



REPORTABLE JUDGMENTS OF THE SUPREME COURT OF INDIA
IN MARCH 2022

REPORTABLE JUDGMENTS AUTHORED BY:	CASE DETAILS	AREA OF LAW / RATIO / HELD
 <p>Hon'ble Justice Umesh Lalit</p>	<p><u>The Vice Chairman, Delhi Development Authority v. Narender Kumar & Ors.</u></p> <p>Date: 08.03.2022 Bench Strength: 3 Judges</p>	<p><u>Service Law - Modified Assured Career Progression:</u></p> <p>The Supreme Court was considering an Appeal filed by the DDA (Employer) against a Judgment of the H.C., which directed that MACP benefits should be extended to employees of DDA from 01.01.2006. It was held that a set of employees, who might have benefitted from the then prevailing policy, cannot in the absence of strong and unequivocal indications in the later policy (which might be given effect to from an anterior date), insist that they have a right to be given the benefits under the superseded policy.</p> <p>Accordingly, the Court set aside the Order of the H.C., and directed that the benefits granted to the employees under the ACP scheme can be reversed by the DDA.</p>
 <p>Hon'ble Justice D. Y. Chandrachud</p>	<p><u>Loop Telecom and Trading Limited v. Union of India and Anr.</u></p> <p>Date: 03.03.2022 Bench Strength: 3 Judges</p>	<p><u>Civil Law - Telecom Dispute:</u></p> <p>The Supreme Court dismissed the appeal filed by Loop Telecom and Trading Limited challenging the decision of Telecom Disputes Settlement and Appellate Tribunal, which dismissed its plea seeking refund of Entry Fee of Rs 1454.94 crores paid for grant of Unified Access Service Licenses.</p> <p>While dismissing the Appeal, the Court observed that the Appellant was held to be in <i>pari delicto</i> and the decision in <i>Centre for Public Interest Litigation v. Union of India</i> (2012) 3 SCC 1, leaves no manner of doubt that the appellant was among the group of licensees, who were found to be complicit in obtaining benefits under the First Come First Serve Policy of the Union Government at the cost of the public exchequer.</p>

<p><i>Hon'ble Dr. Justice D. Y. Chandrachud</i></p>	<p>Raza Ahmad v. State of Chhattisgarh & Ors.</p> <p>Date: 07.03.2022 Bench Strength: 2 Judges</p>	<p><u>Environment Law - Jurisdiction of NGT:</u></p> <p>The Supreme Court partly allowed an Appeal against the decision of National Green Tribunal, which dismissed the challenge to an Environment Clearance of 2008 for a Cement Grinding Unit in Bhilai, Chhattisgarh, and a Notification of 2011 modifying the land use from “greenbelt” to “industrial purpose”. The Court, without going into the merits of the case, held that that the challenge to the Environment Clearance of 2008 was barred by limitation; however, the challenge to the 2011 Notification was remitted back to the NGT to decide whether it can be entertained within the extended period as prescribed by the proviso to Section 14(3) of the NGT Act.</p>
	<p>SK Nausad Rahaman & Ors. v. Union of India and Ors.</p> <p>Date: 10.03.2022 Bench Strength: 2 Judges</p>	<p><u>Service Law - Transfer:</u></p> <p>The Supreme Court upheld the decision of Kerala High Court, which rejected the challenge against a 2018 circular issued by the Central Board of Indirect Taxes and Customs withdrawing Inter - Commissionerate Transfers. While disposing of the Appeals, the Court left it open to the Respondent / UoI to revisit the policy to accommodate posting of spouses, needs of the disabled and compassionate grounds.</p>
	<p>High Court of Delhi v. Devina Sharma</p> <p>Date: 14.03.2022 Bench Strength: 3 Judges</p>	<p><u>Constitutional Law - Age limit for DJSE and DHJSE:</u></p> <p>The Supreme Court held that candidates who were eligible for DJSE in 2020 and 2021 in terms of the rules as they stood then, would be allowed to appear for the ensuing exams in 2022. Accordingly, the maximum age limit of 32 years would not apply for such candidates. Further, in the case of DHJSE, the Supreme Court rejected a challenge to the minimum age limit of 35 yr. for appearing for the said examination. It was held that the H.C., in the exercise of its rule making authority, is entitled to prescribe such a requirement. The post of a District Judge is at a senior level in the cadre. Age is not extraneous to the acquisition of maturity and experience, especially in judicial institutions, which handle real problems and confront challenges to liberty and justice. The High Courts are well within their domain in prescribing a requirement, which ensures that candidates with sufficient maturity enter the fold of the higher judiciary. Accordingly, the Court maintained the minimum age requirement for DHJSE.</p>

<p><i>Hon'ble Dr. Justice D. Y. Chandrachud</i></p>	<p><u>Indian Ex Servicemen Movement & Ors. v. Union of India & Ors.</u></p> <p>Date: 16.03.2022 Bench Strength: 3 Judges</p>	<p><u>Service Law - Pension:</u></p> <p>The Court upheld the manner in which the Central Government introduced the One Rank One Pension scheme in defence forces as per notification dated 07.11.2015, while observing as under -</p> <ol style="list-style-type: none">1. The definition of OROP is uniformly applicable to all pensioners, irrespective of the date of retirement.2. The cut-off date is used only for the purpose of determining the base salary for the calculation of pension.3. While no legal / constitutional mandate of OROP can be read into the decisions in <i>DS Nakara v. Union of India</i> and <i>SPS Vains v. Union of India</i>, varying pension payable to officers of the same rank retiring before and after 01.07.2014, either due to MACP or the different base salary used for calculation of pension, cannot be held arbitrary.4. Since the definition of OROP is not arbitrary, it is not necessary to undertake the exercise of determining if the financial implications of the scheme is negligible, or enormous.
	<p><u>The State of Karnataka & Anr. v. Umesh</u></p> <p>Date: 22.03.2022 Bench Strength: 2 Judges</p>	<p><u>Service Law - Disciplinary and Criminal Proceedings:</u></p> <p>The Supreme Court was considering an Appeal filed by the State against an Order of the H.C. setting aside an Order of the Karnataka Administrative Tribunal directing compulsory retirement of the Respondent. The Respondent was acquitted in the criminal proceedings pertaining to bribery; however, in the disciplinary proceedings, the punishment of compulsory retirement was imposed upon him. The Court held that the rules of evidence which apply to a criminal trial are distinct from those which govern a disciplinary enquiry. The acquittal of the accused in a criminal case does not debar the employer from proceeding in the exercise of disciplinary jurisdiction. It was held that in the exercise of judicial review, the Court does not act as an appellate forum over the findings of the disciplinary authority and does not re-appreciate the evidence on the basis of which the finding of misconduct has been arrived at in the course of the disciplinary enquiry. Accordingly, the Court set aside the Judgment of the High Court, and restored the punishment of compulsory retirement.</p>



Hon'ble Mr. Justice L. Nageswara Rao

[Pattali Makkal Katchi v. A. Mayilerumperumal & Ors.](#)

Date: 31.03.2022
Bench Strength: 2 Judges

[Reservation Law-Internal Reservation:](#)

The Supreme Court was considering a challenge to a Judgment of the High Court of Madras at Madurai Bench declaring the Tamil Nadu Special Reservation of seats in Educational Institutions including Private Educational Institutions and of appointments or posts in the services under the State within the Reservation for the Most Backward Classes and Denotified Communities Act, 2021 as unconstitutional. The Court upheld the decision of the High Court, though for different reasons. It was held that in the absence of any rationale for treating the Vanniakula Kshatriyas differently, the differentiation and allocation of percentages was entirely arbitrary and falls foul of Article 14. Choosing a particular caste (in this case, Vanniakula Kshatriyas) and providing a special reservation of 10.5 % of the 20 % to such caste is discriminatory, in the absence of any sound differentiation from communities who are similarly situated and were, therefore, grouped together for the purposes of receiving the benefits of 20 % reservation. It was held that while the State Government has the competence to classify any community within backward classes as a particular class for grant of special measures, there should, however, be a reasonable basis for categorising such communities into a different section from the rest of the communities, which cannot be superficial or illusory.





Hon'ble Mr. Justice Sanjay Kishan Kaul

[The Secretary, Local Self Government Department & Ors. Etc. v. K. Chandran Etc.](#)



Date: 15.03.2022
Bench Strength: 2 Judges

[Service Law - Payment of Gratuity:](#)

The Supreme Court was considering a challenge to a Full Bench Judgment of the Kerala High Court, which held that an employee is entitled to the release of his Death-cum-Retirement Gratuity (DCRG), where an appeal against his conviction in a criminal case for violation of integrity norms in performance of official duties is pending before the High Court. The Supreme Court set aside the Order of the High Court, and held that the pendency of the appeal cannot disentitle the State from withholding the DCRG, considering that it is a hiatus period within which certain arrangements have to be made, which would be dependent on the outcome of the appeal.

 <p>Hon'ble Mr. Justice S. Abdul Nazeer</p>	<p><u>Nadakerappa Since Deceased by Lrs. & Ors. v. Pillamma Since Deceased By Lrs. & Ors.</u></p> <p>Date: 31.03.2022 Bench Strength: 2 Judges</p>	<p><u>Civil Law - Order of Remand:</u></p> <p>The Supreme Court was considering a challenge to an Order of the High Court remanding the parties to the Land Tribunal. It was held that an order of remand cannot be passed as a matter of course. An order of remand cannot also be passed for the mere purpose of remanding a proceeding to the lower court or Tribunal. An endeavour has to be made by the Appellate Court to dispose of the case on merits. Where both the sides have led oral and documentary evidence, the Appellate Court has to decide the appeal on merits, instead of remanding the case to the lower court or the Tribunal.</p>
 <p>Hon'ble Ms. Justice Indira Banerjee</p>	<p><u>Karan Singh v. State of Uttar Pradesh & Ors.</u></p> <p>Date: 02.03.2022 Bench Strength: 2 Judges</p>	<p><u>Criminal Law - Appeal against Conviction:</u></p> <p>The Supreme Court upheld the concurrent decisions of conviction u/s. 302 r/w Sections 148, 149 and 307 of I.P.C. on the ground that –</p> <ol style="list-style-type: none"> 1)The Appellant’s presence at the place of occurrence was proved by two eye witnesses. 2)It was proved that the Appellant carried a rifle. 3)The fact that one of the injured witnesses may not have mentioned the name of Appellant does not demolish the evidence of the other witnesses. 4)The fact that the trial / appeal has taken years, and that other accused have died during the appeal cannot be a ground for acquittal of the Appellant. 5)The prosecution was required to prove its case beyond reasonable doubt, and not beyond all iota of doubt, which it has done.
	<p><u>Gangadhar Narayan Nayak @ Gangadhar Hiregutti v. State of Karnataka & Ors.</u></p> <p>Date: 21.03.2022 Bench Strength: 2 Judges</p>	<p><u>Criminal Law - POCSO:</u></p> <p>The Supreme Court delivered a split verdict in a case challenging an Order passed by the High Court upholding an Order taking cognizance of an offence u/S. 23 of POCSO (report disclosing the identity of the victim child).</p> <p>Justice Indira Banerjee held that if the Legislature intended that the Cr.P.C. [reference is to S.155(2)] should apply to investigation of an offence under Section 23 POCSO, it would specifically have provided so.</p>

<p><i>Hon'ble Justice Banerjee</i></p> <p><i>Ms. Indira</i></p>		<p>It was held that the contention of the Appellant that the proceedings were liable to be quashed only for want of permission of the Magistrate cannot be accepted.</p> <p>Disclosure of the identity of the child in the media may also expose the child victim of sexual offence to vindictive retaliation by the perpetrators of the crime or their accomplices. Accordingly, Justice Banerjee upheld the Order of the High Court.</p> <p>NOTE: Justice J.K. Maheshwari delivered a separate Judgment, with a different view.</p>
	<p>M/s. Pahwa Plastics Pvt. Ltd. & Anr. v. Dastak NGO & Ors.</p> <p>Date: 25.03.2022 Bench Strength: 2 Judges</p>	<p>Environment Law - Ex-post facto issuance of Environmental Clearance:</p> <p>The Supreme Court was considering whether an establishment employing about 8,000 workers, which was set up pursuant to Consent to Establish (CTE) and Consent to Operate (CTO) from the concerned statutory authority, and had applied for <i>ex post facto</i> EC can be closed down pending issuance of EC, even though it may not cause pollution and / or may be found to comply with the required pollution norms.</p> <p>It was concluded that the Environment Protection Act, 1986 does not prohibit <i>ex post facto</i> Environmental Clearance. Grant of <i>ex post facto</i> EC in accordance with law, in strict compliance with Rules, Regulations, Notifications and / or applicable orders, in appropriate cases, where the projects are in compliance with, or can be made to comply with environment norms, is not impermissible.</p> <p>The Court cannot be oblivious to the economy, or the need to protect the livelihood of hundreds of employees and others employed in the project and others dependent on the project, if such projects comply with environmental norms. It was further held that <i>ex post facto</i> environmental clearance should not be granted routinely, but in exceptional circumstances taking into account all relevant environmental factors.</p>

	<p><u>Abhay Jain v. High Court of Judicature for Rajasthan & Anr.</u></p> <p>Date: 15.03.2022 Bench Strength: 2 Judges</p>	<p><u>Service Law - Disciplinary Action:</u></p> <p>The Supreme Court reversed the order of the High Court which dismissed the challenge of a Judicial Officer removing him from service.</p> <p>The Court observed that there was no material to show unsatisfactory performance of the Appellant / Judicial Officer in terms of requirements under Rules 45 and 46 of the Rajasthan Judicial Services Rules, 2010.</p> <p>The Court also observed that merely because a wrong order was passed by the Appellant, or the action taken by him could have been different, this does not warrant initiation of disciplinary proceedings against the judicial officer.</p> <p>The Court directed that the Appellant be reinstated with all consequential benefits, including continuity of service and seniority, but will be entitled to be paid only 50% backwages, which may be paid within a period of four months from the order.</p>
	<p><u>Dr. Y. Ibehaibi Devi (D) by Lrs. & Ors. v. The State of Manipur Represented By The Commissioner (Higher and Technical Education) Government of Manipur & Anr.</u></p> <p>Date: 31.03.2022 Bench Strength: 2 Judges</p>	<p><u>Service Law - Benefit of revised pension:</u></p> <p>The Supreme Court was considering the claim of the Appellants-Employees to receive revised pension from a particular date. On a reading of the relevant office memorandums, the Court concluded that the decision of the State Government to postpone the date of entitlement of revised pension was not permissible. It was concluded that the Appellants were entitled to receive revised pension w.e.f. 01.04.2010.</p>
	<p><u>Sukhdarshan Singh v. State of Punjab & Ors.</u></p> <p>Date: 03.03.2022 Bench Strength: 2 Judges</p>	<p><u>Service Law - Termination and Reinstatement:</u></p> <p>The Supreme Court, while interpreting the Punjab Civil Services (Punishment and Appeal) Rules, 1970, held that upon an order being passed by the appellate authority finding the termination of employee to be illegal, and leaving it there, it would not <i>ipso facto</i> inevitably follow that the employee will become entitled to claim the salary for the entire period consequent upon his being found to be entitled to reinstatement. This is a matter for the authority to decide.</p>

<p><i>Hon'ble Mr. Justice K.M. Joseph</i></p>		<p>In this case, the Court concluded that the decision of the first appellate authority to impose a condition that the Appellant will not be entitled to any salary for the period, and that it will be treated as <i>dies non</i>, cannot be sustained. Accordingly, the Court directed the authority to consider as to how the period till the Appellant was reinstated is to be treated and consequential effect thereof.</p>
	<p>Tedhi Singh v. Narayan Dass Mahant Date: 07.03.2022 Bench Strength: 2 Judges</p>	<p>Criminal Law - Appeal against Conviction in Negotiable Instruments Act, 1881: The Supreme Court partly allowed an Appeal against Conviction u/S. 138 of N.I. Act, by substituting the sentence of one year to fine of Rs. 5,000. The Court, however, affirmed the conviction. The Court held that unless a case is set up in the reply notice to the statutory notice, that the complainant did not have the wherewithal, it cannot be expected of the complainant to initially lead evidence to show that he had the financial capacity. The Court also discussed its powers u/A. 136 in cases of concurrent findings, and held that the Court would interfere in cases where the Courts below have committed palpable error and caused miscarriage of justice.</p>
	<p>Hardial Singh v. Balbir Kaur & Anr. Date: 10.03.2022 Bench Strength: 2 Judges</p>	<p><u>Civil Law - Second Appeal:</u> The Supreme Court remanded a second appeal for re-consideration to the High Court, directing the Court to decide the same in accordance with the provisions of S.41 of the Punjab Courts Act, 1918 and observed that the findings rendered by the H.C. were incompatible with the power available to a Court within the four walls of its jurisdiction in a second appeal.</p>
	<p>State of Rajasthan & Anr. v. Mangat Lal Sidana Date: 23.03.2022 Bench Strength: 2 Judges</p>	<p><u>Service Law - Payment during absence from duty:</u> The Supreme Court, while interpreting Rule 54 of the Rajasthan Service Rules, 1951 held that observance of principles of nature justice is of cardinal importance for the employee, whose life will be at stake for he would, on the one hand if he is heard, get an opportunity to persuade the authority that his case would fall u/R. 54(2)[full pay and dearness allowance], and not u/R. 54(3) [residuary clause]. However, the Court directed that the respondents be paid pay and allowances fixed at 50% of the pay and allowances which they would have drawn for the period of their absence.</p>



Hon'ble Mr. Justice Hemant Gupta

[State of Rajasthan v. Ashok Khetoliya & Anr.](#)

Date: 10.03.2022
Bench Strength: 2 Judges

[Constitutional Law - 74th Constitutional Amendment:](#)

The Supreme Court was considering a challenge to a Judgment of the High Court, whereby a Notification declaring Gram Panchayat Roopbas, District Bharatpur as “Municipal Board” was set aside.

The High Court had held that, since no public notification as contemplated u/A. 243Q(2) was produced, specifying Gram Panchayat Roopbas as a “transitional area”, it cannot be declared as a Municipal Board.

The Court held that the scheme of the 74th Constitutional Amendment is not to take away legislative competence of the State Legislatures to legislate on the subject of local Government, but is to ensure that the three tiers of governance are strengthened as part of democratic set up.

While setting aside the decision of the High Court, it was concluded that the State Government exercised powers to establish Municipality in terms of Sec. 5 of the Municipalities Act, and such notifications cannot be said to be illegal, and were rightly issued in exercise of the statutory powers.

[Laxmikant & Ors. v. State of Maharashtra & Ors.](#)

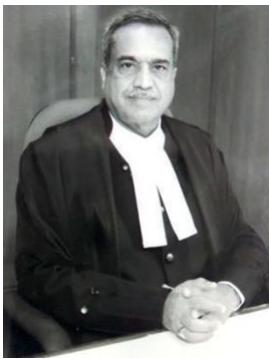
Date: 23.03.2022
Bench Strength: 2 Judges

[Land Acquisition - Authority granted time to acquire land:](#)

The Supreme Court was considering a challenge to a Judgment of the High Court, whereby despite holding that the reservation of land under the Development Plan had lapsed, the High Court granted 1 year’s time to the Planning Authority to acquire the said land.

The Court held that the liberty given by the High Court to acquire the land within an additional period of 1 year is not contemplated by statute. It was held that the State, or its functionaries cannot be directed to acquire the land, as the acquisition is on its satisfaction that the land is required for a public purpose. If the State was inactive for a long number of years, the Courts would not issue directions for acquisition of land, which is exercise of power of the State to invoke its rights of eminent domain.

<p><i>Hon'ble Justice Gupta</i></p> <p><i>Mr. Hemant</i></p>	<p><u>Master Ayush v. The Branch Manager, Reliance General Insurance Co. Ltd. & Anr</u></p> <p>Date: 29.03.2022 Bench Strength: 2 Judges</p>	<p><u>MACT - Compensation in Motor Accidents:</u></p> <p>The Supreme Court was considering an Appeal filed by a 5-year old paraplegic patient, who was the victim of a motor vehicle accident.</p> <p>The High Court had awarded compensation of Rs. 13,46,805 under various heads.</p> <p>The Supreme Court enhanced the compensation to Rs. 49,93,000. It was held that mental and physical loss cannot be computed in terms of money, but there is no other way to compensate the victim except by payment of just compensation. Further, interest was awarded @ 7.5% from the date of filing of the claim till realization.</p>
	<p><u>The Municipal Committee, Barwala, District Hisar, Haryana Through its Secretary/President v. Jai Narayan and Company & Anr.</u></p> <p>Date: 29.03.2022 Bench Strength: 2 Judges</p>	<p><u>Civil Law - Decree of Mandatory injunction beyond limitation and in contravention of statute:</u></p> <p>The Supreme Court, while considering a challenge to a decree of mandatory injunction to execute a sale deed in favour of the Respondent, held that the suit was not maintainable, since there was no vested right with the respondent to claim title merely on the basis of participation in the public auction.</p> <p>Even if the plaintiff had a right on the basis of an auction, he could at best sue for specific performance of the so-called agreement.</p> <p>Further, it was held that the Respondent instituted the suit more than 12 years after the auction was conducted, and therefore, the suit was barred by limitation.</p> <p>The Court concluded that the respondent was granted a decree for mandatory injunction not only beyond the period of limitation, but also in contravention of the statute and the rules framed thereunder.</p> <p>Therefore, the Court set aside the decree of mandatory injunction, and directed the Municipality to take possession of the land from the Respondent.</p>



Hon'ble Mr. Justice Mukesh Kumar Rasikbhai Shah

[Gambhirdan K Gadhvi v. The State of Gujarat & Ors.](#)

Date: 03.03.2022
Bench Strength: 2 Judges

[Educational Institutions - Appointment of Vice-Chancellor:](#)

The Supreme Court in a Writ Petition filed under Article 32 of the Constitution of India, issued writ of *quo warranto* and quashed the appointment of the Vice Chancellor of Sardar Patel University in Gujarat, since his appointment was made contrary to the statutory provisions / UGC Regulations, 2018. While parting, the Court discussed the duties of a Vice Chancellor in a University, and also referred to some significant commission reports concerning the personality and role of a Vice-Chancellor of a university.

[Padhiyar Prahladji Chenaji \(Deceased\) Through L.R.s v. Maniben Jagmalbhai \(Deceased\) Through L.R.s and Ors.](#)

Date: 03.03.2022
Bench Strength: 2 Judges

[Civil Law-Suit for Injunction:](#)

The Supreme Court was considering whether in a case where the plaintiff has lost so far as the title is concerned, and the defendant against whom the permanent injunction is sought is the true owner of the land, whether the plaintiff is entitled to a relief of permanent injunction against the true owner. It was held that once the dispute with respect to title is settled, and it is held against the plaintiff, in that case, the suit by the plaintiff for permanent injunction shall not be maintainable against the true owner. In such a situation, it will not be open for the plaintiff to contend that though he / she has lost the case so far as the title dispute is concerned, the defendant – the true owner, still be restrained from disturbing his / her possession, and his / her possession be protected.

[Amit Katyal v. Meera Ahuja & Ors.](#)

Date: 03.03.2022
Bench Strength: 2 Judges

[Insolvency & Bankruptcy Code-Withdrawal of CIRP:](#)

The Supreme Court exercised its powers under Art. 142, and permitted the original applicants to withdraw the CIRP proceedings, in view of the fact that 70% of Flat Purchasers had entered into settlements with the Developer, and had agreed for the CIRP to be withdrawn. The Court observed that the legislative intent behind the amendments to the IBC is to secure, protect and balance the interests of all home buyers. Further, it was observed that the object of the IBC is not to kill the company and stop / stall the project, but to ensure that the business of the company runs as a going concern.

<p><i>Hon'ble Mr. Justice Mukeshkumar Rasikbhai Shah</i></p>	<p><u>Dr. A. Selvaraj v. C.B.M. College & Ors.</u></p> <p>Date: 04.03.2022 Bench Strength: 2 Judges</p>	<p><u>Service Law – Payment of Retirement Benefits:</u></p> <p>The Supreme Court directed the Respondent / College to forthwith pay interest on the delayed payment of retirement dues to the Appellant (a retired Associate Professor of Chemistry), from the date of retirement till the actual payment, within a period of six weeks. The Court observed that the payment shall be subject to the final decision which may be taken by the Government on the objections to the enquiry report, which may be filed by the former Secretary and / or the College. It was held that it will be open for the College / Management / Trustees to recover the same from the person, who, ultimately is held to be responsible for the delay in payment. While passing the above directions, the Court observed that as there was a delay in making the payment of retirement benefits and settling the dues for which the Appellant is not at all responsible, he is entitled to the interest on the delayed payment, and the retired employee should not be made to suffer for no fault of his.</p>
	<p><u>M. Nageswara Reddy v. The State of Andhra Pradesh and Ors.</u></p> <p>Date: 07.03.2022 Bench Strength: 2 Judges</p>	<p><u>Criminal Law - Appeal against Acquittal:</u></p> <p>The Supreme Court, while deciding separate Appeals instituted by the Complainant against Acquittal of Accused Nos. 1-11, and by the State against the Acquittal of Accused Nos. 1-3, restored the Judgment of Conviction passed by the Trial Court convicting the Accused Nos. 1-3 u/S. 148, 302 IPC and affirmed the concurrent decisions of Acquittal of Accused Nos. 4-11. The Court while reversing the Judgment of Acquittal of Accused No. 1-3, held that there were no major / material contradictions in the deposition of the eye-witnesses and injured eye-witnesses, and merely because the witnesses were relatives of the deceased, their evidence cannot be discarded solely on the aforesaid ground. The Court, however, confirmed the Judgment of Acquittal of Accused Nos. 4-11 on the ground that the findings recorded in respect of acquittal were on appreciation of evidence on record, and the view taken by the Trial Court acquitting Accused Nos. 4 to 11, which was affirmed by the High Court, is a plausible view, and therefore the same are not required to be interfered with by the Supreme Court in exercise of powers under Article 136 of the CoI.</p>

<p><i>Hon'ble Mr. Justice Mukeshkumar Rasikbhai Shah</i></p>	<p><u>State of M.P. v. Ramji Lal Sharma & Anr.</u></p> <p>Date: 09.03.2022 Bench Strength: 2 Judges</p>	<p><u>Criminal Law – Appeal against Acquittal:</u></p> <p>The Supreme Court reversed the Judgment of Acquittal passed by the High Court and restored the Judgment of Conviction passed by the Trial Court u/S. 302 r/w 34 of IPC on the grounds that :</p> <ol style="list-style-type: none"> 1) There were no material contradictions between the ocular and medical evidence. 2) The presence of all the accused persons was established and proved, and the prosecution was successful in proving that all the accused persons, including the Respondents / Accused No. 1 and 3, shared a common intention 3) It was immaterial whether any of the accused persons, who shared the common intention, had used any weapon or not, and / or any of them caused any injury on the deceased or not.
	<p><u>Jai Parkash etc. etc. v. Union Territory Chandigarh etc. etc.</u></p> <p>Date: 10.03.2022 Bench Strength: 2 Judges</p>	<p><u>Land Acquisition Matters - Determination of Market Value:</u></p> <p>While deciding an Appeal against the Order of the High Court determining the market value of land under Land Acquisition Proceedings, the Supreme Court modified the order of the High Court to the extent of awarding Rs.13,54,200 per acre towards compensation for the acquired lands, by applying deduction of 40 % (instead of 50% deduction at Rs.11,30,000 per acre as assessed and awarded by the High Court). While concluding, the Court also observed that the land owners shall be entitled to all statutory benefits available under the Act on the enhanced amount of compensation.</p>
	<p><u>Urban Infrastructure Real Estate Fund v. Dharmesh S. Jain and Anr.</u></p> <p>Date: 10.03.2022 Bench Strength: 2 Judges</p>	<p><u>Civil Law - Contempt Proceedings:</u></p> <p>The Supreme Court was considering a contempt petition alleging contempt of an order granting 8 weeks' time to the alleged contemnors to deposit 50% of the amount awarded by the Arbitrator. The Court observed that the alleged contemnors had availed the benefit of extensions for over 2 years, and it was not open for them to contend that since they had not deposited the amounts, necessary consequences u/S. 36 of the Arbitration Act shall follow. It was held that such conduct on the part of the respondents is nothing but an abuse of process of law.</p>

<p><i>Hon'ble Mr. Justice Mukeshkumar Rasikbhai Shah</i></p>		<p>It was held that the jurisdiction of a Court under the Contempt of Courts Act, would not cease, merely because the order or decree of which contempt is alleged, is executable under law, even without having recourse to contempt proceedings.</p>
	<p><u>Shobha & Ors. v. The Chairman, Vithalrao Shinde Sahakari Sakhar Karkhana Ltd. & Ors.</u></p> <p>Date: 11.03.2022 Bench Strength: 2 Judges</p>	<p><u>Labour Law - Employees Compensation Act:</u></p> <p>The Supreme Court, on an Appeal filed by the claimants of a deceased labourer, set aside the Order of the Bombay High Court, which directed the Employer / Respondent to pay interest @ 12% p.a. leviable u/s. 4A(3) of the Employee's Compensation Act, 1923, to be payable from the period after expiry of one month from the date of the Commissioner's order.</p> <p>The Court observed that the liability to pay the compensation would arise immediately on the death of the deceased, and that the High Court while directing the employer to pay the interest from the date of the order passed by the Commissioner, has not at all considered Section 4A(3)(a), and has considered Section 4A(3)(b) only, which is the penalty provision.</p>
	<p><u>Sri Biswanath Banik & Anr. v. Smt. Sulagna Bose & Ors.</u></p> <p>Date: 14.03.2022 Bench Strength: 2 Judges</p>	<p><u>Civil Law - Rejection of Plaint:</u></p> <p>The Supreme Court quashed and set aside the Judgment of the High Court, which reversed the order passed by the Trial Court, and rejected the plaint on the ground that the suit is barred by limitation and that the suit for a declaration simpliciter under Section 53A of the Transfer of Property Act would not be maintainable against the actual owner. The Court held that the High Court has considered only the averments made in paragraph 4 of the Plaint, and has not considered the entire plaint, as per the law laid down in <i>Ram Prakash Gupta v. Rajiv Kumar Gupta and Ors.</i>, (2007) 10 SCC 59. On the issue of maintainability of the Plaint, the Court observed that the Plaintiffs have prayed for the decree for a permanent injunction claiming to be in possession. It was held that the reliefs of declaration and permanent injunction, invoking S.53A of the Transfer of Property Act are inter-connected, and the suit for decree for permanent injunction cannot be said to be barred by limitation.</p>



<p><i>Hon'ble Mr. Justice Mukeshkumar Rasikbhai Shah</i></p>	<p><u>The Agricultural Produce Marketing Committee, Bangalore v. The State of Karnataka & Ors.</u></p> <p>Date: 22.03.2022 Bench Strength: 2 Judges</p>	<p><u>Land Acquisition - Court to Adjudicate Issues:</u></p> <p>The Supreme Court was considering a case where the single judge of the High Court framed 5 issues with respect to the validity of land acquisition proceedings; however, in the Judgment, the judge restricted the findings to only one issue. The Supreme Court held that when a number of submissions are made on other issues / grounds, the High Court ought to have considered the same, and given findings thereon. It was held that it is the duty cast upon the courts to adjudicate on all issues and pronounce judgment on all issues, rather than adopt a shortcut approach, and pronounce the judgment on only one issue. Accordingly, the Court remanded the matter to the High Court.</p>
	<p><u>Kirpal Kaur & Anr. v. Ritesh & Ors.</u></p> <p>Date: 22.03.2022 Bench Strength: 2 Judges</p>	<p><u>Civil Law - Specific Performance:</u></p> <p>The Supreme Court, while deciding proceedings arising out of a suit for specific performance, held that the Courts below had rightly passed a decree for specific performance. It was held that once the execution of the agreement to sell for a sale consideration was believed, and it was found that the Plaintiffs were always ready and willing to perform their part under the agreement, the decree for specific performance was rightly passed by the lower Court. It was held that merely because the purpose of sale is shown as marriage expenses, it cannot be said to be a loan agreement. However, the Court, to do complete justice, directed the Plaintiffs to pay a sum over and above the balance consideration, and directed the Defendants to execute a Sale Deed.</p>
	<p><u>Special Land Acquisition Officer & Ors. v. N. Savitha</u></p> <p>Date: 22.03.2022 Bench Strength: 2 Judges</p>	<p><u>Land Acquisition - Quantum of Compensation:</u></p> <p>The Supreme Court was considering a challenge against an Order of the High Court enhancing the compensation awarded in a land acquisition case. It was held that the High Court ought not to have relied upon a consent award for enhancing the compensation. In case of a consent award, one is required to consider the circumstances under which the same was passed, and that the parties agreed to accept the compensation at a particular rate. In a given case, due to urgent requirements, the acquiring body and / or the beneficiary of the acquisition may agree to give a particular compensation.</p>


<p><i>Hon'ble Mr. Justice Mukeshkumar Rasikbhai Shah</i></p>		<p>Therefore, a consent award cannot be the basis to award and / or determine the compensation in other acquisitions, more particularly, when there is other evidence on record. The Court remanded the matter to the High Court for fresh consideration.</p>
	<p>State of U.P. & Ors. v. Rajit Singh</p> <p>Date: 22.03.2022 Bench Strength: 2 Judges</p>	<p><u>Service Law - Negative Equality:</u></p> <p>The Supreme Court, while deciding a challenge made by the State against an Order setting aside imposition of punishment in disciplinary proceedings against the Respondent, held that an employee cannot claim negative equality. Merely because some other officers involved in the incident are exonerated, cannot be a ground to set aside the order of punishment.</p> <p>Accordingly, the Supreme Court set aside the Order of the High Court, and remanded the matter to the Disciplinary Authority to conduct a fresh enquiry from the stage it stood vitiated.</p>
	<p>Premlata @ Sunita v. Naseeb Bee & Ors.</p> <p>Date: 23.03.2022 Bench Strength: 2 Judges</p>	<p><u>Civil Law – Rejection of Plaintiff:</u></p> <p>The Supreme Court reversed the order of the High Court which rejected the Plaintiff on the ground that the suit was barred under the provisions of Section 257 of M.P. Land Revenue Code, 1959. The Court observed that the plaintiff / Appellant initially filed proceedings before the Tehsildar u/S. 250 of M.P. Land Revenue Code, 1959 wherein the Respondents / Defendants raised an objection against the maintainability of the said application.</p> <p>The authority accepted this objection and dismissed the Application, and the same was also confirmed by the Appellate Authority. The Plaintiff / Appellant therefore instituted a Suit before the Civil Court, wherein once again the Respondents / Defendants took a contrary stand and raised an objection that the Civil Court would have no jurisdiction to entertain the suit. The Supreme Court observed that the Respondents/Defendant cannot be permitted to take two contradictory stands before two different authorities / courts, and if the submission on behalf of the Respondents / Defendants is accepted, in that case the Original Plaintiff would be remediless.</p>


<p><i>Hon'ble Mr. Justice Mukeshkumar Rasikbhai Shah</i></p>	<p>The State of Gujarat & Ors. v. R.J. Pathan & Ors.</p> <p>Date: 24.03.2022 Bench Strength: 2 Judges</p>	<p>Service Law - Regularization and creation of Supernumerary Posts:</p> <p>The Supreme Court was considering a challenge raised by the State against an Order of the High Court directing the State to consider the cases of the respondents for regularisation sympathetically, and if necessary, by creating supernumerary posts.</p> <p>It was held that no such direction could be issued by the High Court to regularize the respondents, since they were appointed on a fixed term and for a fixed salary in a temporary project, which was created for a particular project. The direction of the High Court to create supernumerary posts is unsustainable, and wholly without jurisdiction. No such direction can be issued by the High Court. Accordingly, the Court set aside the Order of the High Court.</p>
	<p>M/s. Vaishno Enterprises v. Hamilton Medical AG & Anr.</p> <p>Date: 24.03.2022 Bench Strength: 2 Judges</p>	<p><u>Civil Law - Jurisdiction of the Facilitation Council under the MSME Act:</u></p> <p>The Supreme Court upheld the Order of the High Court, which concluded that the Facilitation Council under the MSME Act would not have jurisdiction over disputes between the parties, since the Appellant was not registered under the MSME Act at the time of execution of the Agreement between the parties.</p> <p>The Court held that the larger issue of whether the MSME Act would be applicable in a case where the buyer is located outside India, but has availed the services in India and / or done business in India with an Indian supplier, and the contract was executed in India, was left open to be decided in an appropriate case.</p>
	<p>Gaurav Kumar Bansal v. Union of India & Ors.</p> <p>Date: 24.03.2022 Bench Strength: 2 Judges</p>	<p>Constitutional Law - Ex Gratia Compensation for COVID death:</p> <p>The Supreme Court, while dealing with the concern of filing false claims for COVID deaths, permitted the Union of India to start a random scrutiny of the 5% of the claim applications filed in the States of Andhra Pradesh, Gujarat, Kerala and Maharashtra, at the first instance. It was held that if it is found that anybody has made a fake claim, the same shall be considered under Section 52 of the Disaster Management Act, 2005, and such person shall be liable to be punished accordingly.</p>



<p><i>Hon'ble Mr. Justice Mukeshkumar Rasikbhai Shah</i></p>	<p>Vishal Ashwin Patel v. Assistant Commissioner of Income Tax Circle 25(3) & Ors.</p> <p>Date: 28.03.2022 Bench Strength: 2 Judges</p>	<p>Constitutional powers under Art. 226 - High Court to pass reasoned orders:</p> <p>The Supreme Court held that when a number of issues / grounds are raised in writ petitions filed before the High Court, it was the duty of the Court to deal with the same, and thereafter, pass a reasoned order. When the Constitution confers on the High Courts the power to give relief it becomes the duty of the Courts to give such relief in appropriate cases, and the Courts would be failing to perform their duty if relief is refused without adequate reasons.</p> <p>The Court accordingly remanded the matter to the High Court to be decided afresh.</p>
	<p>Jai Narain Vyas University, Jodhpur and Anr. v. Mukesh Sharma Etc. Etc.</p> <p>Date: 28.03.2022 Bench Strength: 2 Judges</p>	<p><u>Service Law - Regularization benefits:</u></p> <p>The Supreme Court was considering a challenge raised by the Employer-University against a Judgment of the High Court directing the University to regularize the services of the Respondents, who had put in 15-30 years of service on different posts in Jai Narayan Vyas University, Jodhpur. Considering the years of service put in by the respondents, the Supreme Court upheld their regularization, but restricted the benefit accruing therefrom for only 3 years prior to filing of the writ petitions before the High Court.</p> <p>It was further held that they shall be entitled to continuity in service and benefits notionally on regularization, from the date on which the similarly situated employees were regularized.</p>
	<p>Mekha Ram and Others Etc. Etc. v. State of Rajasthan and Others Etc.Etc.</p> <p>Date: 29.03.2022 Bench Strength: 2 Judges</p>	<p><u>Service Law - Recovery of benefits:</u></p> <p>The Supreme Court was considering a challenge raised by in-service candidates against an Order of the High Court granting liberty to the State to recover the excess amount / benefits paid to the candidates pursuant to an Order of a single judge of the High Court, which was subsequently set aside by the division bench.</p> <p>The Court, while dismissing the Appeal held that no one can be permitted to take the benefit of the wrong order passed by the court which was subsequently set aside by the higher forum / court. As per the settled position of law, no party should be prejudiced because of the order of the court.</p>

<p><i>Hon'ble Mr. Justice Mukeshkumar Rasikbhai Shah</i></p>		<p>It was held that the excess amount was paid pursuant to the order passed by the single judge, which was subsequently set aside by the Division Bench. Therefore, on setting aside the judgment of the Single Judge, the necessary consequences must follow.</p> <p>The Court, however, directed that the recovery shall be made in 36 equal monthly instalments, to be deducted from their salary.</p>
	<p>Delhi Development Authority v. Rajan Sood & Ors.</p> <p>Date: 29.03.2022 Bench Strength: 2 Judges</p>	<p><u>Land Acquisition - Lapsing of Proceedings:</u></p> <p>The Supreme Court was considering a challenge to a Judgment of the High Court of Delhi at New Delhi declaring that certain Land Acquisition Proceedings had lapsed under Sub Section (2) of Section 24 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, in view of the Judgment in <i>Pune Municipal Corporation and Anr. v. Harakchand Misirimal Solanki and Ors</i>, reported in (2014) 3 SCC 183.</p> <p>The Supreme Court held that the Judgment in <i>Pune Municipal Corporation and Anr. v. Harakchand Misirimal Solanki and Ors</i>, reported in (2014) 3 SCC 183, was overruled by a Constitution Bench in <i>Indore Development Authority v. Manoharlal and Ors.</i>, reported in (2020) 8 SCC 129.</p> <p>The Court followed the Judgment in <i>Indore Development Authority v. Manoharlal and Ors.</i>, reported in (2020) 8 SCC 129, which held that the period, during which the interim order is / was operative, has to be excluded in the computation of the 5 year period.</p> <p>Accordingly, the Court concluded that the acquisition proceedings had not lapsed.</p>

	<p>M. Kendra Devi v. The Govt. of Tamil Nadu & Ors.</p> <p>Date: 10.03.2022 Bench Strength: 2 Judges</p>	<p>Service Law - Inter Se Seniority between Direct Recruits and Compassionate Appointees:</p> <p>The Supreme Court was considering the issue of <i>inter se</i> seniority of candidates appointed through direct recruitment and compassionate appointment on the post of Assistant Engineers.</p> <p>In this case, the compassionate appointees were placed above the direct recruits in the seniority list.</p> <p>The Court deprecated the practice of the Govt. of Tamil Nadu, of granting compassionate appointments under Group 'B' posts, in view of the judgment of the S.C. in <i>Umesh Kumar Nagpal v. State of Haryana and Ors.</i> (1994) 4 SCC 138, wherein it was held that compassionate appointments shall be restricted only to Group 'C' and Group 'D' Posts.</p> <p>However, considering that the compassionate appointees in this case had been in service for over 2 decades, the Court did not interfere with the Seniority List.</p>
<p>Hon'ble Justice Rastogi Mr. Ajay</p>		
	<p>Desh Deepak Kumar Vihangam @ Deepak Kumar v. State of Bihar</p> <p>Date: 08.03.2022 Bench Strength: 2 Judges</p>	<p><u>Criminal Law-Appeal against Conviction:</u></p> <p>The Supreme Court was considering a group of appeals by Accused persons against a Judgment of the High Court convicting them u/S. 364A and 120-B I.P.C. On appreciation of the evidence against each Accused, the Supreme Court acquitted 3 Accused persons, and confirmed the conviction of 3 other Accused persons.</p>
<p>Hon'ble Justice Khanna Mr. Sanjiv</p>	<p>Saranpal Kaur Anand v. Praduman Singh Chandhok And Others</p> <p>Date: 28.03.2022 Bench Strength: 2 Judges</p>	<p><u>Civil Law - Rejection of Plaintiff:</u></p> <p>A Bench comprising of Justices Sanjiv Khanna and Bela Trivedi delivered a split verdict in a case arising out rejection of plaintiff under Order VII Rule 11(d).</p> <p>Justice Sanjiv Khanna upheld the decision of the lower Court (as affirmed by the High Court) to reject the plaintiff on the ground of it being barred by limitation. The Court was considering whether the issue of limitation could be decided as a preliminary issue, without leading evidence.</p>

<p>Hon'ble Justice Khanna</p> <p>Mr. Sanjiv</p>		<p>It was held that there is no bar against invoking provisions of Order VII Rule 11 CPC and Order XIV Rule 2 CPC together, or even applying Order XII Rule 6 CPC while proceeding with demurrer. Provisions of the Code are not watertight compartments, unless such statutory construction is express or manifestly prohibited.</p> <p>It was held that the suit was clearly barred by limitation, since it was filed 42 years after the deed which was sought to be challenged was executed.</p> <p>NOTE : Justice Bela Trivedi delivered a separate Judgment, with a different view.</p>
 <p>Hon'ble Justice Ramkrishna Gavai</p> <p>Mr. Bhushan</p>	<p>Shyam Sel and Power Ltd. & Anr. v. Shyam Steel Industries Ltd.</p> <p>Date: 14.03.2022 Bench Strength: 2 Judges</p>	<p>Civil Law - Maintainability of Letters Patent Appeal:</p> <p>The Supreme Court was considering whether an Intra-Court Appeal / LPA is maintainable against an order of a single judge of the High Court granting time to the Respondent to file an affidavit-in-opposition.</p> <p>It was held that for such an order to be construed as a 'judgment', it must have the traits and trappings of finality. To come within the ambit of 'judgment', such an order must affect vital and valuable rights of the parties.</p> <p>The Court concluded that in this case, the order of the single judge did not adjudicate the rights of the plaintiff to get an ad-interim injunction.</p> <p>Though the postponement of the issue of grant of ad-interim injunction might have caused some inconvenience to the plaintiff; the same could not be treated as a 'judgment' inasmuch as there was no conclusive finding as to whether the Plaintiff was entitled for grant of ad-interim injunction or not.</p>

<p>Hon'ble Mr. Justice Bhushan Ramkrishna Gavai</p>	<p><u>Kalyan Dombivali Municipal Corporation v. Sanjay Gajanan Gharat and Anr.</u></p> <p>Date: 31.03.2022 Bench Strength: 2 Judges</p>	<p><u>Service Law - Departmental proceedings:</u></p> <p>The Supreme Court was deciding a challenge raised by the Municipal Corporation against an Order of the High Court holding that the Corporation was not competent to initiate departmental proceedings against the respondent (who was an Additional Municipal Commissioner), since he was an employee of the State Government, and not of the Corporation.</p> <p>The Court held that on a reading of the Maharashtra Municipal Corporation Act, it is clear that the legislative intent is that the powers exercised by AMCs would be subject to the control of the Commissioner. It was held that the interpretation of the High Court would lead to an absurd situation. It was concluded that on a harmonious construction of S.2(9), S. 39A and 56 of the MMC Act, the Commissioner of the Municipal Corporation will have the power to suspend or initiate departmental proceedings against an AMC, who is an officer superior in rank to the Assistant Commissioner. Accordingly, the Court set aside the Order of the High Court.</p>
 <p>Hon'ble Mr. Justice Aniruddha Bose</p>	<p><u>Nahar Singh v. State of Uttar Pradesh & Anr.</u></p> <p>Date: 16.03.2022 Bench Strength: 2 Judges</p>	<p><u>Criminal Law - Summoning power of Magistrate:</u></p> <p>The Supreme Court held that the power to issue summons can be exercised even in respect of a person whose name may not feature at all in the police report, whether as accused or in column (2) thereof, if the Magistrate is satisfied that there are materials on record which would reveal <i>prima facie</i> his involvement in the offence.</p> <p>The Court observed that for summoning persons upon taking cognizance of an offence, the Magistrate has to examine the materials available before him for coming to the conclusion that apart from those sent up by the police some other persons are involved in the offence. These materials need not remain confined to the police report, charge sheet or the F.I.R. A statement made under Section 164 of the Code could also be considered for such purpose.</p>

 <p>Hon'ble Justice Krishna Murari</p>	<p><u>Vijay Kumar Ghai & Ors. v. The State of West Bengal & Ors.</u></p> <p>Date: 22.03.2022 Bench Strength: 2 Judges</p>	<p><u>Criminal Law: Quashing of Criminal Proceedings</u></p> <p>The Supreme Court quashed the F.I.R., Charge-Sheet, and proceedings emanating therefrom, terming it to be an abuse of process of law <i>inter-alia</i> on the grounds that :</p> <ol style="list-style-type: none"> 1) The Respondent No. 2 / Complainant engaged in the practice of forum shopping by filing two simultaneous proceedings on the same cause of action. 2) The allegations against the Accused of belated allotment of shares to the Complainant Company and failure to bring out an IPO, do not constitute an offence u/s. 405 and 420 IPC. 3) The timeline of filing complaints clearly indicated <i>mala fide</i> intention of the Complainant, which was to simply harass the Accused to shell out the investment made by the Complainant. 4) The Complaint was filed at a belated stage i.e. after almost 4 years with an object to cause harassment.
 <p>Hon'ble Justice Ravindra Bhat</p>	<p><u>B.S. Murthy & Ors. v. A Ravinder Singh & Ors.</u></p> <p>Date: 15.03.2022 Bench Strength: 3 Judges</p> <p><u>Deputy Commissioner of Income Tax (Central) Circle 1(2) Versus M/S. M. R. Shah Logistics Pvt. Ltd.</u></p> <p>Date: 28.03.2022 Bench Strength: 2 Judges</p>	<p><u>Service Law - Inter Se Seniority:</u></p> <p>The Supreme Court, while deciding the issue of <i>inter se</i> seniority between direct recruits and promotees to the post of Inspector of Central Excise held that no appointee from any one channel (direct recruits or promotees) can lay claim to seniority from a date before her or his appointment. The Court analysed the various office memorandums and RTI replies, and accordingly directed the department to draw final seniority list.</p> <p><u>Direct Tax - Immunity under Income Declaration Scheme:</u></p> <p>The Supreme Court reversed the decision of the High Court which extended immunity under the "Income Declaration Scheme" (IDS) to an assessee who was not the declarant under the said scheme. The High Court had quashed the reassessment notice issued under Sections 147, 148 of the Income Tax Act, 1961, seeking to re-open the assessment, for the assessment year (AO) 2010-11, against a company M/s. MR Shah Logistics Private Ltd. One of the grounds for the re-opening of the assessment was contended to have been a declaration by another company, Garg Logistics Private Ltd, regarding an investment of Rs 6.3 crores in the shares of the assessee. The Court held that the immunity under the IDS was available only to the declarant and not to another assessee as per Section 192.</p>



**Hon'ble Mr. Justice
V.
Ramasubramanian**

[Dinesh Chandra Shukla v. State of U.P. & Ors.](#)

Date: 24.03.2022
Bench Strength: 2 Judges

Service Law - Appointments:

The Supreme Court set aside the order of the High Court which refused to quash an order of the Chancellor of the Mahatma Gandhi Kashi Vidyapeeth University, rejecting the Appellant's request to be appointed as Lecturer for the subject – 'Karm Kand'.

The Court issued a direction to the University to regularise the services of the Appellant, while observing that:-

(i) The Appellant has been teaching the very same subject ("Karm Kand") for the past 16 years; and

(ii) The Original Selection Committee which found him eligible for appointment, comprised of Professors from the Department of Sanskrit of which the diploma course in 'Karm Kand' was a part. The Court also observed that the parameters to be applied to a case where an incumbent to a post does not fulfil the qualifications prescribed for a post, are different from the parameters to be applied to a case where no specific qualifications are prescribed for a particular post. The question as to what constitutes "relevant subject" should have been left to the experts, before the advertisement is issued, especially when the statutes did not prescribe any specific qualifications.

[Jai Bhavani Shikshan Prasarak Mandal v. Ramesh & Ors.](#)

Date: 29.03.2022
Bench Strength: 2 Judges

Service Law - Removal from Service:

The Supreme Court reversed the order of the High Court, which affirmed the School Tribunal's order under the Maharashtra Private School Employees Act, 1977, setting aside the Enquiry Committee's order of dismissal of a School Principal, on the sole ground that the President of the Management was not the President of Enquiry Committee. The Court applied the 'Doctrine of Necessity' to sustain the findings of Disciplinary Enquiry Committee against the School Principal, after noting that the President of Committee had to be replaced due to ill health.


[P. Nazeer Etc. v. Salafi Trust & Anr. Etc.](#)


Date: 30.03.2022
Bench Strength: 2 Judges

Civil Law - Institution of a Suit:

The Supreme Court, while considering a challenge arising out of proceedings before the Waqf Tribunal, held that unless the plaintiff in a suit which claims to be a society, demonstrates that it is a registered entity, and that the person who signed and verified the pleadings was authorised by the byelaws to do so, the suit cannot be entertained.

<p><i>Hon'ble Mr. Justice V. Ramasubramanian</i></p>		<p>The fact that the plaintiff in a suit happens to be a local unit or a <i>Sakha</i> unit of a registered society is of no consequence, unless the byelaws support the institution of such a suit.</p> <p>It was held that in the present case, the Waqf Tribunal erred in holding that the Plaintiff No.1 was a legal entity, entitled to sue and be sued, solely on the ground that it was one of the <i>Sakha</i> units affiliated to a registered society by name Kerala Naduvathil Mujahideen. Accordingly, the Court upheld the Order of the High Court.</p>
	<p>Swarnalatha & Ors. v. Kalavathy & Ors.</p> <p>Date: 30.03.2022 Bench Strength: 2 Judges</p>	<p>Civil Law – Wills and Suspicious Circumstances:</p> <p>The Supreme Court reversed the decision of the Madras High Court, which had set aside a probate granted to the Appellant by the District Court, in respect of two last Wills and Testaments, one by the father and another by the mother.</p> <p>The High Court had set aside the said probate citing ‘suspicious circumstances’ of total exclusion of the daughter from the bequest and the failure to mention the dates on which the daughter was paid certain amounts, in the Wills.</p> <p>The Supreme Court, however, held that the exclusion of one of the natural heirs from the bequest, cannot by itself be a ground to hold that there are suspicious circumstances.</p> <p>The Court also observed that in the matter of appreciating the genuineness of execution of a Will, there is no place for the Court to see whether the distribution made by the testator was fair and equitable to all of his children. The Court does not apply Article 14 to dispositions under a Will.</p>
	<p>Shripati Lakhu Mane V. The Member Secretary, Maharashtra Water Supply And Sewerage Board & Ors.</p> <p>Date: 30.03.2022 Bench Strength: 2 Judges</p>	<p>Civil Law - Contract Act / Suit for Recovery of Money:</p> <p>The Supreme Court allowed the Appeal filed by the Work Contractor challenging the order of the High Court, which reduced the amount decreed by the Trial Court in a Suit for recovery for money, solely on the ground that the contractor had abandoned the work under the contract.</p>

<p><i>Hon'ble Mr. Justice V. Ramasubramanian</i></p>		<p>The Court held that the Appellant was not guilty of abandonment, and observed that it is fundamental to the Law of Contract that whenever a material alteration takes place in the terms of the original contract, on account of any act of omission or commission on the part of one of the parties to the contract, it is open to the other party not to perform the original contract.</p> <p>This will not amount to abandonment. Moreover, abandonment is normally understood, in the context of a right, and not in the context of a liability or obligation.</p> <p>A party to a contract may abandon his rights under the contract leading to a plea of waiver by the other party, but there is no question of abandoning an obligation.</p> <p>In this case, the appellant refused to perform his obligations under the work-order. This refusal to perform the obligations, can perhaps be termed as breach of contract and not abandonment.</p>
 <p>Hon'ble Mr. Justice Hrishikesh Roy</p>	<p>Rama Negi v. Union of India & Ors.</p> <p>Date: 02.03.2022 Bench Strength: 2 Judges</p>	<p>Service Law - Promotion and Service Records:</p> <p>The Supreme Court held that a blemished service record must carry some consequences. It could be a comparative disadvantage in promotion for a selection post.</p> <p>The employer's preference for a person with a clean service record can be well appreciated.</p> <p>The Court, while deciding the <i>inter se</i> seniority and suitability for the post of Office Superintendent in the Cantonment Board between the Appellant and Respondent No.3, concluded that the Appellant was found more suitable for the post on two factors: (i) Merit of the Candidate; and (ii) Inter-se Seniority.</p> <p>Accordingly, the Court set aside the Order of the High Court, which quashed the promotion of the Appellant to the said post.</p>

<p>Hon'ble Mr. Justice Hrishikesh Roy</p>	<p><u>Abdul Vahab v. State of Madhya Pradesh</u></p> <p>Date: 04.03.2022 Bench Strength: 2 Judges</p>	<p><u>Criminal Law-Confiscation of Vehicle:</u></p> <p>The Supreme Court set aside the orders of the Courts below directing confiscation of vehicle (truck) carrying 17 cow progeny, <i>inter-alia</i> on the grounds that :</p> <ol style="list-style-type: none">1)The truck was confiscated on account of the criminal proceedings alone, and therefore, under the applicable law, the vehicle cannot be withheld and then confiscated by the State, when the original proceedings have culminated into acquittal.2)There is no likelihood that the appellant's truck will be used for committing a similar offence.3)The confiscation of the Appellant's truck when he is acquitted in the criminal prosecution, amounts to arbitrary deprivation of his property and violates the right guaranteed to each person under Article 300A of the Constitution of India.
 <p>Hon'ble Mr. Justice Vikram Nath</p>	<p><u>State of Punjab & Ors. v. Deb Brat Sharma</u></p> <p>Date: 16.03.2022 Bench Strength: 2 Judges</p>	<p><u>Civil Law-Rejection of Complaint and payment of Court Fees:</u></p> <p>The Supreme Court held that once a suit is categorized as a Money Suit for compensation and damages falling under Section 7(i) of the Court Fees Act, 1870, <i>ad-valorem</i> court fees would be payable on the amount claimed.</p> <p>It was held that the valuation for the purposes of jurisdiction and relief has to be the same in money suits falling under Section 7(i) of the Court Fees Act, 1870.</p> <p>It was only in categories of suits covered by Section 7(iv) of the Court Fees Act, 1870, that there could be two different valuations for the purposes of jurisdiction and for relief sought.</p>



Hon'ble Mr. Justice J. K. Maheshwari

[Mandeep Kumar & Ors. v. U.T. Chandigarh & Ors.](#)

Date: 09.03.2022
Bench Strength: 2 Judges

[Service Law-De-Reservation:](#)

The Supreme Court was considering a plea of candidates belonging to the Backward Class seeking appointment against vacant SC / ST category seats. It was held that u/S. 7 of the Punjab Scheduled Caste and Backward Classes (Reservation in Service) Act, 2006, de-reservation of any reserved vacancy which is to be filled up cannot be done by the appointing authority.

In case seats remain vacant due to non-availability of eligible candidates of any of the categories, the appointing authority may request the Department of Welfare of Scheduled Castes and Backward Classes for de-reservation of the same.

On such request, after recording satisfaction, if necessary or expedient in the public interest, subject to the condition to carry forward the said vacancy against subsequent unreserved vacancy, the order may be passed by the said department. It was concluded that de-reservation, or interchangeability may be possible by exercise of power by the Department of Scheduled Castes and Backward Classes, and not by appointing authority.


[Devadassan v. The Second Class Executive Magistrate, Ramanathapuram](#)


Date: 09.03.2022
Bench Strength: 2 Judges

[Criminal Law - Breach of bond for good behaviour:](#)

The Supreme Court upheld the decision of the High Court (confirming an Order of the Executive Magistrate) punishing the Appellant by exercising powers u/S. 122(1)(b) Cr.P.C. In this case, the Appellant was found involved in commission of an offence of murder, after execution of a bond to maintain good behaviour and peace for one year.

The Executive Magistrate found the Appellant guilty of breach of bond, and sent him to custody. This Order was affirmed by the High Court. The Supreme Court held that Chapter VIII of Cr.P.C. confer powers upon the Executive Magistrate to take bond for maintaining security and for keeping the peace and good behaviour by the citizens.

<p><i>Hon'ble Justice J. K. Maheshwari</i> Mr. K.</p>	<p>Gangadhar Narayan Nayak @ Gangadhar Hiregutti v. State of Karnataka & Ors.</p> <p>Date: 21.03.2022 Bench Strength: 2 Judges</p>	<p>The Court held that, in this case, the Executive Magistrate passed the Order after following the procedure so prescribed, and affording an opportunity to the Appellant, and thus, the Order was upheld.</p> <p>Criminal Law - POCSO: Delivering a split verdict in a case considering a challenge to an Order of the High Court upholding the cognizance of an offence u/S. 23 POCSO, Justice J.K. Maheshwari opined that the offence u/S.23 POCSO is non-cognizable, and S.19 or other provisions of POCSO Act do not confer power for investigation, except to specify the manner of reporting the offence.</p> <p>It was held that the procedure u/S. 155(2) Cr.P.C. is required to be followed in an offence of u/S. 23 POCSO, which is non-cognizable. The Special Court is required to look into the procedure followed in the investigation.</p> <p>The lower Court has not looked into the vital aspect of following the procedure of Section 155(2) Cr.P.C. Accordingly, Justice J.K. Maheshwari allowed the Appeal, and set aside the Order of the High Court.</p> <p>NOTE : Justice Indira Banerjee delivered a separate Judgment, with a different view.</p>
 <p>Hon'ble Justice B.V. Nagarathna Mrs. B.V.</p>	<p>State of Karnataka & Anr. Etc. v. State of Meghalaya & Anr. Etc.</p> <p>Date: 23.03.2022 Bench Strength: 2 Judges</p>	<p>Constitutional Law - Legislative Competence:</p> <p>The Supreme Court allowed the appeals filed by the State of Karnataka and State of Kerala challenging the judgments of Karnataka and Kerala High Court, respectively, which held that the State/s lacked the legislative competence to levy tax on the lotteries organized by other states like Nagaland, Meghalaya and Sikkim. The Court held that :</p> <ul style="list-style-type: none"> (i) The subject 'betting and gambling' in Entry 34 of List II is a State subject. (ii) 'Lotteries' is a species of gambling and hence lotteries is within the ambit of 'betting and gambling' as appearing in Entry 34 List II. (iii) The expression 'betting and gambling' is relatable to an activity which is in the nature of 'betting and gambling'.

<p>Hon'ble Mrs. Justice B.V. Nagarathna</p>		<p>(iv) The State legislatures are denuded of their powers under Entry 34 of List II only to the extent of lotteries organised by the Government of India or the Government of a State, in terms of Entry 40 of List I.</p> <p>(v) Entry 62 of List II is a specific taxation Entry on 'luxuries, including taxes on entertainments, betting and gambling'.</p> <p>(vi) The scope of lotteries organised by GoI or State under Entry 40 of List I is only in the realm of regulation of such lotteries.</p> <p>(vii) Lottery schemes by the Government of other States are organised / conducted in the State of Karnataka or Kerala, and there are express provisions under the impugned Acts for registration of the agents or promoters of the Governments of respective States for conducting the lottery schemes in the State of Karnataka and the State of Kerala. This itself indicates sufficient territorial nexus between the respondents- States who are organising the lottery and the States of Karnataka and Kerala.</p>
 <p>Hon'ble Mr. Justice M. M. Sundresh</p>	<p>Union of India & Anr. v. Manpreet Singh Poonam Etc.</p> <p>Date: 08.03.2022 Bench Strength: 2 Judges</p>	<p>Service Law - Promotion:</p> <p>The Supreme Court was considering a challenge made by the Union of India against an Order of the High Court granting retrospective promotion to an employee. It was held that a mere existence of vacancy <i>per se</i> will not create a right in favour of an employee for retrospective promotion, when the vacancies in the promotional post is specifically prescribed under the rules, which also mandate clearance through a selection process. The Court held that no officer has a vested right to a promotional post, which is restricted to that of consideration according to law. Once an officer retires voluntarily, there is cessation of jural relationship resorting to a "golden handshake" between the employer and employee. Such a former employee cannot seek to agitate his past, as well as future rights, if any, without the prescription of rules. Accordingly, the Court set aside the Order of the High Court.</p>



Hon'ble Ms. Justice Bela M. Trivedi

[Saranpal Kaur Anand v. Praduman Singh Chandhok And Others](#)

Date: 28.03.2022
Bench Strength: 2 Judges

Civil Law - Rejection of Plaintiff:

While considering a challenge to a judgment of the High Court upholding the decision to reject a plaintiff on the ground of it being barred by limitation, her Ladyship, opined that a plea of limitation being a mixed question of law and fact cannot be decided as a preliminary issue under O. XIV, R. 2(2) CPC. It was held that the scope, ambit and parameters for deciding an application under O. VII R. 11(d) for rejection of the plaintiff; for raising a preliminary issue under O. XIV R. 2(2); and for passing judgment on admission of fact in the pleadings, or otherwise under O. XII R. 6 are absolutely different and mutually exclusive. All the three provisions could not be interchangeably used for the purpose of rejecting the plaintiff under O. VII R. 11(d). It was further held that for invoking O. VII R. 11 (d), and for rejecting the plaintiff on the ground that the suit is barred by any law, only the averments made in the plaintiff have to be referred to, and the defence taken by the defendant in the W.S. being wholly irrelevant, must not be considered. Accordingly, the Court set aside the Order of the H.C., and restored the suit. **NOTE:** Justice Sanjiv Khanna delivered a separate Judgment, with a different view.



Hon'ble Mr. Justice Pamidighantam Sri Narasimha

[Securities & Exchange Board of India v. Mega Corporation Ltd.](#)

Date: 25.03.2022
Bench Strength: 2 Judges

Securities Law - Scope of Appeal to Supreme Court under SEBI Act:

The Supreme Court while holding that its jurisdiction u/s. 15Z of the SEBI Act, 1992 is confined to question of law, dismissed the Appeal which was directed against the order of the Securities Appellate Tribunal, by which the Tribunal had set aside the order passed by the SEBI restricting the respondent from accessing the capital market for 1 year and further restraining the promoter directors from buying, selling in securities for India. The Court framed 4 issues, and while discussing the main issue of scope of Appeal u/S. 15Z, it was held that the Supreme Court will exercise jurisdiction only when there is a question of law arising for consideration from the decision of the Tribunal. The Court observed that a question of law may arise when there is an erroneous construction of the legal provisions of the statute, or general principles of law.