




**REPORTABLE JUDGMENTS OF THE SUPREME COURT OF INDIA**  
**IN MAY 2022**

REPORTABLE JUDGMENTS AUTHORED BY:	CASE DETAILS	AREA OF LAW / RATIO / HELD
 <p><b>Hon'ble Mr. Justice N. V. Ramana, The Chief Justice of India.</b></p>	<p><a href="#">Cox &amp; Kings Ltd. v. SAP India Pvt. Ltd. &amp; Anr.</a></p> <p>Date: 06.05.2022 Bench Strength: 3 Judges</p>	<p><b><u>Arbitration Law-Group of Companies Doctrine:</u></b></p> <p>While examining the group of companies doctrine in the context of arbitration proceedings, the Chief Justice of India (authoring the Judgment for himself and Justice A.S. Bopanna) doubted the correctness of the Judgment in <i>Chloro Controls India Private Limited v. Severn Trent Water Purification Inc.</i>, (2013) 1 SCC 641. It was observed that the exposition in <i>Chloro Controls</i> clearly indicates an understanding of the doctrine which cannot be sustainable in a jurisdiction which respects party autonomy. Accordingly, the Court referred the matter to a large Bench to decide the following questions :</p> <p>a. Whether the phrase 'claiming through or under' in Sections 8 and 11 could be interpreted to include 'Group of Companies' doctrine?</p> <p>b. Whether the 'Group of companies' doctrine as expounded by <i>Chloro Control Case</i> (supra) and subsequent judgments are valid in law?</p> <p><b>NOTE:</b> Justice Surya Kant has penned a separate concurring judgment.</p>
	<p><a href="#">Surendran v. State of Kerala</a></p> <p>Date: 13.05.2022 Bench Strength: 3 Judges</p>	<p><b><u>Criminal Law-Admissibility of Dying Declaration:</u></b></p> <p>While deciding an Appeal against an Order of the H.C, upholding the conviction of an Accused u/S. 498A, and acquitting him u/S. 304-B, the Supreme Court held that the evidence of a deceased wife with respect to cruelty could be admissible in a trial for a charge u/S. 498A I.P.C. u/S. 32(1) of the Evidence Act. There are certain necessary pre-conditions which must be met before the evidence is admitted. Firstly, her cause of death must come into question in the matter; secondly, the prosecution will have to show that the evidence which is sought to be admitted with respect to S.498A I.P.C. must also relate to the circumstances of the transaction of the death. Accordingly, the Court upheld the conviction of the Accused u/S. 498A.</p>

<p><i>Hon'ble Mr. Justice N. V. Ramana, The Chief Justice of India.</i></p>	<p><u><a href="#">S.P. Velumani v. Arappor Iyakkam and Ors.</a></u></p> <p>Date: 20.05.2022 Bench Strength: 3 Judges</p>	<p><u><a href="#">Criminal Law - Entitlement to Preliminary Report u/S. 207 Cr.P.C.:</a></u></p> <p>The Supreme Court while allowing the prayer of an Accused (who was also a Cabinet Minister in Tamil Nadu) seeking supply of a Copy of the Preliminary Report, observed that –</p> <p>(i) The mandate of S. 207 of Cr.P.C. (i.e. The Accused is entitled to documents relied on by the prosecution after the Magistrate takes cognizance) cannot be read as a provision etched in stone to cause serious violation of the rights of the Accused, as well as to the principles of natural justice. (This observation was made in the peculiar facts i.e. the Preliminary Report, filed during the AIADMK regime of which the Appellant was a member, had exonerated him, but after the DMK Government came to power, the State changed its stand, and registered an F.I.R against the Appellant)</p> <p>(ii) When the State has not pleaded any specific privilege which bars disclosure of material utilized in the earlier preliminary investigation, there is no good reason for the High Court to permit the report to remain shrouded in a sealed cover.</p>
	<p><u><a href="#">Samaj Parivartana Samudaya and Ors. v. State of Karnataka and Ors.</a></u></p> <p>Date: 20.05.2022 Bench Strength: 3 Judges</p>	<p><u><a href="#">Environmental Law-Export of Iron Ore:</a></u></p> <p>The Supreme Court was considering various I.As. <i>inter alia</i> seeking to lift the prohibition on the export of iron ore, and permission to sell the unsold stock of iron ore already excavated without resorting to the process of e-auction conducted through the Monitoring Committee. Upon consideration of the stand of the concerned Ministry and authorities, the Court granted permission to the parties to sell the already excavated iron ore stock-pile at various mines and stock yards in Bellary, Tumkur and Chitradurga in Karnataka, without having to resort to the process of e-auction. Further, the Court also granted permission to the Applicants to enter into direct contracts to lift the excavated iron ore through inter State sales, and to export iron ore and pellets manufactured from the iron ore produced from the mines situated in Karnataka, to countries abroad, as is being done in the rest of the country, but in terms of the policy of the Government of India.</p>

 <p><b>Hon'ble Justice Uday Umesh Lalit</b></p>	<p><a href="#">University of Delhi v. Smt. Shashi Kiran &amp; Ors. Etc.</a></p> <p>Date: 10.05.2022 Bench Strength: 2 Judges</p>	<p><b><u>Service Law-Provident Fund:</u></b></p> <p>The Supreme Court was considering batches of appeals initiated by employees seeking to shift from the Central Provident Fund to the General Provident Fund after a cut-off date. The Court noted that under a Notification, the employees were deemed to have “come over” to the GPF, unless they expressly exercised an option to continue to remain under the CPF before the cut-off date.</p> <p>Accordingly, the Court held that the H.C. had rightly concluded that if the option was exercised by the employee after the cut-off date, the same was <i>non est</i> in the eyes of law.</p>
 <p><b>Hon'ble Justice A. M. Khanwilkar</b></p>	<p><a href="#">Suresh Mahajan v. State of Madhya Pradesh &amp; Anr.</a></p> <p>Date: 10.05.2022 Bench Strength: 3 Judges</p>	<p><b><u>Constitutional Law-Conduct of Elections:</u></b></p> <p>The Supreme Court was considering a writ petition challenging provisions of 3 statutes in Madhya Pradesh authorizing the State Government to issue notifications from time to time determining the number and extent of wards to be constituted in the concerned local bodies.</p> <p>The Court noted that in the State of Madhya Pradesh, more than 23,263 local bodies were functioning without elected representatives for over last 2 years and more. It was opined that this was bordering on break down of rule of law and more so, palpable infraction of the constitutional mandate <i>qua</i> the existence and functioning of such local self-government, which cannot be countenanced.</p> <p>Accordingly, the Court directed the State Commission to issue election programme without any further delay on the basis of the wards as per the delimitation done in the concerned local bodies when the elections had become due consequent to expiry of 5 years term of the outgoing elected body, or before coming into force of the impugned Amendment Act(s) whichever is later.</p>



Hon'ble Dr.  
Justice D. Y.  
Chandrachud

Neppali Sai Vikash & Ors. v. Union of India & Ors.

Date: 02.05.2022  
Bench Strength: 2 Judges

Educational Institutions-  
Reduction of Percentile for NEET  
PG:

The Supreme Court was deciding a Miscellaneous Application for reduction of 5 percentile for admission to NEET PG Courses.

It was held that the Union of India had taken a considered decision not to reduce the minimum marks further. The Court would not be inclined to interfere unless there is a manifest arbitrariness in the decision making process, or in the decision. In this case, there was no arbitrariness.

It was held that the Court would not be justified in the exercise of the power of judicial review to direct a further reduction of 5 percentile, since that would be trenching upon the academic / policy domain.

NIMS University v. Union of India & Ors.

Date: 09.05.2022  
Bench Strength: 2 Judges

Educational Institutions-Reduction  
of Percentile for Super Speciality  
Courses:

The Supreme Court was considering a writ petition *inter alia* seeking lowering of cut-off percentile to Super Speciality Courses.

It was held that the question whether the percentile should be reduced is a matter of academic policy. The reasons which have weighed with the Ministry of Health and Family Welfare in declining to reduce the percentile cannot be regarded as extraneous or arbitrary. It was held that super specialty courses cannot be equated with post graduate courses, or with under graduate admission.

The Court cannot be unmindful of the fact that Super Specialty courses are at the apex of the academic spectrum. If a considered decision is taken not to lower standards by reducing the percentile fixed for eligibility, such a decision cannot be faulted. The reasons furnished are not extraneous or arbitrary. Accordingly, the Court dismissed the writ petition.

<p><i>Hon'ble Dr. Justice D. Y. Chandrachud</i></p>	<p><a href="#"><u>Veena Singh (Dead) Through LR v. The District Registrar/Additional Collector (F/R) And Another</u></a></p> <p>Date: 10.05.2022 Bench Strength: 3 Judges</p>	<p><b><u>Civil Law-Registration and Execution of a Document:</u></b></p> <p>While deciding an appeal against an order of the High Court (affirming the decision of the District Registrar) allowing the registration of a Sale Deed, the Supreme Court held that the execution of a document does not stand admitted merely because a person admits to having signed the document. Such an interpretation accounts for circumstances where an individual signs a blank paper and it is later converted into a different document, or when an individual is made to sign a document without fully understanding its contents. Adopting a contrary interpretation would unfairly put the burden upon the person denying execution to challenge the registration before a civil court or a writ court, since registration will have to be allowed once the signature has been admitted.</p> <p>It was held that the admission of one's signature on a document is not equivalent to admission of its execution. Accordingly, the Court set aside the Order of the High Court.</p>
	<p><a href="#"><u>M/s Aravali Power Co Pvt Ltd. v. Vedprakash &amp; Anr.</u></a></p> <p>Date: 10.05.2022 Bench Strength: 2 Judges</p>	<p><b><u>Environment Law-Accumulation of Fly Ash:</u></b></p> <p>The Supreme Court was considering a challenge to various Judgments of the NGT pertaining to the handling of accumulated fly ash at the units of several thermal power producers. The NGT had directed that the environmental compensation for non-compliant thermal power plants must be determined from 31.12.2017, which was the cut-off date provided under an earlier Notification. However, during pendency of the proceedings, a fresh notification was issued in supersession of the earlier Notifications.</p> <p>The Court observed that the basis of the order of the NGT would be fundamentally altered by the subsequent Notification.</p> <p>The Court accordingly set aside the Orders of the NGT, and held that any party aggrieved by the subsequent Notification would be at liberty to pursue the remedies which are available in law before the appropriate forum.</p>

<p><i>Hon'ble Dr. Justice D. Y. Chandrachud</i></p>	<p><a href="#"><u>Baiju K.G &amp; Ors. v. Dr. V.P. Joy</u></a></p> <p>Date: 13.05.2022 Bench Strength: 2 Judges</p>	<p><a href="#"><u>Contempt Jurisdiction-Victims of Endosulfan:</u></a></p> <p>While hearing a contempt petition filed by victims of Endosulfan in Kerala, the Supreme Court made serious observations regarding the delay on the part of the State Govt. in providing compensation to the victims, as directed by the Supreme Court in 2017.</p> <p>The Court directed the Chief Secretary to hold monthly meetings to ensure that the judgment of the S.C. is diligently implemented by undertaking the process of – (a) identifying the victims of Endosulfan and drawing up a list of beneficiaries; (b) ensuring the disbursement of compensation of Rs. 5 lakhs to each of the victims; and (c) taking steps for ensuring due medical facilities within reasonable distance from their places of residence.</p> <p>The Court observed that the inordinate delay by the State Government in compensating the persons affected by the use of Endosulfan not only reflects its failure to comply with the order of the Court, but also further compounds the violation of the fundamental rights of such persons.</p>
	<p><a href="#"><u>Dr R. Dinesh Kumar Reddy &amp; Ors. v. Medical Counselling Committee (MCC) &amp; Ors.</u></a></p> <p>Date: 13.05.2022 Bench Strength: 2 Judges</p>	<p><a href="#"><u>Educational Institutions - Postponement of NEET PG:</u></a></p> <p>The Supreme Court was deciding a plea for postponement of the NEET-PG 2022. The Court observed that over 2 lakh students have registered for the ensuing examination, and their schedule would be seriously affected if a further postponement is granted under a direction of the Court. It was held that postponement of exams results in chaos and uncertainty.</p> <p>It was held that the plea cannot be entertained for the reason that it would seriously impact the availability of patient care and qualified post-graduate doctors. It is likely to have a cascading effect on patient care and on the careers of those doctors who have already registered in large numbers for the ensuing examination. Accordingly, the Court dismissed the writ petition.</p>



<p><i>Hon'ble Dr. Justice D. Y. Chandrachud</i></p>	<p><a href="#"><u>Advocate Association Bengaluru v. Anoop Kumar Mendiratta and Anr.</u></a></p> <p>Date: 17.05.2022 Bench Strength: 2 Judges</p>	<p><a href="#"><u>Contempt Proceedings-Appointments to ITAT:</u></a></p> <p>While deciding a contempt petition pertaining to appointments to the Income Tax Appellate Tribunal, the Supreme Court held that as a general practice all inputs bearing on the candidature of each prospective applicant under consideration, whether the inputs emanate from the IB or from any other source, ought to be placed by the Union Government on the record of the Search-cum-Selection Committee in advance, before the recommendations are formulated.</p> <p>It was held that all inputs, as available with the Government, must be placed before the SCSC in advance. In an exceptional situation, where certain material comes to light after the submission of the recommendations, that must also be drawn to the attention of the SCSC so as to enable it to consider whether any modification of its recommendations is necessary.</p> <p>Accordingly, the Court requested the SCSC to convene a meeting so that a final decision could be taken.</p>
	<p><a href="#"><u>Maha P. &amp; Ors. v. The State of Kerala &amp; Ors.</u></a></p> <p>Date: 18.05.2022 Bench Strength: 2 Judges</p>	<p><a href="#"><u>Educational Institutions - NRI seats to general quota:</u></a></p> <p>While deciding a plea challenging the decision of the Commissioner of Entrance Examination not extending the time provided to NRI candidates to submit documents / make corrections in their applications in the concerned quota, the Supreme Court held that the CEE had rejected the representation seeking extension of time, since sufficient time was given for submission of documents.</p> <p>Further, the Court observed that the Appellants had not contended that the rejection of the representation was <i>malafide</i> or arbitrary. Since the Appellants had not challenged the provisions of the Information Bulletin which stipulated that the vacant NRI seats shall be converted to unreserved seats during the mop-up round, the Court cannot decide on the legality of such a conversion of seats. Accordingly, the Court dismissed the appeals.</p>

<p><i>Hon'ble Dr. Justice D. Y. Chandrachud</i></p>	<p><u>Canara Bank v. G S Jayarama</u></p> <p>Date: 19.05.2022 Bench Strength: 2 Judges</p>	<p><u>Civil Law-Scope of Permanent Lok Adalats:</u></p> <p>The Supreme Court was deciding an appeal against an Order of the H.C. setting aside an award passed by the Permanent Lok Adalat. Upon consideration of the legal framework of the Legal Services Act, 1987, it was held that conciliation proceedings under Section 22-C of the LSA Act are mandatory in nature. The Court held that if Permanent Lok Adalats are allowed to bypass this step just because a party is absent, it would be tantamount to deciding disputes on their merit <i>ex parte</i> and issuing awards which will be final, binding and will be deemed to be decrees of civil courts. Further, it was held that the finding of the H.C. that a Permanent Lok Adalat cannot act as a regular civil court in adjudicating the dispute between the parties was incorrect.</p>
	<p><u>Union of India &amp; Anr. v. M/s Mohit Minerals Pvt. Ltd. Through Director</u></p> <p>Date: 19.05.2022 Bench Strength: 3 Judges</p>	<p><u>Goods &amp; Services Tax-Recommendations of GST Council:</u></p> <p>The Supreme Court was deciding an appeal against a Judgment of the High Court allowing a Writ Petition challenging 2 notifications issued by the Central Government pertaining to the levy of Integrated Goods &amp; Services Tax. It was held that the recommendations of the GST Council are not binding on the Union and States. The 'recommendations' of the GST Council are the product of a collaborative dialogue involving the Union and States. They are recommendatory in nature. To regard them as binding edicts would disrupt fiscal federalism, where both the Union and the States are conferred equal power to legislate on GST.</p> <p>Further, it was held that the Government while exercising its rule-making power under the provisions of the CGST Act and IGST Act is bound by the recommendations of the GST Council. However, that does not mean that all the recommendations of the GST Council made by virtue of the power Article 279A (4) are binding on the legislature's power to enact primary legislations. Accordingly, the Court dismissed the appeals, and upheld the decision of the High Court.</p>



<p><i>Hon'ble Dr. Justice D. Y. Chandrachud</i></p>	<p><a href="#">P.R.Adikesavan v. The Registrar General, High Court of Madras and Another</a></p> <p>Date: 23.05.2022 Bench Strength: 2 Judges</p>	<p><b><u>Criminal Law-Appeal against conviction:</u></b></p> <p>The Supreme Court was considering an appeal against the conviction of the Appellant u/S. 2(c)(iii) r.w. S.12(1) of the Contempt of Courts Act 1971. In this case, a single judge of the H.C. had issued a non-bailable warrant against the Appellant (who was an advocate). When the warrant was being served, the Appellant and 50 other advocates gheraoed the police, and prevented them from executing the same.</p> <p>The Single Judge of the H.C. opined that a <i>prima facie</i> case of contempt was made out against the Appellant. In an appeal before the Division Bench, the Appellant filed an I.A. to summon the Single Judge of the H.C. as a witness, and also filed an I.A. seeking recusal of one of the judges on the Division Bench.</p> <p>The Supreme Court took the view that the conduct of the Appellant, who is a member of the Bar, was thoroughly contemptuous. There was a clear attempt to obstruct the process of justice when the non-bailable warrant was sought to be served on him by the competent police officials, which was recorded in the video footage. It was held that the Appellant was complicit in the obstruction of justice. The Court accordingly upheld the conviction of the Appellant.</p>
	<p><a href="#">Mamta v. State of NCT of Delhi</a></p> <p>Date: 24.05.2022 Bench Strength: 2 Judges</p>	<p><b><u>Criminal Law-Reversal of Bail:</u></b></p> <p>The Supreme Court reversed the bail granted to an Accused in the case of the kidnapping and murder of a 13 year-old boy. The Court held that the H.C. did not consider that crucial witnesses were yet to be examined. The release of the Accused on bail, at this stage, would run a grave risk of impeding a fair trial. The apprehension of the parents of the deceased boy and of the prosecution that the witnesses may be tampered with cannot be regarded as lacking in substance.</p> <p>The Court accordingly reversed the bail granted to the Accused, and directed the trial court to conclude the trial on a day-to-day basis, and preferably within 1 year.</p>



**Hon'ble Mr. Justice L. Nageswara Rao**

Jacob Puliyeel v. Union of India & Ors.

Date: 02.05.2022  
Bench Strength: 2 Judges

Constitutional Law - Vaccine Mandate:



The Supreme Court while deciding a Writ Petition seeking detailed data with respect to COVID-19 vaccines and challenging the vaccine mandate for availing services / benefits, *inter-alia*, held that – (i) Bodily integrity is protected under Article 21 of the CoI and no individual can be forced to be vaccinated; (ii) Personal autonomy of an individual, which is a recognised facet of the protections guaranteed under Article 21, encompasses the right to refuse to undergo any medical treatment in the sphere of individual health; (iii) The Government is entitled to regulate issues of public health concern by imposing certain limitations on individual rights, which are open to scrutiny by constitutional courts to assess whether such invasion into an individual's right to personal autonomy and right to access means of livelihood meets the threefold requirement as laid down in *K.S. Puttaswamy* i.e., (i) legality, which pre-supposes the existence of law; (ii) need, defined in terms of a legitimate State aim; and (iii) proportionality, which ensures a rational nexus between the objects and the means adopted to achieve them.

A.G. Perarivalan v. State, Through Superintendent of Police CBI/SIT/MMDA, Chennai, Tamil Nadu and Anr.

Date: 18.05.2022  
Bench Strength: 3 Judges

Criminal Law-Remission of Sentence:

The Supreme Court invoked powers under Article 142 of the CoI while directing the release of AG Perarivalan, who was convicted in the Rajiv Gandhi assassination case. The Court invoked its powers on account of the inordinate delay in deciding the remission application of the convict and held – (i) Non-exercise of the power under Art. 161 or inexplicable delay in exercise of such power not attributable to the prisoner is subject to judicial review by this Court, especially when the State Cabinet has taken a decision to release the prisoner and made recommendations to the Governor to this effect. (ii) The advice of the State Cabinet is binding on the Governor in the exercise of his powers under Art. 161 of the CoI. The Court ultimately released the convict taking into account his prolonged period of incarceration, his satisfactory conduct in jail as well as during parole, chronic ailments, his educational qualifications acquired during incarceration and the pendency of his petition under Art. 161 for 2.5 years after the recommendation of the State Cabinet.

 <p><b>Hon'ble Mr. Justice Sanjay Kishan Kaul</b></p>	<p><a href="#"><u>Jaswinder Singh (Dead) Through Legal Representative v. Navjot Singh Sidhu &amp; Ors.</u></a></p> <p>Date: 19.05.2022 Bench Strength: 2 Judges</p>	<p><a href="#"><u>Criminal Law-Enhancement of Sentence:</u></a></p> <p>The Supreme Court allowed a Review Petition preferred by the family of the deceased victim against its Judgment of May 2018 which had reduced the sentence awarded to Respondent No.1 / Mr. Navjot Singh Sidhu to fine of Rs 1,000 from 3 years imprisonment in the case.</p> <p>While exercising review jurisdiction, the Court, in addition to fine, imposed a sentence of rigorous imprisonment for one year. It was observed that a disproportionately light punishment humiliates and frustrates a victim of crime when the offender goes unpunished, or is let off with a relatively minor punishment, as the system pays no attention to the feelings of the injured.</p>
 <p><b>Hon'ble Mr. Justice S. Abdul Nazeer</b></p>	<p><a href="#"><u>Thomas Daniel v. State of Kerala &amp; Ors.</u></a></p> <p>Date: 02.05.2022 Bench Strength: 2 Judges</p>	<p><a href="#"><u>Service Law-Recovery of increments:</u></a></p> <p>The Supreme Court was considering an appeal filed by an employee against an Order of the High Court (upholding the decision of the State of Kerala) directing that recovery proceedings be initiated against the employee for increments which were given to him 10 years prior to his retirement.</p> <p>It was held that in this case, the excess payment was made due to a mistake in interpreting the Kerala Service Rules, which was subsequently pointed out by the Accountant General.</p> <p>The Court held that an attempt to recover the said increments after passage of 10 years of the retirement of the Appellant is unjustified.</p> <p>Accordingly, the Court allowed the appeal, and set aside the Order of the High Court.</p>



**Hon'ble Justice Mr. Vineet Saran**

[Ravinder Singh @ Kaku v. State of Punjab](#)

Date: 04.05.2022  
Bench Strength: 2 Judges

[Criminal Law-Reversal of Conviction:](#)

The Supreme Court set aside the Order of Conviction passed by the High Court which had convicted the Appellant / Accused No. 2, u/s. 302, 120B I.P.C., on the charges of Murder of two minor children of the Complainant-Father and the Accused No.1-Mother of the Minor Children. The Court, while allowing the Appeal against Conviction of the Accused No.2, and dismissing the Appeal against Acquittal of the Accused No. 1 and 3 filed by the State held as under –

(i) The prosecution failed to establish motive beyond reasonable doubt, and that the close proximity of the Accused No. 2 with the Accused No. 1 (mother of the deceased children) relied by the prosecution to establish motive, did not in any manner indicate that the murder was committed in furtherance to their close proximity.

(ii) The last seen theory and the recovery was based upon evidence of prosecution witnesses with numerous contradictions and inconsistencies, and therefore, conviction cannot be sustained merely on circumstantial evidence.

(iii) The electronic evidence should be in accordance with the statute and comply with the certification requirement for it to be admissible in the court of law. Oral evidence in the place of such a certificate, cannot possibly suffice, as Section 65B(4) is a mandatory requirement of the law.

[J.Sekar @Sekar Reddy v. Directorate of Enforcement](#)


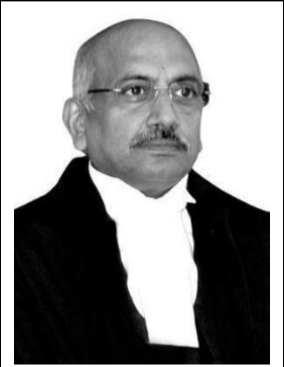
Date: 05.05.2022  
Bench Strength: 2 Judges

[Criminal Law-Quashing of PMLA proceedings:](#)

The Supreme Court was deciding proceedings arising out of PMLA offences, where a closure report was filed (and accepted by the Court) with respect to the scheduled offence. It was held that in cases of PMLA, the Court cannot proceed on the basis of preponderance of probabilities. The allegation must be proved beyond reasonable doubt in the Court. Even otherwise, it is incumbent upon the Court to look into the allegation and the material collected in support thereto, and find out whether *prima facie* the offence is made out. Unless the allegations are substantiated by the authorities, and proved against a person in the court of law, the person is innocent. Upon consideration of the facts, the Court quashed the PMLA proceedings.

<p><i>Hon'ble Justice Saran</i></p> <p><i>Mr. Vineet</i></p>	<p><a href="#">Reddy Veeranna v. State of Uttar Pradesh &amp; Ors.</a></p> <p>Date: 05.05.2022 Bench Strength: 2 Judges</p>	<p><b><u>Land Acquisition-Quantum of compensation:</u></b></p> <p>While deciding an appeal arising out of the issue of quantum of compensation payable in land acquisition proceedings, the Supreme Court held that there is no straight jacket formula to arrive at the quantum of deduction of development charge, and same must be assessed based on the facts of the individual case, after due consideration of all the factors which might affect such quantum.</p> <p>On consideration of the peculiar facts, the Supreme Court held that the deduction to the extent of 50% made by the H.C. cannot be sustained. The Court also held that on a reading of S.34 of the Land Acquisition Act, 1894, it is clear that if the amount of compensation is not paid or deposited on or before taking possession of the land, interest @ 9% p.a. shall be leviable from the time of taking of possession until it is so paid or deposited.</p> <p>Further, if the amount of compensation has not been paid or deposited within 1 year, the interest would be payable @ 15% p.a. on expiry of the period of 1 year.</p> <p>Accordingly, the Court directed that the landowners were entitled to compensation along with statutory interest, as directed by the High Court and 3% penal interest.</p>
	<p><a href="#">MIHAN India Ltd. v. GMR Airports Ltd. &amp; Ors.</a></p> <p>Date: 09.05.2022 Bench Strength: 2 Judges</p>	<p><b><u>Civil Law-Annulment of Bidding Process:</u></b></p> <p>The Supreme Court, while deciding an appeal against an Order of the High Court quashing the decision of the Respondent to annul the bidding process for Nagpur Airport, held that it is apparent that government contracts are expected to uphold fairness, equality and rule of law while dealing with contractual matters. The Right to Equality under Article 14 of the Constitution of India abhors arbitrariness. The transparent bidding process is favoured by the Court to ensure that constitutional requirements are satisfied. Accordingly, the Court upheld the decision of the High Court.</p>

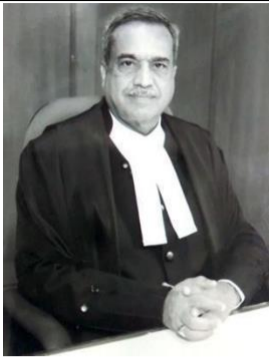


	<p><a href="#"><u>New Okhla Industrial Development Authority v. Anand Sonbhadra</u></a></p>	<p><a href="#"><u>Insolvency &amp; Bankruptcy Code- NOIDA is a financial creditor:</u></a></p>
<p>Hon'ble Justice Joseph</p>	<p>Date: 17.05.2022 Bench Strength: 2 Judges</p>	<p>The Supreme Court was considering the issue of whether NOIDA would be a financial creditor under the IBC. It was held that NOIDA would be an operational creditor under the IBC.</p> <p>The Court held that in the lease, there was no disbursement of any debt (loan) or any sums by NOIDA to the lessee. It would therefore not be a “financial creditor” within the ambit of S.5(8) of the IBC.</p> <p>Further, the Court examined various sub-sections of S.5(8), and concluded that NOIDA would not be a financial creditor, but would be an operational creditor.</p>
	<p><a href="#"><u>Bhag Singh Etc. v. Union of India &amp; Anr.</u></a></p>	<p><a href="#"><u>Land Acquisition-Quantum of compensation:</u></a></p>
<p>Hon'ble Justice Gupta</p>	<p>Date: 05.05.2022 Bench Strength: 2 Judges</p>	<p>While deciding appeals arising out of land acquisition proceedings pertaining to the issue of quantum of compensation, the Supreme Court held that market value of land cannot be assessed by applying suitable deduction to the market value of land acquired by a subsequent notification.</p> <p>It was held that the Reference Court had rightly assessed the compensation on the basis of land situated in another Village acquired by the same notification. Accordingly, the Court dismissed the appeals.</p>
	<p><a href="#"><u>Delhi Development Authority v. Godfrey Phillips (I) Ltd. &amp; Ors.</u></a></p>	<p><a href="#"><u>Land Acquisition - Lapsing of proceedings:</u></a></p>
	<p>Date: 06.05.2022 Bench Strength: 2 Judges</p>	<p>The Supreme Court was considering a case where the H.C. held that the land acquisition proceedings had lapsed, and directed the purchaser to refund the compensation paid to the owner.</p> <p>Allowing the appeal of the DDA, the Supreme Court held that where the original land owner never filed objections under Section 5-A of the Land Acquisition Act, 1984 the purchaser cannot seek the relief which was not available even to the original land owner. Accordingly, the Court set aside the Judgment of the H.C.</p>



<p><i>Hon'ble Justice Gupta</i></p> <p><i>Mr. Hemant</i></p>	<p><a href="#"><u>Samarpan Varishtha Jan Parisar &amp; Ors. v. Rajendra Prasad Agarwal &amp; Ors.</u></a></p> <p>Date: 06.05.2022 Bench Strength: 2 Judges</p>	<p><b><u>Civil Law-Status of inmates of Old Age Homes as Licensees:</u></b></p> <p>The issue which arose for consideration in this case was whether the inmates in an old-age home were licensees, or they had the right to stay in the old age home for the lifetime, as a matter of right. It was held that the inmates of an old-age home have no legal right to protect their possession without complying with corresponding obligations, since their possession is not a legal possession but only permissive possession. Therefore, they cannot seek any injunction to restrain the management of the old age home not to dispossess them.</p> <p>It was held that the inmates in the old age home are licensees, and are expected to maintain a minimum level of discipline and good behaviour, and not cause disturbance to the fellow inmates, who are also senior citizens. Therefore, if one parent is the cause of disruption of peace for other inmates in the old age home, the administration of the old age home is at liberty to terminate the license, and ask the inmate to vacate the room allotted to them.</p>
	<p><a href="#"><u>Delhi Administration Thr. Secretary, Land and Building Dept. &amp; Ors. v. Pawan Kumar &amp; Ors.</u></a></p> <p>Date: 06.05.2022 Bench Strength: 2 Judges</p>	<p><b><u>Land Acquisition-Lapsing of proceedings:</u></b></p> <p>While deciding an appeal against an Order of the H.C., declaring that the land acquisition proceedings had lapsed, the Supreme Court relied upon its recent Judgment in <i>Delhi Development Authority v. Godfrey Phillips (I) Ltd. &amp; Ors.</i>, and held that a subsequent purchaser was not entitled to claim lapsing of the proceedings under the Right to Fair Compensation Act, 2013.</p> <p>It was held that the finding that compensation was not offered to the land owners, and therefore the deposit in Court cannot be regarded as payment of compensation, is not tenable in view of the judgment in <i>Indore Development Authority v. Manoharlal &amp; Ors.</i> (2020) 8 SCC 129. Accordingly, the Court set aside the Order of the H.C.</p>

<p><i>Hon'ble Justice Gupta</i></p> <p><i>Mr. Hemant</i></p>	<p><a href="#"><u>Sathyanath &amp; Anr. v. Sarojamani</u></a></p> <p>Date: 06.05.2022 Bench Strength: 2 Judges</p>	<p><a href="#"><u>Civil Law - Res Judicata as a Preliminary Issue:</u></a></p> <p>The Supreme Court was deciding an appeal against an Order of the High Court directing the trial court to frame a preliminary issue as to whether the suit filed by the appellant is barred by <i>res judicata</i>.</p> <p>It was held that preliminary issues are those where no evidence is required, and on the basis of a reading of the plaint or the applicable law, if the jurisdiction of the Court, or the bar to the suit is made out, the Court may decide such issues with the sole objective of expeditious decision. It was held that <i>res judicata</i> is a mixed question of law and fact depending upon the pleadings of the parties, the parties to the suit etc.</p> <p>The Court concluded that the direction of the H.C. to frame a preliminary issue of <i>res judicata</i> runs counter to the mandate of Order XIV Rule 2 of the Code and thus, not sustainable in law. Accordingly, the Court set aside the Order of the High Court.</p>
	<p><a href="#"><u>Delhi Development Authority v. Sunil Khatri &amp; Ors.</u></a></p> <p>Date: 19.05.2022 Bench Strength: 2 Judges</p>	<p><a href="#"><u>Land Acquisition-Lapsing of proceedings:</u></a></p> <p>The Supreme Court, while deciding a challenge to an Order of the High Court declaring that the land acquisition proceedings had lapsed, held that in this case, the period of 5 years had not lapsed as on the 01.01.2014, which could lead to lapsing of the proceedings. The DDA was prevented from taking possession by the interim orders passed in a number of writ petitions.</p> <p>Therefore, prior to the commencement of Right to Fair Compensation Act, 2013, there was no stay free period of 5 years which could lead to a declaration that the proceedings stood lapsed.</p> <p>Accordingly, the Court set aside the Order of the High Court.</p>



**Hon'ble Mr. Justice Mukeshkumar Rasikbhai Shah**

[Union of India & Ors. v. Ashish Agarwal](#)

Date: 04.05.2022  
Bench Strength: 2 Judges

[Tax Law-Income Tax Act:](#)

While deciding an Appeal by the Union-Revenue against an order of the Allahabad High Court which had quashed several reassessment notices issued by the Revenue after 01.04.2021, under the unamended Section 148 of the Income Tax Act, the Supreme Court, *inter-alia*, directed that the reassessment notices u/S. 148 of the unamended Income Tax Act which were issued beyond 01.04.2021 (Amendment date of the said provision by the Finance Act, 2021) to be deemed to have been issued under Section 148A of the Income Tax Act as substituted by the Finance Act, 2021, and be treated as Show Cause Notices in terms of Section 148A(b).

The said directions were passed on the ground of striking a balance between the rights of the Revenue as well as the respective assesses, and with a view avoiding filing of further appeals before the Court and burdening the Court with approximately 9,000 further appeals.

[Abdul Matin Mallick v. Subrata Bhattacharjee \(Banerjee\) and Ors.](#)

Date: 05.05.2022  
Bench Strength: 2 Judges

[Civil Law-Right of Pre-emption:](#)

The Supreme Court was deciding a case arising out of pre-emption proceedings under the West Bengal Land Reforms Act, 1955. It was held that the deposit of the entire sale consideration with additional 10% of the sale consideration alongwith the pre-emption application is a statutory and mandatory requirement. This is a pre-condition before any further enquiry u/S. 9 of the Act is held. Accordingly, the Court set aside the Order of the High Court, which had permitted the pre-emptors to deposit the balance sale consideration with additional 10% while deciding the revision application.

[Swadesh Kumar Agarwal v. Dinesh Kumar Agarwal & Ors., etc., etc.](#)

Date: 05.05.2022  
Bench Strength: 2 Judges

[Arbitration Law-Termination of mandate of an arbitrator:](#)

In this case, the High Court had terminated the mandate of an arbitrator, while deciding an application u/S. 11(6) of the Arbitration & Conciliation Act. It was held that in a case where there is no written agreement between the parties on the procedure for appointing an arbitrator, the parties are free to agree on a procedure by mutual consent and / or agreement and the dispute can be referred to an arbitrator/s who can be appointed by mutual consent.

<p><i>Hon'ble Mr. Justice Mukeshkumar Rasikbhai Shah</i></p>		<p>Failing any agreement referred to S. 11(2), S. 11(5) of the Act shall be attracted, and in such a situation, the application for appointment of arbitrator/s shall be maintainable u/S. 11(5) of the Act, and not u/S. 11(6) of the Act. In a case where there is a written agreement and / or contract containing the arbitration agreement, and the appointment or procedure is agreed upon by the parties, an application u/S.11(6) of the Act shall be maintainable.</p> <p>It was further held that once the dispute is referred to arbitration, and the sole arbitrator is appointed by the parties by mutual consent and the arbitrator/s is so appointed, the arbitration agreement cannot be invoked for the second time. The Court held that in a case where there is a dispute on the mandate of the arbitrator being terminated on the ground mentioned u/S.14(1)(a), such a dispute has to be raised before the “court”, defined u/S. 2(e) of the 1996 Act, and such a dispute cannot be decided on an application u/S. 11(6) of the 1996 Act.</p>
	<p><a href="#">Reshma Sultana v. The State of Karnataka &amp; Ors.</a></p> <p>Date: 10.05.2022 Bench Strength: 2 Judges</p>	<p><b><u>Service Law-Fraud in selection process:</u></b></p> <p>The Supreme Court was considering an appeal against an Order of the High Court holding that the appointment of the Appellant was vitiated by fraud, and further directing to forward the necessary documents and proposals for appointing the original writ petitioner as a full-time Lecturer in Urdu subject.</p> <p>It was held that once the entire selection process was found to be vitiated due to fraud, collusion and manipulation, thereafter the High Court ought to have passed an order for a fresh selection after following the due process of selection.</p> <p>Accordingly, the Supreme Court set aside the direction issued by the High Court to forward the documents of the original writ petitioner for his appointment, and directed that a fresh selection process be initiated.</p>

<p><i>Hon'ble Mr. Justice Mukeshkumar Rasikbhai Shah</i></p>	<p><a href="#"><u>Rekha Jain v. State of Karnataka &amp; Anr.</u></a></p> <p>Date: 10.05.2022 Bench Strength: 2 Judges</p>	<p><a href="#"><u>Criminal Law-Quashing of F.I.R.:</u></a></p> <p>The Supreme Court, while allowing an Appeal filed by the Accused against an Order of the High Court dismissing a petition for quashing of an F.I.R. u/S. 420 I.P.C., held that –</p> <p>(i) All allegations in the F.I.R. were only directed against the co-accused / Mr. Kamalesh Mulchand Jain.</p> <p>(ii) To make out a case against a person for the offence u/S. 420 I.P.C., there must be a dishonest inducement to deceive a person to deliver any property to any other person. In the present case, there was no allegation at all against Appellant/Accused – Rekha Jain of any inducement by her to deceive and to deliver the gold jewellery.</p> <p>Accordingly, the Court quashed the F.I.R.</p>
	<p><a href="#"><u>Gomantak Mazdoor Sangh v. State of Goa &amp; Anr.</u></a></p> <p>Date: 10.05.2022 Bench Strength: 2 Judges</p>	<p><a href="#"><u>Service Law-Fixation of Minimum Wages:</u></a></p> <p>The Supreme Court was deciding an appeal against the Judgment of the High Court dismissing the writ petition filed by the appellant challenging a Notification revising the minimum wages in the State.</p> <p>The subject Notification did not mention the provision under which it was issued. The only explanation by the State was that there was an error, which was sought to be rectified by the subject Notification.</p> <p>However, the Court held that since there was no clerical or arithmetical mistake, the subject notification could not be issued u/S. 10 of the Minimum Wages Act. It was held that u/S. 10 of the Act, only clerical or arithmetical mistakes can be corrected.</p> <p>Even by applying Section 21 of the General Clauses Act, and assuming that the State had power to amend, vary or rescind the notification, in that case also such power can be exercised in a like manner, namely after following the procedure, which was followed while issuing the original notification.</p> <p>Accordingly, the Court quashed the subsequent Notification.</p>

<p><i>Hon'ble Mr. Justice Mukeshkumar Rasikbhai Shah</i></p>	<p><a href="#">State of Rajasthan &amp; Ors. v. Chetan Jeff</a></p> <p>Date: 11.05.2022 Bench Strength: 2 Judges</p>	<p><b><u>Service Law-Appointment:</u></b></p> <p>The Supreme Court set aside the decisions of the Single Judge and the Division Bench of the Rajasthan High Court which directed the State to consider the appointment of the Respondent to the post of Constable (General). The candidature of the Respondent was initially rejected on the ground that he suppressed material facts about his criminal antecedents, however the same was reversed by the High Court mainly on the ground that the offences were trivial in nature and the suppression of such offences should have been ignored. The Court, while reversing the Judgment of the H.C., held that the question is not whether the offences were trivial in nature or not. The question is one of suppression of material fact by the Respondent in respect of his criminal antecedents and making a false statement in the application form. The duty of the constable is to maintain law and order. Therefore, it is expected that he should be honest and that his integrity is above board and that he is reliable.</p>
	<p><a href="#">Anjana Saraiya v. The State of U.P. &amp; Ors.</a></p> <p>Date: 12.05.2022 Bench Strength: 2 Judges</p>	<p><b><u>Civil Law-Allotment of Plot:</u></b></p> <p>While deciding a challenge to an Order of the H.C. dismissing a Writ Petition filed by the Petitioner challenging the cancellation of her allotment, the S.C. observed that the Petitioner had paid the first 3 instalments, and the delay in payment of other instalments arose due to financial difficulty caused due to the ill-health of her husband. The deposit of amounts by the Petitioner indicated her <i>bona fides</i>. Further, the Court held that the Petitioner had made a fair offer of paying Rs.2 Lacs additionally as compensation for the delay. Accordingly, the Court directed the authorities to allot the plot to the Petitioner under the Middle-Income Group Scheme.</p>
	<p><a href="#">Urban Infrastructure Real Estate Fund v. Dharmesh S. Jain and Another</a></p> <p>Date: 12.05.2022 Bench Strength: 2 Judges</p>	<p><b><u>Contempt jurisdiction-Quantum of punishment:</u></b></p> <p>The Supreme Court was deciding the quantum of punishment to be awarded to the contemnor. Upon considering that despite the contemnor being granted sufficient opportunities to either settle the dispute amicably, or comply with the orders of the S.C. and the H.C., neither the orders were complied with, nor the dispute was settled amicably. Accordingly, the Court sentenced the contemnor to simple imprisonment for 7 days, with a fine of Rs.5 lacs.</p>



<p><i>Hon'ble Mr. Justice Mukeshkumar Rasikbhai Shah</i></p>	<p><a href="#">Kotak Mahindra Bank Limited v. Narendra Jayantilal Trivedi &amp; Anr.</a></p> <p>Date: 13.05.2022 Bench Strength: 2 Judges</p>	<p><b><u>Civil Law-Proceedings under writ jurisdiction:</u></b></p> <p>In this case, the Supreme Court deprecated the conduct of the Appellant, who had first challenged an interim order of the H.C. before the S.C., and during the pendency of the SLP, had withdrawn the proceedings before the H.C. The Supreme Court observed that such conduct on the part of the litigant to once enjoy the fruits of litigation for a number of years, invite an order on merits, which is against him, and in the appeal initially obtain an <i>ex -parte</i> ad-interim relief and thereafter, having realised that the same would not be sustained, withdraw the appeal and request that the observations made by the Court while dismissing the writ petition may not be considered, cannot be accepted. Such conduct is reprehensible and accordingly, the Court imposed costs of Rs.1 Lac.</p>
	<p><a href="#">Ibrat Faizan v. Omaxe Buildhome Private Limited</a></p> <p>Date: 13.05.2022 Bench Strength: 2 Judges</p>	<p><b><u>Consumer Law-Writ Petition maintainable against NCDRC Order:</u></b></p> <p>The Supreme Court was deciding the issue whether a W.P. under Article 227 was maintainable against an Order of the NCDRC in an Appeal u/S. 58(1)(a)(iii) of the Consumer Protection Act, 2019. While answering the issue in the affirmative, the Court held that since the 2019 Act does not provide for a further appeal to the S.C. from an Order passed by the NCDRC in exercise of its powers u/S. 58(1)(a)(iii) or S.58(1)(a)(iv) [i.e. Appellate jurisdiction], the remedy available to an aggrieved party would be to approach the concerned H.C. having jurisdiction under Art. 227 of the CoI.</p>
	<p><a href="#">Sudhir Ranjan Patra (Dead) thr. LRs. &amp; Anr. v. Himansu Sekhar Srichandan &amp; Ors.</a></p> <p>Date: 17.05.2022 Bench Strength: 2 Judges</p>	<p><b><u>Civil Law-Setting aside <i>ex parte</i> decree:</u></b></p> <p>The Supreme Court was deciding an appeal against an Order of the H.C. setting aside an <i>ex-parte</i> Order against the Appellants (Defendants), but holding that they could not be permitted to file their written statements. It was held that there was no specific order of the Trial Court on the prayer seeking permission to file the written statement, after setting aside the <i>ex-parte</i> decree. Thus, the observation made by the H.C. directing that the defendants shall not be allowed to file their written statement was beyond the scope of the revision petition before it. Accordingly, the Court remanded the matter to the Trial Court to decide the prayer made by the defendants to file their written statement.</p>

<p><i>Hon'ble Mr. Justice Mukeshkumar Rasikbhai Shah</i></p>	<p><a href="#"><u>Satish Kumar Jatav v. The State of U.P. &amp; Ors.</u></a></p> <p>Date: 17.05.2022 Bench Strength: 2 Judges</p>	<p><b><u>Criminal Law-Quashing of Proceedings:</u></b></p> <p>The Supreme Court, while setting aside an order passed by the H.C. quashing the criminal proceedings and summoning order against the Accused for offences u/S. 307, 504, 506 of I.P.C. and S. 3(10)(15) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, held that –</p> <p>(i) There was no discussion by the High Court on the allegations made against the accused, and on the legality and validity of the order passed by the Magistrate summoning the accused.</p> <p>(ii) The Impugned Order passed by the High Court was a cryptic, non-reasoned order.</p> <p>(iii) The observation of the H.C. that no useful purpose will be served by prolonging the case, cannot be a good ground and / or a ground at all, to quash the criminal proceedings when a clear case was made out for the offences alleged.</p>
	<p><a href="#"><u>Balwan Singh (Dead) By Lrs. Etc. Etc. v. The State of Haryana and Ors.</u></a></p> <p>Date: 18.05.2022 Bench Strength: 2 Judges</p>	<p><b><u>Land Acquisition-Quantum of Compensation:</u></b></p> <p>The Supreme Court, while deciding appeals filed by land owners seeking enhancement of compensation for land acquisition held that the H.C. had not assigned any reasons to reduce the deductions from 20% to 10%., and accordingly set aside that part of the H.C. Judgment.</p> <p>Further, it was held that reliance placed by the landowners upon an allotment letter in favour of Maruti Suzuki India Limited at a higher compensation, cannot be made the basis of determining the compensation, since it was made 3 years after the issuance of the S.4 Notification. What is required to be considered is the nature of the acquired land on the date of S. 4 notification, usage of such land for a specific purpose, and potential of such land at the time of acquisition.</p>

<p><i>Hon'ble Mr. Justice Mukeshkumar Rasikbhai Shah</i></p>	<p><a href="#">Rajpal Singh v. Saroj (Deceased) Through LRs and Anr.</a></p> <p>Date: 18.05.2022 Bench Strength: 2 Judges</p>	<p><b><u>Civil Law-Limitation for cancellation of Sale Deed:</u></b> While deciding the period of limitation for filing a suit seeking cancellation of sale deed, the Supreme Court held that such a suit was required to be filed within a period of 3 years from the date of the knowledge of the sale deed. Further, it was held that when a composite suit is filed for cancellation of the sale deed as well as for recovery of the possession, the limitation period is required to be considered with respect to the substantive relief of cancellation of the sale deed, which would be 3 years from the date of the knowledge of the sale deed sought to be cancelled.</p>
	<p><a href="#">Malaya Nanda Sethy v. State of Orissa &amp; Ors.</a></p> <p>Date: 20.05.2022 Bench Strength: 2 Judges</p>	<p><b><u>Service Law-Compassionate Appointment:</u></b> The Supreme Court allowed an Appeal against the decision of the High Court which dismissed the plea of the Appellant for appointment on compassionate grounds, and directed the State of Orissa to consider the case under the Orissa Civil Service (Rehabilitation Assistance) Rules, 1990, and if found eligible, to appoint him for the post of Junior Clerk. The Court while concluding so also observed that considering the object and purpose of appointment on compassionate grounds, (i.e., a family of a deceased employee may be placed in a position of financial hardship upon the untimely death of the employee while in service and the basis or policy is immediacy in rendering of financial assistance to the family of the deceased consequent upon his untimely death), the authorities must consider and decide such applications for appointment on compassionate grounds as per the policy prevalent, at the earliest, but not beyond a period of 6 months from the date of submission of such completed applications.</p>
	<p><a href="#">Gurmel Singh v. Branch Manager, National Insurance Co. Ltd.</a></p> <p>Date: 20.05.2022 Bench Strength: 2 Judges</p>	<p><b><u>Consumer Law-Insurance Claims:</u></b> The Supreme Court was considering a challenge to an Order of the NCDRC denying the relief of settlement of claims under the Insurance Policy to the Appellant. The Insurance Company rejected the claim of the Appellant on the ground that he had not produced either the original certificate of registration, or even the duplicate certified copy of the certificate of registration issued by the RTO. However, the Appellant produced a photocopy of the certificate of registration and other registration particulars as provided by the RTO.</p>



<p><i>Hon'ble Mr. Justice Mukeshkumar Rasikbhai Shah</i></p>		<p>The Court held that the non-settlement of claims can be said to be deficiency of service. The insurance company was too technical while settling the claim and had acted arbitrarily. While settling claims, the insurance company should not be too technical, and ask for documents, which the insured is not in a position to produce due to circumstances beyond his control. Accordingly, the Court held that the Appellant is entitled to an insurance amount of Rs. 12 lacs along with interest @ 7 % from the date of submitting the claim. Further, the insurance company was directed to pay Rs.25,000 as litigation costs to the Appellant.</p>
	<p><a href="#">M/s Knit Pro International v. The State of NCT of Delhi &amp; Anr.</a></p> <p>Date: 20.05.2022 Bench Strength: 2 Judges</p>	<p><b><u>Criminal Law-Copyright Act, 1957:</u></b></p> <p>While deciding a challenge to an Order of the H.C. quashing an F.I.R. u/S. 63 of the Copyright Act on the ground that it is a non-cognizable offence, the Supreme Court held that the punishment provided for an offence u/S. 63 is imprisonment for a term not less than 6 months, which may extend to 3 years and with fine. Therefore, the maximum punishment which can be imposed would be 3 years. Considering Part II of the 1st Schedule of the Cr.P.C., if the offence is punishable with imprisonment for 3 years and onwards, but not more than 7 years the offence is a cognizable offence. Only in a case where the offence is punishable by imprisonment for less than 3 years, or with fine only the offence can be said to be non-cognizable. Thus, the Court concluded that the offence u/S. 63 of the Copyright Act is a cognizable and non-bailable offence. Accordingly, the Court set aside the Order of the H.C.</p>
	<p><a href="#">Union of India &amp; Ors. v. Anil Prasad</a></p> <p>Date: 20.05.2022 Bench Strength: 2 Judges</p>	<p><b><u>Law Relating to Armed Forces-Pay Scale:</u></b></p> <p>The Supreme Court set aside the order of the High Court which held that a retired Armed Forces personnel, on re-appointment in the Government Service, would be entitled to the last drawn pay as Armed Forces personnel. It was held that such a finding was contrary to para 8 of the Central Civil Services (fixation of Pay of Re-employed Pensioners) Order, 1986, which implied that on re-employment in the government service, an employee working with the Armed Forces shall be entitled to advance increments equal to the completed years of service rendered by him in the Armed Forces on a basic pay equal to, or higher than the minimum of the scale attached to the civil post in which he is employed.</p>


<p><i>Hon'ble Mr. Justice Mukeshkumar Rasikbhai Shah</i></p>	<p><a href="#">Agra Development Authority, Agra v. Anek Singh and others</a></p> <p>Date: 20.05.2022 Bench Strength: 2 Judges</p>	<p><b><u>Land Acquisition - Lapsing of proceedings:</u></b></p> <p>In this case, the High Court relied upon the S.C. Judgment in <i>Pune Municipal Corporation &amp; Anr. v. Harakchand Misirimal Solanki &amp; Ors.</i> (2014) 3 SCC 183, and held that the land acquisition proceedings had lapsed since the amount of compensation was not actually paid to the land owners.</p> <p>The Supreme Court held that the Judgment in <i>Pune Municipal Corporation</i> (supra) was overruled by a Constitution Bench in <i>Indore Development Authority v. Manoharlal and Others</i>, (2020) 8 SCC 129, and accordingly set aside the Order of the High Court.</p>
	<p><a href="#">State Bank of India &amp; Anr. v. K.S. Vishwanath</a></p> <p>Date: 20.05.2022 Bench Strength: 2 Judges</p>	<p><b><u>Service Law - Dismissal from Service:</u></b></p> <p>While deciding a challenge to an Order of the High Court., which set aside an order of punishment, and directed the Employer-Bank to give all consequential benefits, except back wages to the Employee, the Supreme Court held that the High Court committed a grave error in interfering with the order passed by the disciplinary authority dismissing the delinquent officer from service.</p> <p>Further, the contention of the employee that he was acquitted in the criminal proceedings, and therefore he cannot be held guilty in departmental proceedings was rejected.</p> <p>The Court held that the fact that the criminal court acquitted the respondent by giving him the benefit of doubt, will not, in any way, render a completed disciplinary proceeding invalid, nor affect the validity of the finding of guilt, or consequential punishment.</p> <p>Accordingly, the Court upheld the dismissal of the employee from service, and set aside the direction of the High Court to grant consequential benefits to him.</p>

<p><i>Hon'ble Mr. Justice Mukeshkumar Rasikbhai Shah</i></p>	<p><a href="#"><u>Faizabad-Ayodhya Development Authority, Faizabad v. Dr. Rajesh Kumar Pandey &amp; Ors.</u></a></p> <p>Date: 20.05.2022 Bench Strength: 2 Judges</p>	<p><b><u>Law relating to Land Acquisitions- Quantum of Compensation:</u></b></p> <p>The Supreme Court reversed the decision of the H.C. which had directed the authorities to pay compensation to the original landowners as per the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, on the ground that on the date on which the 2013 Act came into force, no award u/S. 11 of the Land Acquisition Act, 1894 was declared with respect to the lands acquired.</p> <p>The Supreme Court discussed and summarized its Judgment in <i>Indore Development Authority v. Manoharlal and Ors.</i>, (2020) 8 SCC 129, and held that the landowners cannot be permitted to take advantage of the interim order obtained by them due to which the authority could not declare the award u/S.11 of the 1894 Act, and thereafter contend that in that view of the matter, they shall be paid compensation u/S. 24(1) of the 2013 Act, under which a higher compensation will be available to them.</p>
	<p><a href="#"><u>Shri M.L. Patil (Dead) Through LRs v. The State of Goa and Anr.</u></a></p> <p>Date: 20.05.2022 Bench Strength: 2 Judges</p>	<p><b><u>Service Law-Payment of Pension:</u></b></p> <p>The Supreme Court was considering a challenge to an Order of the H.C. holding that even though the Petitioner ought to have superannuated at 60 years instead of 58 years, he shall not be entitled to arrears of backwages and revised pension for the said 2 years, and the same shall be payable from 01.01.2020.</p> <p>While modifying the Order of the H.C, the Supreme Court held that the H.C. may be justified in denying any salary for the period of 2 extra years, but there is no justification at all for denying the arrears of pension. Further, it was held that there was no justification at all by the H.C. to make the revised rates of pension payable only from 01.01.2020. Accordingly, the Order of the H.C. was modified to the aforesaid extent, and the Petitioner was granted the relief of pension.</p>



<p><i>Hon'ble Mr. Justice Mukeshkumar Rasikbhai Shah</i></p>	<p><a href="#">Ayodhya Faizabad Development Authority and Anr. v. Ram Newaj and others</a></p> <p>Date: 20.05.2022 Bench Strength: 2 Judges</p>	<p><b><u>Land Acquisition-Lapsing of proceedings:</u></b></p> <p>The Supreme Court was deciding a challenge to an Order of the H.C. holding that the land acquisition proceedings of the Respondents' land had lapsed u/S. 24(2) of the Right to Fair Compensation Act, 2013, solely on the ground that though the deposit of the compensation was made in the Treasury, the same was not deposited in Court, and consequently the payment of compensation of the amount was not made to the land owners.</p> <p>Applying the law laid down in <i>Indore Development Authority v. Manoharlal and Others</i>, (2020) 8 SCC 129, the Supreme Court set aside the Order of the H.C.</p>
	<p><a href="#">The State of Bihar &amp; Ors. v. Rajmati Devi &amp; Anr.</a></p> <p>Date: 20.05.2022 Bench Strength: 2 Judges</p>	<p><b><u>Service Law-Payment of Pension:</u></b></p> <p>While deciding whether the deceased husband of the Respondent would be covered by the New or Old Pension Scheme, the Supreme Court concluded that when the husband of the Respondent was absorbed in service, the Old Scheme was abolished, and the New Scheme was in operation. He would, therefore, be covered under the New Scheme.</p> <p>Since the New Scheme did not provide for family pension, the Respondent (i.e. wife of the deceased employee) would not be entitled to the same. Accordingly, the Court set aside the Order of the H.C., which had directed payment of family pension to the Respondent.</p>
	<p><a href="#">Dr. K. M. Sharma &amp; Ors. v. The State of Chhattisgarh &amp; Ors.</a></p> <p>Date: 20.05.2022 Bench Strength: 2 Judges</p>	<p><b><u>Service Law-Parity in Pay Scale:</u></b></p> <p>The Supreme Court was deciding an appeal against an Order of the H.C. rejecting the plea of the Appellants (Shiksha Karmis) seeking parity in pay scale with municipality / municipal teachers in the State of Chhattisgarh. The Court concluded that when Municipal teachers and Shiksha Karmis are appointed under different Rules, and there are different methods of selection and recruitment, a Shiksha Karmi cannot claim parity in pay-scale with that of Municipal teachers on the principle of equal pay for equal work. Accordingly, the Court dismissed the Appeal.</p>

 <p><b>Hon'ble Justice Rastogi</b></p>	<p><a href="#"><u>Pawan Kumar v. Union of India &amp; Anr.</u></a></p> <p>Date: 02.05.2022 Bench Strength: 2 Judges</p>	<p><a href="#"><u>Service Law-Discharge of an employee:</u></a></p> <p>The Supreme Court was considering a challenge against an Order of the H.C. upholding the discharge of the appellant from the post of Constable in the RPF. The Appellant was discharged on the ground that he suppressed his prosecution in a criminal case. The Court held that by mere suppression of material / false information, regardless of the fact whether there is a conviction or acquittal, the employee / recruit is not to be discharged / terminated axiomatically from service just by a stroke of a pen. At the same time, the effect of suppression of material / false information involving in a criminal case, if any, is left for the employer to consider, and take an appropriate decision on the suitability of the employee into service. Mere suppression of material in a given case does not mean that the employer can arbitrarily terminate the employee from service. The Court also noted that in the present case, the criminal proceedings against the Appellant were trivial. Accordingly, the Court set aside the Order of the H.C., and directed reinstatement of the Appellant.</p>
 <p><b>Hon'ble Justice Maheshwari</b></p>	<p><a href="#"><u>V. Prakash @ G.N.V. Prakash v. M/s. P.S. Govindaswamy Naidu &amp; Sons' Charities Represented By Its Managing Trustee &amp; Ors.</u></a></p> <p>Date: 09.05.2022 Bench Strength: 2 Judges</p>	<p><a href="#"><u>Civil Law- Trusts:</u></a></p> <p>In this case, the High Court rejected the claim of the Appellant to be appointed as the founder trustee of the respondent-trust, after the death of his father on the ground that he was a Green-Card Holder, and did not “reside” in Madras. The Supreme Court held that the overwhelming evidence produced by the Appellant in the form of Aadhaar Card issued by the GoI and his Income Tax assessments in India based on the certification of a Chartered Accountant, fulfills the requirement of ‘resident’ u/S. 6 of the Income Tax Act, 1961. It was held that considering the spirit of the Scheme of Administration, the concept of representation of the branch of founder trustee needs to be respected and, in that regard, claim of the descendant (i.e. Appellant) cannot be lightly brushed aside by a mere count of number of days of stay in India, while ignoring all other features and factors showing his choice of staying in India. Accordingly, the Supreme Court set aside the Order of the H.C., and directed that the Appellant be entitled to hold the office of founder trustee.</p>

<p><b>Hon'ble Mr. Justice Dinesh Maheshwari</b></p>	<p><a href="#"><u>Abhishek v. State of Maharashtra &amp; Ors.</u></a></p> <p>Date: 20.05.2022 Bench Strength: 2 Judges</p>	<p><a href="#"><u>Criminal Law-Maharashtra Control of Organised Crime Act, 1999:</u></a></p> <p>The Supreme Court was deciding an appeal against an Order of the H.C. rejecting the challenge of the appellant against an Order sanctioning his prosecution under the MCOCA. It was held that the rule of strict construction cannot be applied in an impracticable manner, so as to render the statute itself nugatory. In other words, the rule of strict construction of a penal statute, or a special penal statute is not intended to put all the provisions in such a tight iron cast that they become practically unworkable, and thereby, the entire purpose of the law is defeated. Strict adherence by the authorities concerned to the requirements of MCOCA cannot be stretched beyond common sense, and practical requirements in terms of the letter and spirit of the statute. The Court held that the expression 'other advantage' cannot be read in a restrictive manner. There could be advantage to a person committing a crime which may not be directly leading to pecuniary advantage, or benefit, but could be of getting a strong hold, or supremacy in the society, or even in the syndicate itself. Accordingly, the Court upheld the sanction order.</p>
 <p><b>Hon'ble Mr. Justice Sanjiv Khanna</b></p>	<p><a href="#"><u>Dilip Hariramani v. Bank of Baroda</u></a></p> <p>Date: 09.05.2022 Bench Strength: 2 Judges</p>	<p><a href="#"><u>Criminal Law - Negotiable Instruments Act:</u></a></p> <p>In this case, the Appellant, who was a Partner of a Firm and stood as a Guarantor for a Loan had filed an appeal against his conviction u/S. 138 of the N.I. Act. Allowing the Appeal, the S.C. held that vicarious liability u/S.141(1) can be pinned when the person is in overall control of the day-to-day business of the company, or firm. Vicarious Liability u/S. 141(2) can arise because of the director/manager's personal conduct or transactional role, notwithstanding that the person was not in overall control of the day-to-day business of the company when the offence was committed. It was held that the provisions of S. 141 impose vicarious liability by deeming fiction, which pre-supposes and requires the commission of the offence by the company. Therefore, unless the company has committed the offence as a principal accused, the persons mentioned in S.141(1)or(2) would not be liable, and convicted as vicariously liable. Accordingly, the Court set aside the conviction of the Appellant.</p>

<p><i>Hon'ble Justice Khanna</i></p> <p><i>Mr. Sanjiv</i></p>	<p><a href="#"><u>M.P. Rajya Tilhan Utpadak Sahakari Sangh Maryadit, Pachama, District Sehore &amp; Others v. M/s. Modi Transport Service</u></a></p> <p>Date: 11.05.2022 Bench Strength: 2 Judges</p>	<p><b><u>Arbitration Law-Arbitrator and Commissioner:</u></b></p> <p>The Supreme Court held that there is a distinction between the scope and functions of an arbitral tribunal, and a commissioner appointed under Order XXVI CPC. It was held that for submission to arbitration, there must be an arbitration agreement, or an agreement in terms of Section 21 of the Arbitration Act, 1940 providing that the disputes between the parties be determined in a quasi-judicial manner. Commissioners are appointed by the court. Such appointment may be with consent of the parties, or even when there is objection to the appointment. Pre-existing agreements or the requirement that the parties agree before the Court, as is mandatory in case of arbitration, is not necessary when a court directs appointment of a Commissioner. The Court also introduced the concept of a “facilitator” who may be appointed by a Court, be it a commissioner or an expert, for a specific purpose and cause for ascertainment of a fact which may be disputed. The Court also analysed the provisions of Order XXVI CPC, and concluded that the Commissioners’ reports are ‘non-adjudicatory in nature’. The Court concluded that the Report of the Commissioner in this case is not an award, and is to be treated as a report of a Commissioner appointed by the Court under Order XXVI Rule 11 CPC.</p>
	<p><a href="#"><u>PTC India Financial Services Ltd. v. Venkateswarlu Kari &amp; Anr.</u></a></p> <p>Date: 12.05.2022 Bench Strength: 2 Judges</p>	<p><b><u>Civil Law-Contracts and pledge of goods:</u></b></p> <p>The Supreme Court was considering the issue of whether the Depositories Act, 1996 r.w. Regulation 58 of the SEBI (Depositories &amp; Participants) Regulations, 1996 has the legal effect of overwriting the provisions relating to the contracts of pledge under the Indian Contract Act, 1872.</p> <p>It was held that the Depositories Act and the 1996 Regulations do not expressly state that their provisions prevail over the Contract Act, or any other law in force. On the other hand, Section 28 of the Depositors Act states that “the provisions of this Act shall be in addition to, and not in derogation of any other law for the time force relating to the holding and transfer of securities.” Thus, the Depositories Act is in addition to other laws relating to the holding and transfer of securities.</p>

<p><i>Hon'ble Justice Khanna</i></p> <p><i>Mr. Sanjiv</i></p>	<p><a href="#">Rushibhai Jagdishbhai Pathak v. Bhavnagar Municipal Corporation</a></p> <p>Date: 18.05.2022 Bench Strength: 2 Judges</p>	<p><b><u>Service Law-Payment of arrears of higher pay scale:</u></b></p> <p>The Supreme Court was deciding an appeal against an Order passed by the division bench of the H.C. restricting the grant of a higher pay-scale to the Appellants-Employees from the date of the Order of the single judge of the H.C. (i.e. 2018), and not from the date of the concerned notification (i.e. 2010). It was held that the Division Bench should not have taken the date of the decision / judgment of the Single Judge for grant of the said benefit in view of the decision in <i>Union of India and Others v. Tarsem Singh</i> (2008) 8 SCC 648. It was held that the date of the decision of the Single Judge is a fortuitous circumstance. Only the date of filing of the W.P. is relevant while examining the question of delay and laches, or limitation. Accordingly, the Court held that the Appellants were entitled to arrears of higher pay scale from a period of 3 years preceding the filing of the W.P. before the single judge, alongwith interest @ 7% p.a. w.e.f. 01.09.2017.</p>
	<p><a href="#">BBR (India) Pvt. Ltd. v. S.P. Singla Constructions Pvt. Ltd.</a></p> <p>Date: 18.05.2022 Bench Strength: 2 Judges</p>	<p><b><u>Arbitration Law-Seat of Arbitration:</u></b></p> <p>The Supreme Court while deciding an issue as to whether conducting the arbitration proceedings at one place (Delhi), owing to the appointment of a new arbitrator, would shift the 'jurisdictional seat of arbitration' from an earlier place (Haryana) fixed by the first arbitrator for the arbitration proceedings, held that –</p> <p>(i) The place or venue fixed for arbitration proceedings, when S.20(2) applies, will be the jurisdictional 'seat' and Courts having jurisdiction over the jurisdictional 'seat' would have exclusive jurisdiction. This principle would have an exception, which would apply when, by mutual consent, the parties agree that the jurisdictional 'seat' should be changed, and such consent must be express and clearly understood and agreed by the parties;</p> <p>(ii) The appointment of a new arbitrator who holds the arbitration proceedings at a different location would not change the jurisdictional 'seat' already fixed by the earlier, or first arbitrator. The place of arbitration in such an event should be treated as a venue where arbitration proceedings are held. Consequently, the Supreme Court held that the Courts in Delhi would not have jurisdiction, since the jurisdictional 'seat of arbitration' was Haryana, and not Delhi.</p>





**Hon'ble Mr. Justice Bhushan Ramkrishna Gavai**

[The Secretary to Govt. Of Kerala, Irrigation Department and Others v. James Varghese and Others](#)

Date: 04.05.2022  
Bench Strength: 2 Judges

[Arbitration Law-Kerala Revocation of Arbitration Clauses and Reopening of Awards Act:](#)

The Supreme Court was considering the legislative competence of the Kerala State Legislature to enact the Kerala Revocation of Arbitration Clauses and Reopening of Awards Act, 1998, and whether the State Act encroaches upon the judicial power of the State.

While holding the Act to be unconstitutional, the Court relied upon its Judgments in *G.C. Kanungo v. State of Orissa* (1995) 5 SCC 96 and *M.P. Rural Road Development Authority & Anr. v. L.G. Chaudhary Engineers & Contractors* (2012) 3 SCC 495, which held that the source of the enactment of the 1940 Act, 1996 Act and the State Acts legislated by Orissa and M.P. Legislatures is Entry 13 of List III of the Seventh Schedule to the Constitution of India. Ordinarily, if there is any conflict between the Central law and the State law, in view of Art. 254(1) of the Constitution of India, the Central law would prevail. However, in view of Art.254(2), the State law would prevail when it is reserved for consideration, and receives assent of the President of India. Further, the Court also held that the Kerala Act interferes with judicial functions, and was liable to be declared as unconstitutional.

[Delhi Airport Metro Express Private Limited v. Delhi Metro Rail Corporation](#)

Date: 05.05.2022  
Bench Strength: 2 Judges

[Arbitration Law-Award of Interest:](#)



The Supreme Court, while deciding the issue of whether the “sum” awarded u/S. 31(7)(a) of the Arbitration and Conciliation Act 1996, would include *pendente lite* interest held as under –


- (i) The grant of interest would be available to the Arbitral Tribunal only when there is no agreement to the contrary between the parties;
- (ii) The phrase “unless otherwise agreed by the parties” in S.31(7)(a) clearly emphasizes that when the parties have agreed with regard to any of the aspects covered u/S.31(7)(a) of the 1996 Act, the Arbitral Tribunal would cease to have any discretion with regard to the aspects mentioned in the said provision;
- (iii) Only in the absence of such an agreement u/S. 31(7)(a), the Arbitral Tribunal would have a discretion to grant, or refuse to grant interest.




<p><i>Hon'ble Mr. Justice Bhushan Ramkrishna Gavai</i></p>	<p><a href="#"><u>Chhattisgarh State Power Distribution Company Ltd. v. Chhattisgarh State Electricity Regulatory Commission And Another</u></a></p> <p>Date: 12.05.2022 Bench Strength: 2 Judges</p>	<p><a href="#"><u>Electricity Law-Usage for captive power plant:</u></a></p> <p>While deciding an appeal from a decision of the APTEL, the Supreme Court held that a combined reading of S. 9 and S.2(8) of the Electricity Act would reveal that a person is entitled to construct, maintain, or operate a captive generating plant, when such a plant is primarily for his own use. S.2(8) would further show that it includes a power plant set up by any co-operative society, or association for generating electricity.</p> <p>The requirement is that it should be primarily for the use of the members of such co-operative society, or association. It was held that the definition of “person” is wide enough to include any company, or body corporate, or association, or body of individuals, whether incorporated, or not, or artificial juridical person. It was held that Rule 3(1) provides that no power plant shall qualify as a “Captive Generating Plant” unless the following conditions are fulfilled : (i) not less than 26% of the ownership is held by the captive user/s; and (ii) not less than 51% of the aggregate electricity generated in such plant, determined on an annual basis, is consumed for the captive use.</p> <p>The Court held that in the facts of the case, both the conditions were fulfilled, and accordingly, the Court dismissed the Appeals.</p>
	<p><a href="#"><u>Indian Overseas Bank v. M/s. RCM Infrastructure Ltd. &amp; Anr.</u></a></p> <p>Date: 18.05.2022 Bench Strength: 2 Judges</p>	<p><a href="#"><u>Insolvency and Bankruptcy-SARFAESI &amp; IBC:</u></a></p> <p>The Supreme Court held that once the CIRP is commenced, there is complete prohibition of any action to foreclose, recover, or enforce any security interest created by the Corporate Debtor in respect of its property.</p> <p>The words “including any action under the SARFAESI Act” in Section 14 of IBC are significant. The legislative intent is clear that after the CIRP is initiated, all actions, including any action under the SARFAESI Act to foreclose, recover, or enforce any security interest are prohibited.</p>

<p><i>Hon'ble Mr. Justice Bhushan Ramkrishna Gavai</i></p>		<p>Further, it was held that in view of the provisions of S.14(1)(c) IBC, which have an overriding effect over any other law, any action to foreclose, recover, or enforce any security interest created by the Corporate Debtor in respect of its property, including any action under the SARFAESI Act is prohibited. It was held that the Appellant-Bank could not have continued the proceedings under the SARFAESI Act once the CIRP was initiated, and the moratorium was ordered. Accordingly, the Court upheld the Order of the NCLAT which set aside the sale of the assets of the corporate debtor.</p>
	<p><a href="#"><u>Yamuna Expressway Industrial Development Authority Etc. v. Shakuntla Education And Welfare Society &amp; Ors. Etc.</u></a></p> <p>Date: 19.05.2022 Bench Strength: 2 Judges</p>	<p><b><u>Law relating to Land Acquisition- Additional Compensation:</u></b></p> <p>The Supreme Court allowed an appeal filed by the Yamuna Expressway Industrial Development Authority (YEIDA) challenging the order of the Allahabad High Court, which had set aside the policy decision of the State to issue additional notices seeking additional premium from original allottees of plots developed by the YEIDA.</p> <p>The Court, while upholding the policy decision of the State Government as reflected in the said G.O. dated 28.08.2014 and the Resolution of the Board of YEIDA dated 15.09.2014, held that –</p> <p>(i) In case of a conflict between public interest and personal interest, public interest will outweigh personal interest; (ii) The policy decision was taken after taking into consideration all relevant factors, and was guided by reasons; (iii) Before taking the policy decision, the State Government, through the Chaudhary Committee, had done a wide range of deliberations with all the stakeholders including the allottees, farmers and YEIDA.</p>
	<p><a href="#"><u>Kotak Mahindra Bank Limited v. A. Balakrishnan &amp; Anr.</u></a></p> <p>Date: 30.05.2022 Bench Strength: 3 Judges</p>	<p><b><u>Insolvency &amp; Bankruptcy Code- Holder of Recovery Certificate:</u></b></p> <p>The Supreme Court held that a liability in respect of a claim arising out of a Recovery Certificate would be a “financial debt” u/S.5(8) IBC, and the holder of a Recovery Certificate would be a financial creditor u/S.5(7) IBC. Further, it was held that a person would be entitled to initiate CIRP within a period of 3 years from the date on which the Recovery Certificate is issued.</p>

 <p><b>Hon'ble Justice Kant</b>      <b>Mr. Surya Kant</b></p>	<p><a href="#"><u>Cox &amp; Kings Ltd. v. SAP India Pvt. Ltd. &amp; Anr.</u></a></p> <p>Date: 06.05.2022 Bench Strength: 3 Judges</p>	<p><b><u>Arbitration Law-Group of Companies Doctrine:</u></b></p> <p>While authoring a concurring judgment examining the group of companies doctrine in the context of arbitration proceedings, Justice Surya Kant traced the origins of the said doctrine, and concluded that in view of the various judgments applying the doctrine in different contexts, it was necessary for the issue to be decided by a larger bench. Justice Surya Kant opined that in addition to the issues framed by the Hon'ble the Chief Justice of India, the following issues also need to be determined by a larger bench –</p> <p>A. Whether the Group of Companies Doctrine should be read into Section 8 of the Act, or whether it can exist in Indian jurisprudence independent of any statutory provision?</p> <p>B. Whether the Group of Companies Doctrine should continue to be invoked on the basis of the principle of ‘single economic reality’?</p> <p>C. Whether the Group of Companies Doctrine should be construed as a means of interpreting the implied consent, or intent to arbitrate between the parties?</p> <p>D. Whether the principles of alter ego and / or piercing the corporate veil can alone justify pressing the Group of Companies Doctrine into operation even in the absence of implied consent?</p> <p><b>NOTE:</b> The Hon'ble Chief Justice of India has delivered the Judgment for himself and Justice A.S. Bopanna, while Surya Kant has penned a separate concurring judgment.</p>
 <p><b>Hon'ble Mr. Justice Ajjikuttira Somaiah Bopanna</b></p>	<p><a href="#"><u>The State of Karnataka &amp; Ors. v. G. Ramanarayana Joshi</u></a></p> <p>Date: 17.05.2022 Bench Strength: 2 Judges</p>	<p><b><u>Civil Law-Right of restoration of land:</u></b></p> <p>The Supreme Court was deciding a case arising out of the right to seek restoration of land under the Karnataka Land Revenue Rules, 1966. It was held that as on the date when the right accrued to the respondent to make an application seeking restoration, the status of the property was the same, and the same was only transferred from the Revenue Department of the Government to the Forest Department of the same Government i.e., from one arm to another. This cannot be construed that the land in question had been “disposed of” as contemplated under Rule 119(2) of the 1966 Rules. Further, it was held that when a factual finding is rendered by the H.C., it will not arise for consideration in the limited scope available to the S.C. in a SLP.</p>

<p><b>Hon'ble Mr. Justice Ajikuttira Somaiah Bopanna</b></p>	<p><u><a href="#">Union of India &amp; Ors. v. Brigadier Javed Iqbal</a></u></p> <p>Date: 17.05.2022 Bench Strength: 2 Judges</p>	<p><u><a href="#">Law Relating to Armed Forces-Promotions:</a></u></p> <p>The Supreme Court upheld the order of the Armed Forces Tribunal, Lucknow Bench (AFT) which had directed Brigadier Iqbal / Respondent to be promoted forthwith to the post of Additional Major General (Litigation) in the Judge Advocate General's Branch. The Respondent was not accorded the benefit of promotion on the ground that he was placed in the low medical category for 'Hypertension' P2 (P) with COPE Coding C201P1E1. The Court, while allowing the Respondent to be promoted, held that –</p> <p>(i) The medical reports were made available to the Selection Board, and a conscious decision was made recommending his promotion;</p> <p>(iii) The role of the Military Secretary (who introduced the rider interfering with the promotion) is only to bring to the notice of the Chief of the Army Staff if the officer concerned has been graded against the guidelines in the board grading;</p> <p>(ii) The only disability of the Respondent while in SHAPE-2 also is with regard to the risk in high altitude service, and the Selection Board has kept in view the normal nature of work to be performed as JAG (Litigation).</p>
 <p><b>Hon'ble Mr. Justice Krishna Murari</b></p>	<p><u><a href="#">Sabitri Samantaray v. State of Odisha</a></u></p> <p>Date: 20.05.2022 Bench Strength: 3 Judges</p>	<p><u><a href="#">Criminal Law – Section 106 of the Evidence Act:</a></u></p> <p>While deciding an appeal against the conviction of the Appellants for an offence u/S. 302 I.P.C., the Supreme Court held that Section 106 of the Indian Evidence Act applies to cases where the chain of events has been successfully established by the prosecution, from which a reasonable inference is made out against the accused. It was held that S.106, in no way, exonerates the prosecution from discharging its burden of proof beyond reasonable doubt; it merely prescribes that when an individual has done an act, with an intention other than that which the circumstances indicate, the onus of proving that specific intention falls onto the individual and not on the prosecution. The Court held that, in this case, the prosecution had successfully established the chain of events, and the onus was on the Accused to prove how the deceased lost his life inside their house. Accordingly, the Court upheld the conviction of the Accused person.</p>


<p><b>Hon'ble Justice Murari</b> <b>Mr. Krishna</b></p>	<p><a href="#">Deepak Yadav v. State of U.P. &amp; Anr.</a></p> <p>Date: 20.05.2022 Bench Strength: 3 Judges</p>	<p><b><u>Criminal Law-Reversal of Grant of Bail:</u></b></p> <p>The Supreme Court was considering a challenge to an Order granting Bail to Respondent No.2-Accused for an offence u/S. 302 I.P.C. While setting aside the order granting Bail to the Accused, the Court held that –</p> <p>(i) The grant of bail to the Accused only on the basis of parity shows that the impugned order passed by the High Court suffers from the vice of non-application of mind rendering it unsustainable.</p> <p>(ii) The H.C. had not considered the criminal history of the Accused.</p> <p>(iii) The H.C. had not considered the nature and gravity of the crime.</p> <p>(iv) The material evidence available, and the involvement of Respondent No.2 / Accused in the said crime, and recovery of weapon from his possession was also not considered by the H.C.</p>
 <p><b>Hon'ble Justice Ravindra Bhat</b> <b>Mr. S.</b></p>	<p><a href="#">United India Assurance Co. Ltd. v. Levis Strauss (India) Pvt. Ltd.</a></p> <p>Date: 02.05.2022 Bench Strength: 3 Judges</p>	<p><b><u>Consumer Law - 'Double Insurance':</u></b></p> <p>The Supreme Court, while dealing with the issue of “double insurance”, i.e., where an entity seeks to cover risks for same, or similar incidents through two different - overlapping policies, set aside the order of the NCDRC which allowed the insurance claim of Levis Strauss (India) Pvt. Ltd.</p> <p>The Court noted that the Claimant Company had also availed a separate Marine Insurance Policy (STP Policy), and as per Condition No. 4 of the Fire Insurance Policy (SFSP Policy), the Appellant-Insurance Company was not to be held liable in such cases.</p> <p>The Court, while allowing the Appeal filed by the Insurance Company, observed that a contract of insurance is and always continues to be one for indemnity of the defined loss, no more no less. In the case of specific risks, such as those arising from loss due to fire, etc., the insured cannot profit and take advantage of double insurance.</p>




<p><i>Hon'ble Mr. Justice S. Ravindra Bhat</i></p>	<p><u>Ritu Maheshwari v. M/s. Promotional Club</u></p> <p>Date: 05.05.2022 Bench Strength: 3 Judges</p>	<p><b><u>Civil Law-Contracts / Allotment:</u></b></p> <p>The Supreme Court set aside the decision of the Allahabad High Court which had directed the New Okhla Industrial Development Authority to re-consider the Applications for allotment of industrial plots of M/s. Promotional Club in accordance with law. The High Court had held that NOIDA's failure to call the club's representative for interview, was not supported by any reason, and that its candidature was never considered for allotment. The Supreme Court while allowing the Appeal of NOIDA held that –</p> <p>(i) When a policy decision like the closure, or termination of a benefit available to a class of persons is not challenged, the consequence of such closure (which is the impact on the pendency of those wishing to be considered), cannot ordinarily be the subject matter of a grievance.</p> <p>(ii) Once the legality of closure of the old scheme was undisputed, there was no manner of right inhering with the club, to insist that its claim for any plot had to be considered.</p> <p>(iii) When regulations or schemes, or policies change, Applicants for their benefits have no inherent right to be considered under the old policy; rather the consideration has to be under the new regime, unless the latter contains an express stipulation to the contrary.</p>
	<p><u>In Re: Expeditious Trial of Cases under Section 138 of N.I. Act, 1881</u></p> <p>Date: 19.05.2022 Bench Strength: 3 Judges</p>	<p><b><u>Criminal Law-Special Courts under N.I. Act:</u></b></p> <p>The Supreme Court issued directions to conduct a pilot study to test the scheme of employing retired judicial officers and retired court staff to operationalise Special Courts under the N.I. Act. This pilot study was directed to be tested for 1 year in 25 Special Courts, which shall be established in 5 judicial districts i.e. Maharashtra, Rajasthan, Gujarat, Delhi and Uttar Pradesh, which were identified as having the highest pendency of N.I. Act cases. It was directed that the Special Courts under this pilot study may employ retired judicial officers and retired court staff, preferably those who have retired within the past 5 years. The Court also issued further guidelines regarding the preparation of advance and weekly lists, functioning of Courts, procedure to be followed, mediation, data collection, etc.</p>


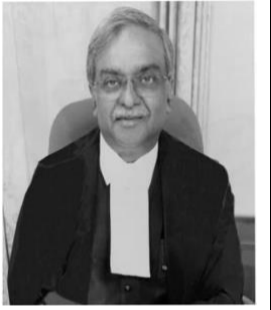



<p><i>Hon'ble Mr. Justice S. Ravindra Bhat</i></p>	<p><a href="#">C.C.,C.E. &amp; S.T. – Bangalore (Adjudication) Etc. v. M/s. Northern Operating Systems Pvt Ltd.</a></p> <p>Date: 19.05.2022 Bench Strength: 3 Judges</p>	<p><b><u>Indirect Tax-Levy of Service Tax:</u></b></p> <p>While deciding an Appeal from a Judgment of the CESTAT, the Supreme Court held that an Indian Company was a recipient for service (of manpower recruitment and supply services) by an overseas entity, in regard to the employees it seconded to the assessee, for the duration of their deputation or secondment. In view of the same, the Indian entity was held liable to pay service tax.</p>
	<p><a href="#">Manoj &amp; Ors. v. State of Madhya Pradesh</a></p> <p>Date: 20.05.2022 Bench Strength: 3 Judges</p>	<p><b><u>Criminal Law-Commutation of Death Penalty:</u></b></p> <p>The Supreme Court, while deciding a challenge to the death penalty awarded to the Accused in the case of robbery and murder of 3 people, highlighted the role of the public prosecutor, and issued certain practical guidelines to be followed by trial courts / States for collecting and evaluating mitigating circumstances of the Accused.</p> <p>It was directed that the State must, for an offence carrying capital punishment, at the appropriate stage, produce material which is preferably collected beforehand, before the Sessions Court, disclosing psychiatric and psychological evaluation of the accused. Thereafter, the State must, in a time-bound manner, collect additional information pertaining to the accused such as his age, family background, etc. Lastly, information regarding the accused's jail conduct and behaviour, work done (if any), activities the accused has involved themselves in, and other related details should be called for in the form of a report from the relevant jail authorities (i.e., probation and welfare officer, superintendent of jail, etc.).</p> <p>On the role of the public prosecutor, the Court held that the role of the public prosecutor is intrinsically dedicated to conducting a fair trial, and not for a "thirst to reach the case in conviction".</p> <p>In the facts of the case, the Court upheld the conviction of the accused persons, but commuted the death penalty to life imprisonment for a minimum term of 25 years.</p>


 <p><b>Hon'ble Mr. Justice V. Ramasubramanian</b></p>	<p><a href="#"><u>Aravinth R.A. v. The Secretary to the Government of India, Ministry of Health and Family Welfare &amp; Ors.</u></a></p> <p>Date: 02.05.2022 Bench Strength: 2 Judges</p>	<p><b><u>Constitutional Law-Medical Education:</u></b></p> <p>The Supreme Court upheld the constitutional validity of Regulations 4(a)(i), 4(a)(ii), 4(b) and 4(c) of the National Medical Commission (Foreign Medical Graduate Licentiate) Regulations 2021 and Schedule- II 2(a) and 2(c)(i) of the National Medical Commission (Compulsory Rotating Medical Internship) Regulations, 2021. These Regulations provided for certain conditions (including compulsory internship) to be fulfilled by Foreign Medical Graduates in order to be registered to practice medicine in India. Upon examining the background and the object of the Indian Medical Council Act, 1933, the Supreme Court concluded that the National Medical Council was empowered under the 1933 Act to frame the said Regulations. It was held that the Regulations do not encroach into the sovereignty of the countries where the foreign institutions are located, by stipulating minimum standards for students who want to practise there. The Regulations merely prescribe the minimum standards to be fulfilled by those who study in those institutions, but who want to practise in India. Accordingly, the Court dismissed the special leave petitions, and upheld the validity of the Regulations.</p>
	<p><a href="#"><u>Asset Reconstruction Company (India) Limited v. S.P. Velayutham &amp; Ors.</u></a></p> <p>Date: 04.05.2022 Bench Strength: 2 Judges</p>	<p><b><u>Civil Law-Registration of documents:</u></b></p> <p>The Supreme Court, while discussing the provisions of the Registration Act, 1908, and the duties of the Registering Officer held that S. 34(3)(c) of the Registration Act imposes an obligation on the Registering Officer to satisfy himself about the right of a person appearing as a representative, assign or agent. It was further held that if the Registering Officer under the Act is construed as performing only a mechanical role, without any independent mind of his own, then even Government properties may be sold, and documents may be registered by unscrupulous persons driving the parties to go to a civil court. Such an interpretation may not advance the cause of justice. Accordingly, the Court set aside the Order of the Division Bench of the H.C., and upheld the Order of the Single Judge of the H.C., which declared a Sale Deed made on the basis of a PoA as null and void, on the ground that the PoA prohibited the agent from creating encumbrances on the property.</p>

<p><b>Hon'ble Mr. Justice V. Ramasubramanian</b></p>	<p><u><a href="#">Nedumpilli Finance Company Limited v. State of Kerala &amp; Ors.</a></u></p> <p>Date: 10.05.2022 Bench Strength: 2 Judges</p>	<p><u><a href="#">Civil Law-Regulation of NBFCs:</a></u></p> <p>The Court was considering the issue whether NBFCs regulated by the RBI, under Chapter IIIB of the Reserve Bank of India Act, 1934 could also be regulated by State enactments such as Kerala Money Lenders Act, 1958 and Gujarat Money Lenders Act, 2011.</p> <p>It was held that in contrast to the State enactments regulating the business of money lending, whose one-eyed focus is only the protection of borrowers, the RBI Act takes a holistic approach to the business of banking, money lending, and operation of currency and credit system of the country. It was held that Chapter IIIB of the RBI Act shows that the power of intervention available for the RBI over NBFCs, is from the cradle to the grave. In other words, no NBFC can carry on business without being registered under the Act, and an NBFC which takes birth with the registration under the Act is liable to be wound up at the instance of the RBI. The entire life of a NBFC from the womb to the tomb is also regulated and monitored by RBI. It was thus concluded that State Acts will have no application to NBFCs registered under the RBI Act and regulated by RBI.</p>
 <p><b>Hon'ble Mr. Justice Hrishikesh Roy</b></p>	<p><u><a href="#">State of Bihar &amp; Ors. v. Shyama Nandan Mishra</a></u></p> <p>Date: 05.05.2022 Bench Strength: 2 Judges</p>	<p><u><a href="#">Service Law-Doctrine of Legitimate Expectation:</a></u></p> <p>The Supreme Court upheld the decision of the Patna High Court, which <i>inter alia</i> held that +2 lecturers appointed pursuant to an Advertisement ought to be treated as members of the Bihar Subordinate Education Service Selection Grade Cadre, and are entitled to be merged with the Bihar Education Service Class II. In this case, while implementing a merger decision, an exception was carved out by the Bihar Government, whereunder, the benefit of merger into BES was denied to +2 lecturers in Government schools, and the ostensible premise for the deviation was that the +2 lecturers were never treated, or recognized as part of the BSES cadre. Terming the action of the Bihar Government as arbitrary, the Court observed that where the substantive legitimate expectation is not <i>ultra vires</i> the power of the authority, and the Court is in a position to protect it, the State cannot be allowed to change course, and belie the legitimate expectation.</p>


<p><i>Hon'ble Mr. Justice Hrishikesh Roy</i></p>	<p><a href="#"><u>Madhya Pradesh High Court Advocates Bar Association and Anr. v. Union of India and Anr.</u></a></p> <p>Date: 18.05.2022 Bench Strength: 2 Judges</p>	<p><b><u>Environmental Law-Jurisdiction and Benches of NGT:</u></b></p> <p>The Supreme Court was considering a writ petition <i>inter alia</i> praying for a direction to set up Benches of the NGT in every State where principal Benches of High Courts are situated across India. While discussing the scheme of the NGT Act, it was held that nothing contained in the NGT Act, either impliedly or explicitly, ousts the jurisdiction of the High Courts under Article 226 and 227 and the power of judicial review remains intact and unaffected by the NGT Act.</p> <p>Further, considering the low caseload of the NGT, compared to the CAT, the Court concluded that there was no basis to allow a Bench of the NGT to be set up in every State. Further, the Court also upheld the constitutional validity of S.22 of the NGT Act (which provides for a statutory appeal to the Supreme Court against an Order of the NGT). Accordingly, the Court dismissed the writ petition.</p>
	<p><a href="#"><u>The Employees State Insurance Corporation &amp; Ors. v. M/s. Key Dee Cold Storage Pvt. Ltd.</u></a></p> <p>Date: 19.05.2022 Bench Strength: 2 Judges</p>	<p><b><u>Civil Law-Interpretation of a Notification:</u></b></p> <p>The Supreme Court was deciding the applicability of a Notification, which extended the provisions of the Employees' State Insurance Act, to various areas in Assam. The Court held that if the words used are unambiguous, the cardinal principle of interpretation is that effect has to be given to every word in the subject notification.</p> <p>The Court held that there was definite and unambiguous reference to the areas beyond the territorial limits of the Silchar Municipal Board in the Notification. Furthermore, the village Tarapur (where the factory of the respondent is situated), is mentioned a second time. The words used are not surplusage and emphatically proclaim the drafter's intention to include wider areas within the purview of the notification, and thereby the ESI Act. The plain language of the notification settles the issue against the respondent. Accordingly, the Court held that the Notification was applicable to the factory of the Respondent.</p>

 <p><b>Hon'ble Mr. Justice Abhay. S. Oka</b></p>	<p><a href="#"><u>Narsingh Ispat Ltd. v. Oriental Insurance Company Ltd. &amp; Anr.</u></a></p> <p>Date: 02.05.2022 Bench Strength: 2 Judges</p>	<p><a href="#"><u>Consumer Law-Repudiation of Insurance Claim:</u></a></p> <p>While deciding a challenge to the decision of an Insurance Company repudiating the claim of the Appellant (as upheld by the NCDRC) under the Exclusion Clause for acts of terrorism, the Supreme Court held that parties cannot rely upon the definitions of 'terrorism' under various penal statutes, since the Exclusion Clause contains an exhaustive definition of acts of terrorism. It was held that the National Commission erred in relying upon the Exclusion Clause. The Court accordingly restored the Complaint before the NCDRC to decide the quantum of compensation payable to the Insured.</p>
 <p><b>Hon'ble Mr. Justice Vikram Nath</b></p>	<p><a href="#"><u>Aarav Jain v. The Bihar Public Service Commission &amp; Ors.</u></a></p> <p>Date: 23.05.2022 Bench Strength: 2 Judges</p>	<p><a href="#"><u>Service Law-Non-production of original documents:</u></a></p> <p>The Supreme Court held that the cancellation of the candidature of the Petitioners on the ground of non-production of original certificates at the time of the interview was improper, unjustified and not warranted. The Court accordingly directed that the Petitioners be adjusted towards existing vacancies to the post of Civil Judge (Junior Division).</p>
 <p><b>Hon'ble Ms. Justice Hima Kohli</b></p>	<p><a href="#"><u>Ms. P. v. The State of Madhya Pradesh &amp; Anr.</u></a></p> <p>Date: 05.05.2022 Bench Strength: 3 Judges</p>	<p><a href="#"><u>Criminal Law-Reversal of grant of Bail:</u></a></p> <p>The Supreme Court was considering a challenge to an Order granting Bail to Respondent No.2-Accused for offences u/S. 376(2)(n) and 506. While setting aside the order granting Bail to the Accused, the Court held that if the Order granting bail is found to be illegal, or perverse, then such an order is susceptible to scrutiny and interference by the Appellate Court. In this case, the Court held that the posters / hoardings with captions like "<i>Bhaiyaa is back</i>" "<i>Back to Bhaiyaa</i>", and "<i>Welcome to Role Janeman</i>" amplify the celebratory mood of the Accused and his supporters on his having been released from detention in less than 2 months of being taken into custody for a grave offence, which entails sentence of not less than 10 years, which may even extend to life. The Court also noted that there are 4 other criminal antecedents of the Accused. Accordingly, the Court cancelled the Bail granted to the Accused.</p>



<p><b>Hon'ble Ms. Justice Hima Kohli</b></p>	<p><a href="#"><u>Meena Devi v. State of U.P. &amp; Anr.</u></a></p> <p>Date: 13.05.2022 Bench Strength: 2 Judges</p>	<p><b><u>Criminal Law-Reversal of grant of Bail:</u></b></p> <p>The Supreme Court reversed the Bail granted to Respondent No.2, who was convicted for murder / conspiring to murder the Appellant's husband, while he was on the way to depose against Respondent No. 2 for an earlier case (pertaining to his kidnapping by Respondent No. 2). The Court reversed the grant of Bail on the following grounds –</p> <p>(i) The Order granting Bail was cryptic, non-speaking, and amply demonstrated non-application of mind;</p> <p>(ii) Respondent No.2 was a hardened criminal with several cases registered against him, and was facing trial in more than 37 cases registered against him under various Acts;</p> <p>(iii) The Order granting Bail mechanically recorded the submissions of the Counsel for the parties, and thereafter proceeded to release the Accused on bail. It was held that prefixing the operative para of the order with the words "<i>In view of the aforesaid</i>", can hardly reflect application of judicial mind by the Court.</p>
 <p><b>Hon'ble Mrs. Justice B. V. Nagarathna</b></p>	<p><a href="#"><u>Prabha Tyagi v. Kamlesh Devi</u></a></p> <p>Date: 12.05.2022 Bench Strength: 2 Judges</p>	<p><b><u>Protection of Women from Domestic Violence Act-Right to a shared household:</u></b></p> <p>The Supreme Court, while deciding various issues pertaining to enforcement of rights under the D.V. Act held that –</p> <p>(i) The expression 'right to reside in the shared household' would include not only actual residence, but also constructive residence in the shared household i.e., right to reside therein, which cannot be excluded <i>vis-a-vis</i> an aggrieved person, except in accordance with the procedure established by law. The expression 'joint family' cannot be understood as in Hindu Law.</p> <p>(ii) It is not mandatory for the aggrieved person to have actually lived, or resided with those persons against whom the allegations have been levelled at the time of seeking relief.</p> <p>(iii) The Magistrate has jurisdiction to take cognizance of a Complaint u/S. 12 of the D.V. Act, in the absence of a Domestic Incident Report when the Complaint is not filed through the Protection Officer.</p>



<p><b>Hon'ble Mrs. Justice B. V. Nagarathna</b></p>	<p><u><a href="#">K. Srinivasappa &amp; Ors. v. M. Mallamma &amp; Ors.</a></u></p> <p>Date: 18.05.2022 Bench Strength: 2 Judges</p>	<p><b><u>Civil Law-Lok Adalat Award:</u></b></p> <p>A challenge was raised before the Supreme Court against an Order of the H.C. setting aside a compromise decree passed by the Lok Adalat, and remanding the matter to the Civil Judge to be decided as if no compromise was arrived at between the parties. It was held that to recall a compromise which was recorded would call for strong reasons. This is because a compromise would result ultimately into a decree of a Court, which can be enforced just as a decree passed on an adjudication of a case. This is also true in the case of a compromise recorded before a Lok Adalat.</p> <p>When the Lok Adalat disposes cases in terms of a compromise arrived at between the parties, after following principles of equity and natural justice, every such award of the Lok Adalat shall be deemed to be a decree of a Civil Court, and such decree shall be binding upon the parties. It was held that a Writ Court cannot, in a casual manner, <i>de hors</i> any reasoning, set aside the order of Lok Adalat. Accordingly, the Court restored the Lok Adalat Award.</p>
 <p><b>Hon'ble Mr. Justice C.T. Ravikumar</b></p>	<p><u><a href="#">Veerendra v. State of Madhya Pradesh</a></u></p> <p>Date: 13.05.2022 Bench Strength: 3 Judges</p>	<p><b><u>Criminal Law-Commutation of Death Penalty:</u></b></p> <p>The Supreme Court was deciding an appeal against a Judgment of the H.C. awarding death penalty to the Petitioner-Accused for the rape and murder of an 8 year old girl. It was held that the lapse, or omission to carry out DNA profiling, by itself, cannot be permitted to decide the fate of a trial for the offence of rape especially, when it is combined with the commission of the offence of murder. Even if such a flaw had occurred in the investigation in a given case, the Court still has a duty to consider whether the materials and evidence available on record before it, is enough and cogent to prove the case of the prosecution.</p> <p>In a case based on circumstantial evidence, the Court has to consider whether, despite such a lapse, the various links in the chain of circumstances form a complete chain pointing to the guilt of the accused alone, in exclusion of all hypotheses of innocence in his favour.</p>



<p><i>Hon'ble Ms. Justice Bela M. Trivedi</i></p>		<p>The said right was recognised and enjoined by pure Shastric Hindu Law, which existed even before the passing of the Hindu Women's Rights to Property Act, 1937, or the 1946 Acts. Those Acts merely gave statutory backing recognising the position as was existing under the Shastric Hindu Law.</p> <p>It was held that where a Hindu widow is in possession of the property of her husband, or of the husband's HUF, she has a right to be maintained out of the said property. She is entitled to retain the possession of that property in lieu of her right to maintenance.</p> <p>Section 14(1) and the Explanation thereto envisages liberal construction in favour of females, with the object of advancing and promoting the socio-economic ends sought to be achieved by the said legislation.</p>
	<p><a href="#"><u>Chandrapal v. State of Chhattisgarh</u></a></p> <p>Date: 27.05.2022 Bench Strength: 2 Judges</p>	<p><b><u>Criminal Law-Extra-judicial confession by Co-Accused:</u></b></p> <p>The Supreme Court was deciding an appeal against conviction of the Appellant u/S.302 and 201 read with Section 34 I.P.C. While acquitting the Accused, the Supreme Court held that an extra judicial confession is a weak kind of evidence, and unless it inspires confidence, or is fully corroborated by some other evidence of clinching nature, ordinarily conviction for the offence of murder should not be made only on the evidence of extra judicial confession.</p> <p>Further, it was held that in order to convict an accused u/S. 302 IPC, the first and foremost aspect to be proved by prosecution is the factum of homicidal death. If the evidence of prosecution falls short of proof of homicidal death of the deceased, and if the possibility of suicidal death could not be ruled out, the Accused could not be convicted merely on the basis of the theory of "Last seen together".</p> <p>Accordingly, the Court acquitted the Appellant.</p>



**Hon'ble Mr. Justice Pamidighantam Sri Narasimha**

[Harnek Singh & Ors. v. Gurmit Singh & Ors.](#)

Date: 18.05.2022  
Bench Strength: 3 Judges

[Consumer Law-Medical Negligence:](#)

In a case of Medical Negligence, the Supreme Court allowed an Appeal of the Complainant / Husband of the deceased patient, who was admitted to the Preet Surgical Centre & Maternity Hospital / Respondent No. 2, on the advice of Dr. Gurmeet Singh / Respondent No. 1 for a Gallbladder surgery, and subsequently died due to some shortcomings in the laparoscopiccholecystectomy surgery conducted by Respondent No. 1. The Court held that the opinion and findings of the Medical Council of India regarding the professional conduct of a doctor have great relevance while considering claim for compensation on the basis of medical negligence, and that in the proceedings for damages due to professional negligence, the question of intention does not arise.

The Court concluded that a case of deficiency of service was made out against the doctor and the hospital for medical negligence, and directed payment of Rs. 25 Lacs with interest @ 6% p.a. from the date of SCDRC order as Compensation to the Appellant.

[State of Himachal Pradesh & Ors. v. Raj Kumar & Ors.](#)

Date: 20.05.2022  
Bench Strength: 3 Judges

[Service Law-Appointments to vacancy arising before amendment of Rules:](#)

The Supreme Court was considering whether appointments to public posts which fell vacant prior to the amendment of Rules would be governed by the old Rules, or the new Rules.

The Court concluded that its Judgment in *Y.V. Rangaiah and others v. J. Sreenivasa Rao*, (1983) 3 SCC 284, which held that posts which fell vacant prior to the amendment of Rules would be governed by old Rules, and not by new Rules, does not reflect the correct position of law. It was held that there is no rule of universal application that vacancies must be necessarily filled on the basis of the law which existed on the date when they arose. It was held that *Rangaiah's* case must be understood in the context of the rules involved therein. There is no obligation for the Government to make appointments as per the old rules, in the event of restructuring of the cadre is intended for efficient working of the unit.