defines the area of 'Aravali Hills' and 'Aravali Ranges'

The SC, in its judgment dated December 20, 2025, in the case of *T. N. Godavarman Thirumulpad vs. Union of India and Others*⁸, addressed the legal operative definition of Aravalli Hills and Ranges. The SC accepted the operational definition recommended by a committee constituted by its order dated May 9, 2024. Accordingly for the purposes of mining, it has defined "Aravalli Hill" as any landform in identified Aravalli districts with an elevation of 100 (hundred) metres or more above the local relief (measured from the lowest contour line encircling the landform). The entire landform within that lowest contour, including the hill, its supporting slopes and associated landforms. Further, the "Aravalli Range" is defined as a range where 2 (two) or more Aravali Hills are located within 500 (five hundred) metres of each other (measured between the boundaries of their lowest contour lines), the entire intervening area, along with associated slopes, hillocks etc. Further, the SC clarified that mining activities already being undertaken in the Aravali Hills and Ranges must be carried out strictly in accordance with the recommendations of the Committee's Report.

National Green Tribunal order

NGT disposes of the illegal mining case against the State in Uttar Pradesh

NGT, Principal Bench, *vide* order dated October 28, 2025, in the case of *Satish vs. MoEFCC and Others*⁹, disposed of the case stating that no illegal mining had occurred outside the demarcated area and concluded that no further action was required in the original application.

In this case, the allegation was that the area advertised in the advertisement dated June 20, 2021, had different geo-coordinates contrary to the area for which the mining plan was approved, EC was issued and lease deed was executed. Therefore, the applicant had taken the plea that illegal mining was done by the District Magistrate, Siddharthnagar. The NGT had directed the State Level Environment Impact Assessment Authority, Uttar Pradesh ("SEIAA"), to investigate and disclose if any mining had taken place in the unadvertised area before the EC was put on hold. The SEIAA in its reply stated to the NGT that while there were incorrect coordinates in the initial EC, no mining was conducted outside the officially demarcated lease area. Further, it was also disclosed that the lessee applied for the surrender of the lease, and the lease was cancelled by an order dated January 2, 2025. In light of the lease cancellation and the clarification that no illegal mining occurred outside the demarcated area, the NGT concluded that no further action was required in the Original Application, and accordingly, the case was disposed of.

Regulatory updates

Enforcement of Rule 15(1) of the Van (Sanrakshan Evam Samvardhan) Rules, 2023

MoEFCC, *vide* notification dated October 1, 2025, notified October 1, 2025, as the effective date for Rule 15(1) of the Van (Sanrakshan Evam Samvardhan) Rules, 2023. Rule 15(1) lays an obligation upon the Chairperson of the advisory committee to convene a meeting at least once a month.

⁸ 2025 INSC 1338

⁹ Original Application No. 591/2023 (I.A. Nos. 744/2023 & 745/2023)

Draft notification for the exemption of common municipal solid waste management facilities from the requirement of EC

MoEFCC has released draft amendments to the Environment Impact Assessment (“EIA”) Notification, 2006. The proposed amendment seeks to exempt Common Municipal Solid Waste Management Facilities from the requirement of obtaining prior EC. These facilities, currently covered under Item 7(i) of the EIA Schedule, are proposed to be regulated solely under the consent mechanisms of the State Pollution Control Boards (“SPCBs”) and Pollution Control Committees (“PCCs”). The draft amendment removes the EC requirement while ensuring that environmental safeguards continue to be enforced by the SPCBs and PCCs.

Accordingly, Item 7(i) and its related entries are proposed to be omitted from the EIA Notification, 2006. Stakeholders had to submit their comments on the draft amendments within 60 (sixty) days from October 6, 2025.

Greenhouse Gases Emission Intensity Target Rules, 2025

MoEFCC, *vide* notification dated October 8, 2025, notified the Greenhouse Gases Emission Intensity Target Rules, 2025 (“Emission Rules”). The Emission Rules set out greenhouse gases emission intensity targets on industrial units across the aluminium, cement, pulp and paper, and chlor-alkali sectors. Pursuant to the Emission Rules, these sectors are required to reduce their greenhouse gas emissions per unit of output from the 2023-24 baseline levels. Some of the key responsibilities of the obligated entities are as follows:

1. achieve the specified greenhouse gases emission intensity targets in the respective compliance year;
2. meet its greenhouse gases emission intensity targets outlined under the Carbon Credit Trading Scheme, 2023 (“Scheme”);
3. surrender the banked carbon credit certificates or carbon credit certificates purchased in the respective compliance year equivalent to the shortfall to comply with the greenhouse gases emission intensity target;
4. register on the portal under Indian Carbon Market Framework; and
5. submit all the documents in the manner as stipulated in the detailed procedure under the Scheme.

Minimum information to be provided to the audit committee and shareholders for approval of related party transactions

To facilitate the ease of doing business for listed entities, the Securities and Exchange Board of India (“SEBI”), *vide* notification dated October 13, 2025, has eased the requirement to provide minimum information to the audit committee and shareholders for approval of related party transactions.

Under the revised framework, listed entities are now required to provide detailed information as per the Related Party Transaction Industry Standards only for transactions exceeding 1% of their annual consolidated turnover or INR 10,00,00,000 (Indian Rupees ten crore), whichever is lower. For smaller transactions below these thresholds, entities may submit the simplified “Minimum Information” format. Further, transactions not exceeding INR 1,00,00,000 (Indian Rupees one crore) in a financial year are exempt from these requirements altogether. The changes aim to streamline compliance while maintaining adequate transparency for significant related party transactions.

List of white category sectors classified by Central Pollution Control Board as per the 2016 classification methodology is amended

MoEFCC, *vide* notification dated October 17, 2025, has amended the Schedule dealing with the list of ‘white category industrial plants/sectors’ by adding 47 (forty seven) industries to the list (*earlier the list consisted of 39 (thirty nine) industries*). The list now consists of 86 (eighty six) industries exempted from requiring prior “Consent to Establish” and “Consent to Operate” permits under the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention

and Control of Pollution) Act, 1981 and are considered 'practically non-polluting' as specified under the notifications dated November 12, 2024.

SEBI (Listing Obligations and Disclosure Requirements) (Fourth Amendment) Regulations, 2025

SEBI, *vide* notification dated October 22, 2025, issued the SEBI (Listing Obligations and Disclosure Requirements) (Fourth Amendment) Regulations, 2025, amending the SEBI (Listing Obligations and Disclosure Requirements) Regulations, 2015 ("**LODR Regulations**"). Amendment is made to Regulation 56 of the LODR Regulations, requiring listed entities to forward specific information to the debenture trustee as soon as possible, and in any case not later than 24 (twenty-four) hours from the occurrence of the event or receipt of information (*earlier it required debenture trustees to forward information promptly, the 24 (twentyfour) hour time period was not mentioned*).

Energy Conservation (Compliance Enforcement) Rules, 2025

The Ministry of Power, *vide* notification dated October 22, 2025, issued the Energy Conservation (Compliance Enforcement) Rules, 2025 ("**Rules**") under the Energy Conservation Act, 2001 ("**Act**"). Some of the key provisions are as follows:

1. The Rules are applicable on the following entities:
 1. persons referred to in Section 13A of the Act;
 2. manufacturers or importers mentioned in Section 14(c) of the Act; and
 3. designated consumers as specified under Section 14(n) and (x) of the Act.
2. The Bureau of Energy Efficiency ("**Bureau**") has been made responsible for compliance enforcement with the norms and standards specified by the Central Government.
3. In case of any shortfall in achievement of targets:
 1. the norms and standards specified by the Central Government under Section 14(x) of the Act will apply to the extent of such shortfall independent of the norms and standards provided by the State Commission under the provisions of the Electricity Act, 2003; and
 2. penalty on the defaulting entities will be imposed in accordance with the provisions of the Act.
4. The Bureau is responsible for:
 1. obtaining necessary information from the entities covered under Rule 2, in accordance with the provisions of the Act;
 2. verification of compliance and submission of report to the Central Government;
 3. serving notice to the contravening entities for non-compliance;
 4. authorising 1 (one) or more representative to represent the matter before the adjudicating officer; and
 5. taking all necessary actions as may be required for implementation of the Rules.
5. The jurisdiction of the adjudicating officer for adjudicating on failure to comply with the provisions of Section 13A and 14 of the Act, would be, where the:
 1. registered office or the manufacturer or importer is located, in case of appliances, equipment and vehicles mentioned under Section 14(b) of the Act;
 2. industry or establishment is located in case of industries specified as designated consumers under Section 14(n) of the Act; and

3. industry or establishment of the designated consumer is located, or the registered head office (in case where compliance is undertaken at the holding company level), in case of non-fossil consumption specified for designated consumers.
6. Penalties paid by the entities must be credited into the Central Energy Conservation Funds under Section 20 of the Act (out of which 90% must be transferred to the State Government and 10% must be transferred to the Central Government):
4. in case of appliances, equipments and vehicles: to the Consolidated Fund of the concerned State in proportion to its share of the total sales by the manufacturer or importer of the specific appliance, equipment, or vehicle during the compliance period;
5. in case of industries specified as designated consumers: to the Consolidated Fund of the concerned State where the industry or establishment is located; and
6. in case of non-fossil consumption specified for designated consumers: to the Consolidated Fund of the concerned State where the industry or establishment of the designated consumer is located.
7. All amounts recovered towards compliance, which are not covered under Section 26 of the Act must be credited to the Central Energy Conservation Fund.

SEBI (Issue of Capital and Disclosure Requirements) (Third Amendment) Regulations, 2025

SEBI, *vide* notification dated October 31, 2025, issued the SEBI (Issue of Capital and Disclosure Requirements) (Third Amendment) Regulations, 2025, amending the SEBI (Issue of Capital and Disclosure Requirements) Regulations, 2018. Amendments are made to Schedule XIII, Part A, paragraph (10) relating to the allocation norms for anchor investors in a book-built public issue. Some of the key provisions are as follows:

1. for an allocation of up to INR 250 crore (Indian Rupees two hundred fifty crore), a minimum of 2 (two) and a maximum of 15 (fifteen) anchor investors are permitted, with a mandatory minimum allotment of INR 5 crore (Indian Rupees five crore) per investor;
2. for allocations exceeding INR 250 crore (Indian Rupees two hundred fifty crore), a minimum of 5 (five) and a maximum of 15 (fifteen) investors are permitted for the first INR 250 crore (Indian Rupees two hundred fifty crore), plus an additional 15 (fifteen) investors for every subsequent INR 250 crore (Indian Rupees two hundred fifty crore) crore or part thereof, subject to a minimum allotment of INR 5 crore (Indian Rupees five crore) crore per investor; and
3. 40% of the anchor investor portion is now reserved, with 33.33% reserved for domestic mutual funds and 6.67% reserved for life insurance companies and pension funds. Any under-subscription in the life insurance/pension fund category may be allocated to domestic mutual funds.

Companies (Meetings of Board and its Powers) Amendment Rules, 2025

The Ministry of Corporate Affairs, *vide* notification dated November 3, 2025, issued the Companies (Meetings of Board and its Powers) Amendment Rules, 2025, amending the Companies (Meetings of Board and its Powers) Rules, 2014. The following 2 (two) categories are inserted to the definition of "business of financing industrial enterprises" under Rule 1(2):

1. for a non-banking financial company registered with the Reserve Bank of India, it includes the ordinary course of business of giving loans or providing guarantees/security for loan repayment; and
2. for a finance company registered with the International Financial Services Centres Authority ("IFSCA"), the expression includes activities provided in specific sub-clauses of Regulation 5(1)(ii) of the IFSCA (Finance Company) Regulations, 2021, when done in the ordinary course of its business.

Third party/self certifications for dealing the cases of first consent to operate for green categories of industries covered under consent management of Haryana SPCB

The Haryana SPCB, *vide* notification dated November 12, 2025, has introduced a revised procedure for obtaining the first consent to operate for green category industries, distinguishing the requirements based on the industry's scale.

1. Green Category (Micro, Small, and Medium Enterprises ("MSMEs")): units falling under the MSMEs category are processed on the basis of a self-declaration.
2. Green Category (Large Scale): industrial units/projects under this category require an inspection-cum-audit report prepared by a third party (an empaneled Environmental Engineer or authorised laboratory).

Treated effluent standards for sewage treatment plants

The Kerala SPCB ("Kerala Board"), *vide* notification dated November 19, 2025, has modified the treated sewage quality standards issued *vide* circular September 20, 2025.

Installation and connectivity of online continuous emission monitoring system in air polluting industries operating in NCR-Delhi

The Central Pollution Control Board ("CPCB"), *vide* notification dated November 26, 2025, has communicated that with a view to take measures relating to certification of instruments and equipment for monitoring air quality (emission), the Council of Scientific and Industrial Research-National Physical Laboratory, Delhi ("CSIR-NPL"), has been designated as national verification agency. The CSIR-NPL has launched an Online Continuous Emission Monitoring System ("OCEMS") certification scheme and is in process of issuing OCEMS verification/conformity certificate. The CSIR-NPL has now certified 21 (twenty one) OCEMS models for various parameters. All SPCBs and PCCs of Delhi NCR are requested to ensure installation of only CSIR-NPL certified OCEMS in the air polluting industries. Such certified OCEMS will only be permitted for connectivity with CPCB server.

Clarification on distance criteria for M sand, Rock dust, Rock sand godown

The Kerala Board, *vide* notification dated November 29, 2025, has mandated the following pollution control measures for all M Sand, Rock dust, Rock Sand godowns irrespective of storage capacity:

1. loading and unloading activities shall be carried out in an area enclosed by a suitable material to mitigate dust and noise pollutions;
2. sprinkler facility shall be installed for controlling dust during loading and unloading operations;
3. details of the material handled (such as name, quantity) should be recorded daily in the log book;
4. the roads inside the compound wall shall be tarred or concreted and necessary arrangements shall be made to drain off wastewater from washing of vehicle tyres; and
5. the material must be transported in properly covered vehicles.

All M Sand, Rock dust, Rock Sand godowns, irrespective of storage capacity, must obtain consent of the Kerala Board under the Green category.

Other developments

Three major ports recognised as green hydrogen hubs under National Green Hydrogen Mission

The Ministry of New and Renewable Energy has recognised the following 3 (three) major ports as green hydrogen hubs under National Green Hydrogen Mission:

1. Deendayal Port Authority (Gujarat);
2. V.O. Chidambaranar Port Authority (Tamil Nadu); and
3. Paradip Port Authority (Odisha).

This move marks a significant step towards creating an integrated hydrogen ecosystem and advancing India's transition towards clean energy. Recognised under the revised guidelines for Hydrogen Valley Innovation Clusters and Green Hydrogen Hubs, these ports aim to serve as key centres for clean energy development, attracting green investments and facilitating access to government incentives. The initiative supports India's clean energy transition and its goal of achieving net-zero emissions by 2070.

Ministry of Mines recognises two more centres of excellence under the National Critical Mineral Mission

The Ministry of Mines has recognised the following 2 (two) institutes besides 7 (seven) institutes recognised earlier, as Centres of Excellence under the National Critical Mineral Mission:

1. Indian Institute of Science (IISc), Bangalore; and
2. Centre for Materials for Electronics Technology (C-MET), Hyderabad.

India's Expanding Green Footprint

India has achieved a significant milestone in global forest statistics by advancing to the 9th position worldwide in terms of total forest area, according to the Food and Agriculture Organisation's Global Forest Resources Assessment ("GFRA") 2025 released on October 22, 2025. Some of the key highlights are as follows:

1. India has moved up to 9th position globally in terms of total forest area as per GFRA 2025.
2. India continues to maintain 3rd position worldwide in terms of net annual forest area gain.
3. India ranked 5th among the top global carbon sinks, with its forests removing 150 (one hundred fifty) metric tons of CO₂ per year during 2021-2025.
4. Total global forest area is 4.14 billion (four point one four billion) hectares, covering 32% of Earth's land area.
5. The annual rate of net forest loss fell from 10.7 million (ten point seven million) hectares (1990-2000) to 4.12 million (four point twelve million) hectares (2015-2025).

Review of the Incentive Scheme for Critical Mineral Recycling

The Incentive Scheme is a key component of the National Critical Mineral Mission, aimed at developing the recycling capacity in the country for extraction of critical minerals from secondary sources such as E-waste, spent Lithium-ion Batteries and other scrap. During the review by Secretary (Ministry of Mines), Jawaharlal Nehru Aluminium Research, Development and Design Centre ("JNARDDC"), was asked to conduct such consultations and engagement sessions throughout the implementation phase to support stakeholders and ensure the successful implementation of the Scheme. JNARDDC also reaffirmed its commitment to extend continuous support through helpdesk assistance and clarificatory responses.

India Welcomes Key Outcomes at UNFCCC CoP30; Reaffirms Commitment to Equity, Climate Justice and Global Solidarity

India expressed strong support for the inclusive leadership of the CoP30 Presidency and welcomed several significant decisions adopted at the conference, in the High-level Statement (“**Statement**”) at the Closing Plenary of the UNFCCC CoP30 in Belém, Brazil. Reiterating India’s principled approach to climate action, the Statement highlighted that it must be ensured that the burden of Climate Change Mitigation is not shifted onto the shoulders of those who have the least responsibility in causing the problem. The need for greater global support to vulnerable populations, a large majority of whom are in the global South, was stressed upon so that they may protect themselves from the escalating impacts of climate change. India reaffirmed its unwavering commitment to science-based and equitable climate action. It was observed that India remains committed to a global order that is rules-based, equitable and respectful of national sovereignty. In conclusion, the Statement reaffirmed India’s support and gratitude to Brazil and the international community in the road ahead. It called on all parties to put in collective effort to ensure that the road from Belém leads to a future defined by fairness, solidarity and shared prosperity for all.

Environment, ESG and Climate Change Practice

The Firm advises and represents clients in environmental disputes before the National Green Tribunal, High Court(s) and the Supreme Court of India. We also advise clients on environment, social and governance (ESG) issues and assist them in ensuring compliance with the relevant laws. The firm has been regularly advising clients in matters relating to climate change and energy transition.

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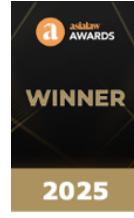


19 Practices and
40 Ranked Lawyers

7 Ranked Practices,
21 Ranked Lawyers

14 Practices and
12 Ranked Lawyers

13 Practices and
49 Ranked Lawyers



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India for ESG Practice

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11 A List Lawyers in
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