




REPORTABLE JUDGMENTS OF THE SUPREME COURT OF INDIA
IN JANUARY 2022

REPORTABLE JUDGMENTS AUTHORED BY:	CASE DETAILS	AREA OF LAW / RATIO / HELD
 <p>Hon'ble Mr. Justice N. V. Ramana, The Chief Justice Of India</p>	<u>Lawyers Voice v. State of Punjab & Ors.</u> Date: 12.01.2022 Bench Strength: 3 Judges	<u>Public Interest Litigation:</u> Constitution of an Enquiry Committee to look into five issues relating to the Prime Minister's security breach incident of 05.01.2022.
	<u>Intercontinental Hotels Group (India) Pvt. Ltd. v. Waterline Hotels Pvt. Ltd.</u> Date: 25.01.2022 Bench Strength: 3 Judges	<u>Arbitration Law:</u> Till the Constitution Bench decides the issue of the interplay between Section 11 (6) and Section 16 of the Arbitration & Conciliation Act, 1996 with respect to validity of an unstamped/insufficiently stamped arbitration agreement, the Supreme Court must ensure that arbitrations are carried on, unless the issue before the Court patently indicates existence of deadlock.
 <p>Hon'ble Mr. Justice Uday Umesh Lalit</p>	<u>State of U. P. v. Atul Kumar Dwivedi</u> Date: 07.01.2022 Bench Strength: 2 Judges	<u>Service Law:</u> The Supreme Court while upholding the method of 'Normalisation' of marks at the stage of Written Examination as well as the Final merit list in the process of selection of candidates for the post of Sub-Inspector of Police, Platoon Commander and Fire Officer, observed that the decisions made by expert bodies, including the Public Services Commissions, should not be lightly interfered with, unless instances of arbitrary and <i>mala-fide</i> exercise of power are made out.
	<u>Sandoz Private Limited v. Union Of India</u> Date: 04.01.2022 Bench Strength: 3 Judges	<u>Tax Law - Interpretation of Central Excise Act:</u> The Supreme Court held that the primary responsibility of refund of Terminal Excise Duty in case of supplies to an Export Oriented Unit by a Domestic Tariff Area unit, in reference to Foreign Trade Policy would be that of the authority responsible to implement the FTP under the Foreign Trade (Development and Regulation) Act, 1992, which has had consciously accorded such entitlements/benefits for promoting export and earning foreign exchange.


<p>Hon'ble Mr. Justice A. M. Khanwilkar</p>	<p><u>Shobhabai Narayan Shinde v. The Divisional Commissioner, Nashik Division, Nashik & Ors.</u></p> <p>Date: 04.01.2022 Bench Strength: 2 Judges</p>	<p><u>Election Law - Elections relating to Gram Panchayats and Zila Parishad:</u></p> <p>The Supreme Court held that no statutory appeal can be filed before the Divisional Commissioner against an Order u/S. 14B (1) of the Maharashtra Village Panchayats Act, 1959 passed by the Collector, declining to disqualify a Sarpanch / Member of the Panchayat. The power u/S.14B(2) of the 1959 Act gets triggered only after an order of disqualification is passed u/s. 14B(1).</p>
<p></p> <p>Hon'ble Justice D. Y. Chandrachud</p>	<p><u>Devarajan Raman v. Bank of India Limited</u></p> <p>Date: 05.01.2022 Bench Strength: 2 Judges</p>	<p><u>Constitutional Law - Matters relating to State Legislative Assembly:</u></p> <p>The Supreme Court quashed the Maharashtra Legislative Assembly's resolution which suspended 12 BJP MLAs for a period of one year for alleged disorderly behaviour in the House, while holding that the suspension could not have exceeded the remainder period of the ongoing Session.</p> <p>The Court also opined that the suspension beyond the remainder period of the ongoing Session would not only be a grossly irrational measure, but also violative of basic democratic values, owing to unessential deprivation of the member concerned and more importantly, the constituency would remain unrepresented in the Assembly.</p>
	<p><u>Devarajan Raman v. Bank of India Limited</u></p> <p>Date: 05.01.2022 Bench Strength: 2 Judges</p>	<p><u>Insolvency and Bankruptcy Law – Fees of Resolution Professional:</u></p> <p>The Supreme Court set aside the Order of the NCLT and NCLAT directing payment of Rs. 5 Lacs as Fees to the Resolution Professional (as opposed to Rs. 9,08,993 as claimed by him).</p> <p>The Court held that the NCLT and NCLAT had merely directed payment of Rs.5 Lacs in an <i>ad hoc</i> manner, without assigning any reasons. Accordingly, the Court remanded the matter to the NCLT for fresh consideration.</p>

<p>Hon'ble Dr. Justice D.Y. Chandrachud</p>	<p><u>Samruddhi Co-operative Housing Society Ltd. v. Mumbai Mahalaxmi Construction Pvt. Ltd.</u></p> <p>Date: 11.01.2022 Bench Strength: 2 Judges</p>	<p><u>Consumer Law:</u></p> <p>The Supreme Court held that failure of a builder to obtain an occupancy certificate is “deficiency in service” under the Consumer Protection Act 1986. The Court also observed that the flat purchasers were within their rights as consumers to pray for compensation as a recompense for consequent liability, such as payment of higher taxes and water charges by the owners, arising from the lack of occupancy certificate.</p>
	<p><u>Smruti Tukaram Badade v. State of Maharashtra & Anr.</u></p> <p>Date: 11.01.2022 Bench Strength: 2 Judges</p>	<p><u>Criminal Law - Examination of Vulnerable Witnesses:</u></p> <p>The Supreme Court, in exercise of its powers under Article 142 of the Constitution of India issued 12 directions to facilitate the implementation of directions issued in <i>State of Maharashtra v. Bandu</i>, for setting up “special centres for examination of vulnerable witnesses” in criminal cases, so as to facilitate a conducive environment for recording the statements of vulnerable witnesses.</p> <p>While issuing the directions, the Supreme Court <i>inter alia</i> broadened the definition of “vulnerable witnesses” to include age and gender neutral victims of sexual assault, witnesses suffering from mental illnesses, any witness deemed to have a threat perception under the Witness Protection Scheme 2018, and any speech or hearing impaired individual, or a person suffering from any other disability. The Court also directed High Courts to adopt and notify a Vulnerable Witnesses Deposition Centres Scheme within two months from the date of this Judgment.</p>
	<p><u>Ms Sarita Singh v. M/s Shree Infosoft Private Limited</u></p> <p>Date: 12.01.2022 Bench Strength: 2 Judges</p>	<p><u>Service Law:</u></p> <p>The Supreme Court set aside the decision of the High Court (affirming the judgment of the Trial Court and the First Appellate Court) directing an employee to reimburse the employer of the expenses incurred for an overseas business meeting attended by the employee. It was held that the employer failed to discharge its initial burden that the employee was sent on “deputation”. A transient business visit without any written agreement detailing terms of deputation will not qualify as a “deputation”, unless the employer were to lead cogent evidence to indicate that the employee was seconded to work overseas on deputation.</p>


<p><i>Hon'ble Dr. Justice D.Y. Chandrachud</i></p>	<p><u>Pragnesh Shah v. Dr Arun Kumar Sharma & Ors.</u></p> <p>Date: 12.01.2022 Bench Strength: 2 Judges</p>	<p><u>Environmental law:</u></p> <p>The Supreme Court held that it was within the NGT's jurisdiction to assess the conformity of the Zonal Master Plan of the Eco-sensitive Zone ("ESZ") of Mount Abu with the ESZ Notification.</p> <p>The Court also traced the evolution of the "precautionary principle" in India, and held that the NGT had rightly directed that the Zonal Master Plan be modified to bring it in conformity with the ESZ Notification and the precautionary principle.</p>
	<p><u>The Employees' State Insurance Corporation v. Union of India & Ors.</u></p> <p>Date: 20.01.2022 Bench Strength: 2 Judges</p>	<p><u>Service law:</u></p> <p>The Supreme Court held that in the event of a conflict between an executive instruction (in this case, an Office Memorandum dated 29.08.2008), and statutory regulations (in this case, the ESIC Recruitment Regulations 2008 and ESIC Recruitment Regulations 2015) – the latter will prevail.</p> <p>It was held that Regulations framed by statutory authorities have the force of enacted law. Further, in the event of a conflict between a statement in an advertisement and service regulations, the latter shall prevail.</p>
	<p><u>Shenbagam & Ors. v. KK Rathinavel</u></p> <p>Date: 20.01.2022 Bench Strength: 2 Judges</p>	<p><u>Civil Law - Specific performance:</u></p> <p>The Supreme Court held that the foundation of a suit for specific performance lies in ascertaining whether the plaintiff has come to the court with clean hands and has, through his conduct, demonstrated that he has always been willing to perform the contract.</p> <p>In evaluating whether the plaintiff was ready and willing to perform his obligations under the contract, it is not only necessary to view whether he had the financial capacity to pay the balance consideration, but also assess his conduct throughout the transaction.</p> <p>The Supreme Court also sounded a word of caution, and observed that in deciding whether to grant the remedy of specific performance, specifically in suits relating to sale of immovable property, Courts must be cognizant of the conduct of the parties, escalation of the price of the suit property, and whether one party will unfairly benefit from the decree.</p>

<p><i>Hon'ble Dr. Justice D.Y. Chandrachud</i></p>	<p><u>Neil Aurelio Nunes and Ors. v. Union of India</u></p> <p>Date: 20.01.2022 Bench Strength: 2 Judges</p>	<p><u>Reservation Law - OBC Reservation in NEET Exams:</u></p> <p>The Supreme Court upheld the constitutional validity of the 27% reservation for OBC (non-creamy layer) in the 15% UG and 50% PG seats in All India Quota from the academic year 2021-2022 for medical and dental courses. The Court observed that the underlying rationale of the reservation policy is to seek to remedy the structural barriers which disadvantaged groups face. Reservation is one of the measures that is employed to overcome these barriers.</p> <p>It was observed that the binary of merit & reservation has now become superfluous, once the Supreme Court has recognized the principle of substantive equality as the mandate of Art. 14 and as a facet of Art. 15(1) & 16(1).</p>
	<p><u>M/s. Ireo Pvt. Ltd. v. Alope Anand & Ors.</u></p> <p>Date: 21.01.2022 Bench Strength: 2 Judges</p>	<p><u>Consumer Law:</u></p> <p>The Supreme Court upheld the Order of the NCDRC directing refund of amounts paid by Respondents-Flat Purchasers.</p> <p>It was held that the Appellant-Developer made a solemn representation to the flat buyer of the amenities which would be provided in the flat and the Project. A breach of this representation is actionable in law. Since the Appellant-Developer was not in a position to comply with the Order directing handing over possession of the Apartments, the NCDRC had rightly directed refund of amounts.</p>
	<p><u>Musstt Rehana Begum v. State of Assam & Anr</u></p> <p>Date: 21.01.2022 Bench Strength: 2 Judges</p>	<p><u>Criminal Law - Quashing:</u></p> <p>The Supreme Court quashed a Complaint registered by a man u/S. 494/495 I.P.C. against his wife, alleging that she married him during the subsistence of her marriage with another man.</p> <p>The Court, while reiterating the principles of quashing laid down in <i>State of Haryana v. Bhajan Lal</i>, and <i>Neeharika Infrastructure v. State of Maharashtra</i>, held that the continuation of proceedings u/S. 494 I.P.C. would constitute an abuse of the process, since there was a finding of the Family Court that the wife did not have a subsisting prior marriage.</p>



<p><i>Hon'ble Dr. Justice D.Y. Chandrachud</i></p>	<p><u>Ajaya Kumar Das & Anr. v. Division Manager & Anr.</u></p> <p>Date:24.01.2022 Bench Strength: 2 Judges</p>	<p><u>Labour Law - Workmen's Compensation Act, 1923:</u></p> <p>The Supreme Court was deciding an Appeal filed by a Labourer, who was injured in a motor accident, and became permanently disabled up to 85%, against an Order of the High Court deleting the interest component on the compensation awarded to the Appellant.</p> <p>It was held that once the High Court had dismissed the Appeal of the Insurer on the ground of limitation, there was no occasion to interfere with the merits of the award under the Workmen's Compensation Act. The Court reiterated its Judgment in P. Meenaraj v. P. Adigurusamy & Anr. (Civil Appeal No 209 of 2022, decided on 6 January 2022), where it was held that the applicant is entitled to interest from the date of the accident.</p> <p>The Court set aside the direction contained in the Order of the High Court by which payment of interest was deleted. It also directed payment of Costs of Rs.50,000 to the Appellant.</p>
	<p><u>M/s Shivram Chandra Jagarnath Cold Storage & Anr. v. New India Assurance Company Limited & Ors.</u></p> <p>Date: 24.01.2022 Bench Strength: 2 Judges</p>	<p><u>Insurance Law:</u></p> <p>The insurance claim of the Appellants relating to deterioration of stock of potatoes was rejected, and the NCDRC also dismissed the Consumer Complaint filed by the Appellant. Affirming the decision of the NCDRC, the Supreme Court discussed the law and role of exceptions in an Insurance Policy, and held that in the instant case, exception to the Deterioration of Stock Policy clearly provides that the insurer would not be liable for any damage if the temperature in the Refrigeration chambers does not exceed 4.4 degree Celsius.</p> <p>The surveyor's report indicated that the temperature never exceeded 40 Degrees Fahrenheit. The assertion that the rotting of the potatoes resulted from a higher temperature was made at a later stage, which the NCDRC had characterised as an "afterthought".</p> <p>Thus, in terms of the insurance policy, the insurer is not liable for damage caused to the potatoes as the temperature of the storage did not rise above 40 Degrees Fahrenheit.</p>

<p><i>Hon'ble Dr. Justice D.Y. Chandrachud</i></p>	<p><u>The Chief Personnel Officer & Ors. v. A Nishanth George</u></p> <p>Date: 25.01.2022 Bench Strength: 2 Judges</p>	<p><u>Service Law:</u></p> <p>The Supreme Court set aside the Judgment of the High Court directing to grant benefit of the LARSGESS Scheme (Liberalized Active Retirement Scheme for Guaranteed Employment for Safety Staff) to children of Railway Employees. It was held that the Scheme provided an avenue for backdoor entry into service, and was contrary to the mandate of Article 16 which guarantees equal opportunity in matters of public employment. Even otherwise, in the facts of this case, the wards of the employees did not fulfil the criteria under the Scheme. Accordingly, the Supreme Court dismissed the claims raised by the wards of railway employees seeking benefit of the LARSGESS Scheme.</p>
<div data-bbox="165 975 415 1249">  </div> <p>Hon'ble Mr. Justice L. Nageswara Rao</p>	<p><u>Union of India v. Shaikh Istiyaq Ahmed & Ors.</u></p> <p>Date: 11.01.2022 Bench Strength: 2 Judges</p>	<p><u>Criminal Law - Repatriation of Prisoners Act, 2003:</u></p> <p>The Supreme Court examined Sections 12 and 13 of the Repatriation of Prisoners Act, 2003 Act and Article 8 of an Agreement entered into between the Government of India and Government of Mauritius on the Transfer of Prisoners, and concluded that the sentence imposed by the Supreme Court of Mauritius was binding on India. In this case, the Supreme Court of Mauritius imposed a sentence of 26 years on the Respondent for possession of 152.8 grams of heroin. The Respondent, upon being repatriated to India sought reduction of sentence from 26 years to 10 years [which is the maximum punishment u/S.21(b) of the NDPS Act]. The Supreme Court (of India) held that as per S.13(4) of 2003 Act, the sentence imposed shall remain 26 years. The question of adaptation of the sentence can only be raised when the Central Government is convinced that the sentence imposed by the Supreme Court of Mauritius is incompatible with Indian law.</p>
	<p><u>Bhagwani v. The State of Madhya Pradesh</u></p> <p>Date: 18.01.2022 Bench Strength: 3 Judges</p>	<p><u>Criminal law – Commutation of Death Penalty:</u></p> <p>The Supreme Court upheld the conviction of the Accused in the case of a gang rape of an 11 year-old girl. However, the Court commuted the sentence from a death penalty (awarded by the Trial Court and confirmed by the High Court) to imprisonment for life for 30 years without remission.</p>

<p><i>Hon'ble Mr. Justice L. Nageswara Rao</i></p>		<p>The Court observed that the Accused was not given a fair opportunity to defend himself. An accused is entitled for a fair trial which is guaranteed under Article 21 of the Constitution of India.</p> <p>In this case, the order of conviction and sentence was passed on the same day. The Court held that a bifurcated hearing for convicting and sentencing is necessary to provide an effective opportunity to the accused.</p> <p>Considering that the Accused was 25 years old on the date of commission, belonging to a Scheduled Tribes community, earning his livelihood by doing manual labour, the Court reduced the sentence awarded.</p>
	<p><u>B.B. Patel & Ors. v. DLF Universal Ltd.</u></p> <p>Date: 25.01.2022 Bench Strength: 3 Judges</p>	<p><u>Consumer Law - Monopolies and Restrictive Trade Practices Act, 1969:</u></p> <p>The Supreme Court upheld the Order of MRTP Commission dismissing the Complaint of the Appellants-Flat Purchasers, which alleged that the Respondent-Developer engaged in unfair / restrictive trade practices.</p> <p>The Court reiterated its Judgment in <i>Colgate Palmolive (India) Ltd. v. MRTP Commission & Ors.</i> (2003) 1 SCC 129, which elucidated 5 ingredients for constituting an offence of unfair trade practice.</p> <p>The Court concluded that in the facts of this case, the Appellants-Flat Purchasers were unable to substantiate any of the ingredients, and the extra charges demanded by the Developer was pursuant to certain Clauses in the Agreement between the parties.</p> <p>The Court also relied on the Judgment in <i>Girish Chandra Gupta v. U.P. Industrial Development Corn. Ltd. & Ors.</i>, (2012) 13 SCC 452, and held that Section 12-B of the Act empowers the Commission to grant compensation only when any loss/damage is caused to a consumer as a result of a monopolistic, restrictive or unfair trade practice.</p>

<p>Hon'ble Mr. Justice L. Nageswara Rao</p>	<p><u>Jarnail Singh & Ors. v. Lahhmi Narain Gupta & Ors.</u></p> <p>Date: 28.01.2022 Bench Strength: 3 Judges</p>	<p><u>Reservation Law:</u></p> <p>While clarifying aspects relating to the law on reservation in promotion, the Supreme Court held that -</p> <ol style="list-style-type: none"> 1) No yardstick can be laid down by the Court to determine inadequacy of representation; 2) State is obligated to collect quantifiable data regarding inadequacy of representation which cannot be with reference to the entire service but it should be relatable to the grade / category of posts to which promotion is sought; 3) On the issue of proportionate representation as a test of adequacy, the Court left it to the States to assess the inadequacy of representation of SCs and STs in promotional posts; 4) Data collected to establish inadequacy should be reviewed periodically and within reasonable time, to be decided by the States; 5) Judgment of M. Nagaraj v. Union of India shall have prospective operation; 6) The conclusion in BK Pavitra (II) approving the collection of data on the basis of groups and not cadres is contrary to the law laid down in <i>Jarnail Singh and M. Nagaraj</i>.
 <p>Hon'ble Mr. Justice Sanjay Kishan Kaul</p>	<p><u>Seethakathi Trust Madras v. Krishnaveni</u></p> <p>Date: 17.01.2022 Bench Strength: 2 Judges</p>	<p><u>Civil Law - Specific Performance:</u></p> <p>The Supreme Court held that under Section 100 of the CPC, questions of law ought to have been framed by the High Court while adjudicating a Second Appeal.</p> <p>A decree for obtaining specific performance could not have been obtained behind the back of a <i>bona fide</i> purchaser, more so when the transaction had taken place prior to the institution of the suit for specific performance.</p> <p>Further, it was held that the subsequent purchasers would fall within the exception set out in Section 19(b) of the Specific Relief Act, 1963, being transferees who had paid money in good faith and without notice of the original contract.</p>

<p><i>Hon'ble Mr. Justice Sanjay Kishan Kaul</i></p>	<p><u>Indian Overseas Bank & Ors. v. Om Prakash Lal Srivastava</u></p> <p>Date: 19.01.2022 Bench Strength: 2 Judges</p>	<p><u>Service Law - Departmental Proceedings:</u></p> <p>The Supreme Court held that there are certain inherent legal limitations on the power of the High Court under Article 226 of the Constitution of India while scrutinizing an award passed by the Tribunal. If there is no jurisdictional error or violation of natural justice or error of law apparent on the face of the record, there is no occasion for the High Court to get into the merits of the controversy as an appellate court. The Court reiterated its Judgment in <i>Ashoo Surendranath Tewari v. Deputy Superintendent of Police, EOW, CBI</i> (2020) 9 SCC 636 where it was held that the standard of proof in departmental proceedings, being based on preponderance of probability, is lower than the standard of proof in criminal proceedings where the case has to be proved beyond reasonable doubt.</p>
	<p><u>Competition Commission Of India v. State Of Mizoram & Ors.</u></p> <p>Date: 19.01.2022 Bench Strength: 2 Judges</p>	<p><u>Competition Law:</u></p> <p>The Supreme Court held that the lottery business can continue to be regulated by the Lotteries (Regulation) Act, 1998. However, if in the tendering process there is an element of anti-competition, which would require investigation by the CCI, that cannot be prevented under the pretext of the lottery business being <i>res extra commercium</i>, more so when the State Government decides to deal in lotteries. The purchaser of a lottery ticket is a potential user and a “service” u/S. 2(u) is being made available by the selling agents in the context of the Competition Act.</p>
	<p><u>Pappu Tiwary v. State of Jharkhand</u> Date : 31.01.2022 Bench Strength : 2 Judges</p>	<p><u>Criminal Law - Appeal against Conviction:</u></p> <p>The Supreme Court upheld the concurrent conviction of the Appellants who were convicted u/S. 302 r/w 34 of IPC on each and every aspect put forth by them, while observing that the test which is applied of proving the case beyond reasonable doubt does not mean that the endeavour should be to nit-pick and somehow find some excuse to obtain acquittal.</p>

 <p>Hon'ble Mr. Justice S. Abdul Nazeer</p>	<p><u>Bangalore Development Authority & Anr. v. The State of Karnataka & Ors.</u></p> <p>Date: 20.01.2022 Bench Strength: 2 Judges</p>	<p><u>Civil Law - Land Acquisition:</u></p> <p>The Supreme Court held that the provisions of the Land Acquisition (LA) Act, 1894 would continue to apply for acquisitions made under the Bangalore Development Authority Act, 1976 so far as they are applicable. Section 36 of the BDA Act incorporated the provisions of the LA Act so far as they are applicable. Thus, it is a legislation by incorporation. In view of the aforesaid, it was concluded that the 2013 Act was not applicable for acquisitions made under the BDA Act. It was further held that Section 24 of the 2013 Act sought to save only those acquisitions which were made under the LA Act, and not those made under any Central or State enactment. Sec. 24 of the 2013 Act cannot be given extensive interpretation, by adding words into the provision. The 2013 Act would therefore not regulate acquisition proceedings under the BDA.</p>
 <p>Hon'ble Mr. Justice K.M. Joseph</p>	<p><u>G.T. Girish v. Y. Subba Raju (D) by LRs. & Anr.</u></p> <p>Date: 18.01.2022 Bench Strength: 2 Judges</p>	<p><u>Civil Law – Lis Pendens:</u></p> <p>The Supreme Court held that the <i>sine qua non</i> for the Doctrine of <i>Lis Pendens</i> to apply is that the transfer is made or the property is otherwise disposed of by a person, who is a party to the litigation. The cardinal and indispensable requirement, which flows both from Sec. 52 of the Transfer of Property Act and the principle it purports to uphold, is that the transfer or dealing of the property, which is the subject matter of the proceeding, is carried out by a party to the proceeding.</p>
	<p><u>Amar Nath v. Gian Chand and Anr.</u></p> <p>Date: 28.01.2022 Bench Strength: 2 Judges</p>	<p><u>Civil Law - Registration Act, 1908:</u></p> <p>The Supreme Court, while considering the provisions of the Registration Act, 1908, held that u/S. 34 of the 1908 Act, the Registering Officer is required to conduct an inquiry that the persons executing such document, or their representatives, assigns or agents authorised, appear before the Registering Authority, before the time, allowed for presentation under Sections 23, 24, 25 and 26. The duty of the Registering Officer extends only to enquire and find that such person is the person who has executed the document, which he has presented and further be satisfied about the identity of the person.</p>

<p>Hon'ble Mr. Justice K.M. Joseph</p>		<p>It was held that the production of the original power of attorney is not necessary, if the document is presented for registration by the person standing in the shoes of the power of attorney holder, who has executed the document on the strength of the power of attorney.</p>
<div data-bbox="167 526 431 747"></div> <p>Hon'ble Mr. Justice R. Subhash Reddy</p> <p>(Retired on 04.01.2022)</p>	<p><u>I-Pay Clearing Services Private Limited v. ICICI Bank Limited</u></p> <p>Date: 03.01.2022 Bench Strength: 2 Judges</p>	<p><u>Arbitration law:</u></p> <p>The Supreme Court held that Section 34 (4) of the Arbitration and Conciliation Act 1996, can be resorted to record reasons on the findings already given in the award, or to fill up the gaps in the reasoning of the award.</p> <p>Under the guise of additional reasons and filling up the gaps in the reasoning, no award can be remitted to the Arbitrator, where there are no findings on the contentious issues in the award.</p> <p>Merely because an application u/S. 34(4) is filed, it is not always obligatory on the part of the Court to remit the matter to the Arbitral Tribunal. Section 34(4) makes it clear that it is the discretion vested with the Court to remit a matter to the Arbitral Tribunal to give an opportunity to resume the proceedings or not.</p>
	<p><u>Kerala State Beverages Manufacturing & Marketing Corporation Ltd. v. The Assistant Commissioner of Income Tax Circle 1(1)</u></p> <p>Date: 03.01.2022 Bench Strength: 2 Judges</p>	<p><u>Tax Law:</u></p> <p>The Supreme Court held that Surcharge on Sales Tax or Turnover Tax, being an exclusive levy on State Government undertakings, does not qualify as ‘fee’ or ‘charge’ as per the amended Section 40(a)(iib)(A) or 40(a)(iib)(B) of the Income Tax Act, 1961, for purposes of disallowance.</p>
<div data-bbox="167 1817 431 2161"></div> <p>Hon'ble Mr. Justice Mukeshkumar Rasikbhai Shah</p>	<p><u>Maharashtra State Road Transport Corporation v. Dilip Uttam Jayabhay</u></p> <p>Date: 03.01.2022 Bench Strength: 2 Judges</p>	<p><u>Service law–Disciplinary Proceedings:</u></p> <p>An acquittal in a criminal trial has no bearing or relevance on disciplinary proceedings as the standard of proof in both cases is different, and the proceedings operate in different fields with different objectives. The Court restored the Order of termination of service of a bus driver, whose rash driving led to the death of 4 persons. The Judgment of the High Court granting back wages to the bus driver was set aside, since the same was beyond the scope of the controversy before the High Court.</p>

<p>Hon'ble Mr. Justice Mukeshkumar Rasikbhai Shah</p>	<p><u>The Rajasthan Marudhara Gramin Bank (RMGB) & Anr. v. Ramesh Chandra Meena & Anr.</u></p> <p>Date: 04.01.2022 Bench Strength: 2 Judges</p>	<p><u>Service law–Disciplinary Proceedings:</u></p> <p>The Court held that in case of departmental enquiries, an employee, cannot, as a matter of right, pray that he may be permitted to be represented through an agent of his choice. The only requirement is that the delinquent officer must be given a fair opportunity to represent his case.</p>
	<p><u>Ellora Paper Mills Limited v. The State of Madhya Pradesh</u></p> <p>Date: 04.01.2022 Bench Strength: 2 Judges</p>	<p><u>Arbitration Law:</u></p> <p>The Supreme Court held that an Arbitral Tribunal comprising of Officers of the Respondent-State was ineligible u/S. 12(5) r/w. the 7th Schedule of the Arbitration & Conciliation Act, 1996.</p> <p>It was held that the main purpose of S.12(5) of the 1996 Act was to provide for neutrality of arbitrators. Since the Arbitral Tribunal consisted of Officers of the Respondent-State itself, they had lost their mandate, and could not adjudicate disputes between the parties.</p>
	<p><u>Bhadar Ram (D) Thr. Lrs v. Jassa Ram & Ors.</u></p> <p>Date: 05.01.2022 Bench Strength: 2 Judges</p>	<p><u>Land Laws and Agricultural Tenancies:</u></p> <p>The Supreme Court clarified that as per Section 42 of the Rajasthan Tenancy Act, 1955, there is a restriction on sale, gift or bequest by a member of Scheduled Caste in favour of a person, who is not a member of Scheduled Caste. This provision was enacted to protect the interests of a member of the Scheduled Caste belonging to the very State he belongs. The Court also observed that a person belonging to Scheduled Caste /Scheduled Tribe with regard to his original State of which he is permanent or an ordinarily resident cannot be deemed to be so in relation to any other State on his migration to that State.</p>
	<p><u>The State of Maharashtra v. Shri Vile Parle Kelvani Mandal & Ors.</u></p> <p>Date: 07.01.2022 Bench Strength: 2 Judges</p>	<p><u>Tax Law - Levy / Payment of Electricity Duty:</u></p> <p>While reversing the decision of the Bombay High Court which held that educational institutions run by charitable societies are exempted from payment of electricity duty, the Supreme Court held that if the schools/colleges or institutions imparting education or training are exempted from levy of electricity duty then it would lead to an absurd result. In that case, even the private hospitals, nursing homes, dispensaries and clinics, who are profit making entities, shall also claim the exemption from levy of electricity duty.</p>

<p>Hon'ble Mr. Justice Mukeshkumar Rasikbhai Shah</p>	<p><u>Jayaben v. Tejas Kanubhai Zala & Anr.</u></p> <p>Date: 10.01.2022 Bench Strength: 2 Judges</p>	<p><u>Criminal Law - Reversal of grant of Bail:</u></p> <p>The Supreme Court reversed the grant of Bail to the Accused/Respondent No.1 charged u/s. 302, 114, 323 of IPC, u/s. 135, 37(1) of the Gujarat Police Act and u/s. 3(2)(5) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, on the grounds of gravity of the offences, statements of eye witnesses, CCTV and mobile phone footage. The Court also observed that the State, by not filing Appeal against the orders releasing the accused on bail in such a serious matter, has failed to protect the rights of the victim. In criminal matters the party who is treated as the aggrieved party is the State which is the custodian of the social interest of the community at large and so it is for the State to take all the steps necessary steps to book the person who has acted against the social interest of the community.</p>
	<p><u>The State of Maharashtra & Anr. v. Bhagwan & Ors.</u></p> <p>Date: 10.01.2022 Bench Strength: 2 Judges</p>	<p><u>Service Law - Retiral Benefits:</u></p> <p>The employees of the autonomous bodies cannot claim, as a matter of right, the same service benefits on par with the Government employees. Merely because such autonomous bodies might have adopted the Government Service Rules and/or in the Governing Council there may be a representative of the Government and/or merely because such institution is funded by the Government, employees of such autonomous bodies cannot, as a matter of right, claim parity with the Government employees. This is more particularly, when the employees of such autonomous bodies are governed by their own Service Rules and service conditions.</p>
	<p><u>Meera v. State By the Inspector of Police Thiruvotriyur Police Station Chennai</u></p> <p>Date: 11.01.2022 Bench Strength: 2 Judges</p>	<p><u>Criminal law - Appeal against Conviction:</u></p> <p>The Supreme Court upheld the concurrent conviction by the lower Courts u/S. 498A. However, the Sentence was reduced from 1 year to 3 months, in view of the fact that the Appellant-Mother-in-law was 80 years old. It was held that merely because a long time had passed in concluding the trial and / or deciding the appeal by the High Court, is no ground not to impose the punishment and / or to impose the sentence already undergone. When an offence has been committed by a woman by meting out cruelty to another woman, it becomes a more serious offence.</p>

<p>Hon'ble Mr. Justice Mukeshkumar Rasikbhai Shah</p>	<p><u>Haryana Tourism Limited v. M/s Kandhari Beverages Limited</u></p> <p>Date: 11.01.2022 Bench Strength: 2 Judges</p>	<p><u>Arbitration Law:</u></p> <p>The Supreme Court set aside the Judgment of the High Court allowing the Appeal under Section 37 of the Arbitration and Conciliation Act, and held that the High Court had erred in entering into the merits of the claim u/S. 37 of the Arbitration Act.</p> <p>Such intervention at the Section 37 stage is impermissible. Consequently, the Court upheld the Award of the Arbitrator.</p>
	<p><u>Phoenix ARC Private Limited v. Vishwa Bharati Vidya Mandir</u></p> <p>Date: 12.01.2022 Bench Strength: 2 Judges</p>	<p><u>Mercantile Laws / Banking:</u></p> <p>The Supreme Court held that a borrower aggrieved by the actions of a private Bank or ARC can only avail the remedy under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, and no Writ Petition is maintainable.</p>
	<p><u>Geeta Devi v. State of U.P. & Ors.</u></p> <p>Date: 18.01.2022 Bench Strength: 2 Judges</p>	<p><u>Criminal Law - Appeal against Acquittal:</u></p> <p>While setting aside the order of confirmation of Acquittal and remanding the appeal to the High Court, the Supreme Court observed that the Judgment passed by the High Court was unsustainable as there was no re-appreciation of the entire evidence in detail which ought to have been made by the High Court while dealing with the judgment and order of acquittal.</p>
	<p><u>Narender Singh v. The State of Haryana & Ors.</u></p> <p>Date: 18.01.2022 Bench Strength: 2 Judges</p>	<p><u>Service law:</u></p> <p>The Supreme Court reversed Orders of the High Court of Punjab & Haryana at Chandigarh, and directed the appointment of the Appellant to the post of Assistant Professor (History).</p> <p>The Court further exercised its powers under Art. 142 of the Constitution of India and directed that the Respondent No.4 (a candidate with lesser marks than the Appellant, who was in service since 2018) not be disturbed, and accommodated on any other post of Assistant Professor (History), which is vacant.</p>


<p>Hon'ble Mr. Justice Mukeshkumar Rasikbhai Shah</p>	<p><u>Mamtaz & Ors. v. Gulsuma Alias Kulusuma</u></p> <p>Date: 18.01.2022 Bench Strength: 2 Judges</p>	<p><u>Civil Law - Civil Procedure Code:</u></p> <p>The Supreme Court, while deciding this Appeal arising out of proceedings under Order IX Rule 13 CPC, held that the High Court had erred in itself deciding the Application under Order IX Rule 13 on merits, when the First Appellate Court had merely dismissed the appeal before itself on limitation, without adjudicating on the merits. It was held that if the High Court was of the opinion that the First Appellate Court erred in dismissing the appeal on the ground of limitation, the High Court could have set aside that order, and remanded the matter to the First Appellate Court to decide the appeal on merits. However, the path adopted by the High Court in itself deciding the Application under Order IX Rule 13 was unknown to the law under the CPC. The Supreme Court, accordingly, remanded the matter to the First Appellate Court, directing it to decide the application for condonation of delay filed by the Respondent.</p>
	<p><u>Ishwarji Nagaji Mali v. State of Gujarat and Another</u></p> <p>Date: 18.01.2022 Bench Strength: 2 Judges</p>	<p><u>Criminal law-Reversal of grant of Bail:</u></p> <p>The Court reiterated the law in <i>Ramesh Rathod v. Vishanbhai Makwana</i> (Court has to apply a judicial mind and record reasons for the purpose of deciding grant of bail), and <i>Anil Kumar Yadav v. State of NCT of Delhi</i> (considerations for grant of Bail), and reversed the Order of Bail granted to the Respondent No. 2 - accused of hatching a conspiracy to kill his wife for monetary benefits. The Court held that merely because the prosecution case rests on circumstantial evidence cannot be a ground to release the accused, if during the course of the investigation the evidence has been collected and <i>prima facie</i> the complete chain of events is established.</p>
	<p><u>State of U.P. v. Jai Dutt & Anr.</u></p> <p>Date: 19.01.2022 Bench Strength: 2 Judges</p>	<p><u>Criminal law - Modification / Enhancement of Conviction:</u></p> <p>The High Court convicted the Accused persons u/S. 326 I.P.C., and acquitted them with respect to the offence u/S. 302 I.P.C. On Appeal, the Supreme Court reversed the acquittal, and consequently convicted the Accused persons u/S. 302 I.P.C. on the ground that the High Court failed to consider the medical and ocular evidence. The Supreme Court held that the reasoning of the High Court that the offence u/S. 302 I.P.C. was not made out since the death occurred 6 days after the incident, and that there was no fracture on the head, was erroneous.</p>

<p>Hon'ble Mr. Justice Mukeshkumar Rasikbhai Shah</p>	<p><u>Village Officer and others v. Chunayamakkal Joseph and another</u></p> <p>Date: 19.01.2022 Bench Strength: 2 Judges</p>	<p><u>Tax Law:</u></p> <p>While setting aside the decision of the High Court which directed the authorities to accept basic tax from the respondents under the provisions of the Kerala Land Tax Act, 1961, the Supreme Court held that once the notification issued under Section 2A of the Act declaring the lands in question as vested forest land stands, and there is no jenmam rights and/or purchase certificates in favour of the respondents, they cannot be said to be the owners. Further, the Respondents cannot be said to have a valid title in their favour and therefore there is no question of any acceptance of basic tax from them. The Court also observed that the Respondents by asking such a relief of writ of mandamus are indirectly desiring to create title/ownership in their favour.</p>
	<p><u>State of Gujarat v. Arcelor Mittal Nippon Steel India Limited</u></p> <p>Date: 21.01.2022 Bench Strength: 2 Judges</p>	<p><u>Tax Law:</u></p> <p>The Supreme Court held that in a taxing statute, it is the plain language of the provision that has to be preferred, where language is plain and is capable of determining defined meaning. Strict interpretation to the provision is to be accorded and purposive interpretation can be given only when there is an ambiguity in the statutory provision or it leads to absurd results. The Court also held that tax exemption notifications must be construed strictly and that the doctrine of promissory estoppel is not available against taxing statutes.</p>
	<p><u>Brijesh Chandra Dwivedi (Dead) Thr. LRs. v. Sanya Sahayak and Ors.</u></p> <p>Date: 25.01.2022 Bench Strength: 2 Judges</p>	<p><u>Service Law:</u></p> <p>The Supreme Court while deciding an appeal against an order of the High Court of Judicature at Allahabad which upheld the dismissal from service of an employee with 12th Battalion. P.A.C., after being found guilty of driving under the influence of alcohol and thereby causing an accident, observed that, merely because there was no major loss and it was a minor accident, cannot be a ground to show leniency. Driving a vehicle under the influence of alcohol is not only a misconduct, but is also an offence also. The Supreme Court however, in the facts of the case, converted the punishment of dismissal to compulsory retirement, as it found the punishment too harsh.</p>

<p>Hon'ble Mr. Justice Mukeshkumar Rasikbhai Shah</p>	<p><u>The State of Punjab v. Anshika Goyal and others</u></p> <p>Date: 25.01.2022 Bench Strength: 2 Judges</p>	<p><u>Reservation Law:</u></p> <p>The Supreme Court, while holding that a Writ of Mandamus cannot be issued to the State for providing reservation, quashed the Judgment passed by the High Court of Punjab & Haryana at Chandigarh, which issued a writ of mandamus directing the State Government to provide for 3% reservation/quota for sports persons, instead of 1% as provided by the State Government.</p>
	<p><u>Joseph Stephen and others v. Santhanasamy and others</u></p> <p>Date: 25.01.2022 Bench Strength: 2 Judges</p>	<p><u>Criminal Law - Revisional Powers of High Court:</u></p> <p>The Supreme Court held that High Court while exercising Revisional Jurisdiction u/S. 401 Cr.P.C. cannot convert an Acquittal into Conviction. No revision shall be entertained at the instance of the victim against the order of acquittal in a case where no appeal is preferred, and the victim is to be relegated to file an appeal. Where an appeal lies but a revision has been filed, the High Court has jurisdiction to treat the revision as an appeal, subject to being satisfied that it was made under an erroneous belief that no appeal lies and that it is necessary in the interests of justice to do so.</p>
	<p><u>Manno Lal Jaiswal v. The State of Uttar Pradesh & Anr</u></p> <p>Date: 25.01.2022 Bench Strength: 2 Judges</p>	<p><u>Criminal law - Reversal of grant of Bail:</u></p> <p>The Court reiterated the law laid down in the Judgment of <i>Anil Kumar Yadav v. State of NCT of Delhi</i> (relevant considerations of grant of bail) and reversed the Bail granted to the Accused / Respondent No. 2 who was charged with Sec. 147, 148, 149, 323, 504, 506, 302, 307 and 34 of the IPC, citing seriousness of the offence, and factual inaccuracies in the Order of High Court.</p>
	<p><u>Sunil Kumar v. The State of Bihar and Anr</u></p> <p>Date: 25.01.2022 Bench Strength: 2 Judges</p>	<p><u>Criminal law - Reversal of grant of Bail:</u></p> <p>The Court reiterated the Judgments in <i>Mahipal v. Rajesh Kumar</i> (lack of reasoning for grant of Bail indicates non-application of mind), and <i>Anil Kumar Yadav v. State of NCT of Delhi</i> (relevant considerations for grant of Bail), and reversed the Bail granted to the Accused/Respondent No. 2 who was charged u/S. 302, 307, 147, 148, 149, 341, 323, 324, 427, 504, 506 IPC, citing his criminal antecedents and seriousness of the offence.</p>



<p><i>Hon'ble Mr. Justice Mukeshkumar Rasikbhai Shah</i></p>	<p><u>Centrum Financial Services Limited v. State of NCT of Delhi and Anr.</u></p> <p>Date: 28.01.2022 Bench Strength: 2 Judges</p>	<p><u>Criminal Law - Reversal of grant of Bail:</u></p> <p>The Supreme Court reversed the grant of Bail to the Accused/Respondent No.2 charged u/s. 409, 420, 467, 468, 471 and 120B IPC, on the grounds that the High Court failed to consider the relevant factors including the nature and gravity of accusation; the modus operandi of creating the false/forged documents and/or misusing the PAN Cards, Aadhar Cards and KYCs of the employees and showing them as Directors of the fake and shell companies and siphoning of huge sum to another company through shell companies. The Supreme Court also observed that the High Court has not adverted to the relevant considerations, and has granted the bail mechanically by observing that the case arises out of a commercial transaction and is based on documents already seized.</p>
	<p><u>The Director, Directorate of Enforcement & Anr. v. K. Sudheesh Kumar & Ors.</u></p> <p>Date: 28.01.2022 Bench Strength: 2 Judges</p>	<p><u>Service Law:</u></p> <p>The Supreme Court while setting aside the decision of the High Court which declared that the Respondent Nos.1 & 2 were entitled to grade pay of Rs. 6,600/- on their third financial upgradation as per the Modified Assured Career Progression Scheme, held that the High Court has no jurisdiction to interfere with the Government policies in the form of MACP Scheme, which was after accepting the Sixth Central Pay Commission. The Court also observed that the Respondents shall be entitled to Rs. 5,400/- and their pensions shall be fixed accordingly, however, in the peculiar facts of the case, there shall be no recovery of the difference in the pension between the grade pay of Rs.5400 and grade pay of Rs.6600 for the period prior to December, 2021.</p>
	<p><u>Divisional Controller Maharashtra State Road Transport Corporation v. Kalawati Pandurang Fulzele</u></p> <p>Date : 31.01.2022 Bench Strength: 2 Judges</p>	<p><u>Labour Law:</u></p> <p>The Court was considering a challenge by the Appellant-Employer to an order of reinstatement and backwages to the Respondent. It was held that in the peculiar facts of this case (Respondent was appointed as a Sweeper for 4 years on contract basis), the ends of justice would be met if, in lieu of the order of reinstatement and backwages, the Appellant-Employer gave a lump sum amount of Rs.3 Lacs to the Respondent-Employee.</p>

<p>Hon'ble Mr. Justice Mukeshkumar Rasikbhai Shah</p>	<p><u>National High Speed Rail Corporation Limited v. Montecarlo Limited & Anr.</u></p> <p>Date : 31.01.2022 Bench Strength: 2 Judges</p>	<p><u>Tender Matters:</u></p> <p>The Supreme Court defined the contours of judicial review in tender / contractual matters. It was held that a Court before exercising its powers of judicial review to interfere in a contract matter should pose itself two questions:</p> <p>(i) Whether the process adopted / decision made by the authority is <i>malafide</i>, or intended to favour someone; or whether the process adopted or decision made is so arbitrary and irrational that the Court can say: "the decision is such that no responsible authority acting reasonably and in accordance with relevant law could have reached"?</p> <p>(ii) Whether public interest is affected?</p> <p>If the answers to the above questions are in the negative, then there should be no interference under Article 226.</p> <p>In the present case, which pertained to tenders floated for the implementation of the Mumbai-Ahmedabad High Speed Rail, the Supreme Court set aside the Order of the High Court, which quashed communications issued by the Japan International Cooperation Agency informing the Respondent that its bid was technically non-responsive. It was held that it was not open for the High Court to consider / opine whether the Bid submitted by the Respondent is a substantially responsive Technical Bid or not, unless the decision is found to be perverse and / or suffering from <i>mala fides</i> and/or favouritism.</p>
 <p>Hon'ble Mr. Justice Rastogi</p>	<p><u>The Punjab State Cooperative Agricultural Development Bank Ltd v. The Registrar, Cooperative Societies And Others</u></p> <p>Date: 11.01.2022 Bench Strength: 2 Judges</p>	<p><u>Civil Law - Pension Policy:</u></p> <p>The Supreme Court held that an amendment having retrospective operation which has the effect of taking away a benefit already available to the employee under the existing rule, indeed would divest the employee from his vested, or accrued rights and that being so, it would be held to be violative of the rights guaranteed under Articles 14 and 16 of the Constitution of India.</p> <p>In this case, a Bank Pension Scheme was introduced from 1st April 1989, and options were called from the employees. Those who elected to become members of the Pension Scheme were continuously paid pension till 2010.</p>

<p><i>Hon'ble Mr. Justice Ajay Rastogi</i></p>		<p>When the Bank failed to discharge its obligations, the employees approached the High Court by filing writ petitions. Subsequently, on 11.03.2014, the Bank withdrew the Pension Scheme by deleting Rule 15 (ii) of the Pension Scheme, by an amendment which was introduced with effect from 1st April, 1989. The Supreme Court held that the employees who availed the benefit of pension under the scheme had vested and accrued rights, and any amendment to the contrary, which had retrospective operation to take away the right accrued to the retired employees under the existing rule was not only violative of Article 14, but also of Article 21 of the Constitution.</p>
	<p>M/s. Griesheim v. Goyal Mg Gases Pvt. Ltd.</p> <p>Date: 28.01.2022 Bench Strength: 2 Judges</p>	<p><u>Civil Law - Execution of a Foreign Decree:</u></p> <p>The Supreme Court held that the High Court of Delhi in exercise of its original civil jurisdiction can entertain a petition for execution of a money decree (in excess of Rs.20 lakhs) of a foreign Court which is notified as a superior Court of reciprocating territory under Section 44A of the CPC.</p>
	<p>Subhash Chander & Ors. v. M/s Bharat Petroleum Corporation Ltd.(Bpcl) & Anr.</p> <p>Date: 28.01.2022 Bench Strength: 2 Judges</p>	<p><u>Civil Law - Tenancy Law:</u></p> <p>The Supreme Court held that the jurisdiction of a Civil Court is impliedly barred from the field covered specifically by the Haryana (Control of Rent & Eviction) Act, 1973, which is a complete code determining the rights of a tenant/landlord to the exclusion of the other laws. It was concluded that the High Court had rightly held that the jurisdiction of the Civil Court is barred and remedial mechanism for ejectment could be possible only under the provisions of the 1973 Act.</p>
 <p>Hon'ble Mr. Justice Dinesh Maheshwari</p>	<p>State of UP Through Secretary (Excise) & Ors. v. M/s Mcdowell And Company Limited</p> <p>Date: 05.01.2022 Bench Strength: 3 Judges</p>	<p><u>Tax Law - State Excise:</u></p> <p>While reversing the Judgment of the High Court, the Supreme Court held that the fire incident in question which led to destruction of 35,642 cases of Indian Made Foreign Liquor, cannot be said to be an event beyond human control. It was held that the High Court had erred in holding that no negligence could be imputed on the Respondent. It was also observed that when no external natural force had been in operation in violent or sudden manner, the fire could be referable to anything, but to an act of God in legal parlance.</p>

<p><i>Hon'ble Mr. Justice Dinesh Maheshwari</i></p>	<p><u>B.L. Kashyap & Sons Ltd v. M/s. JMS Steels & Power Corporation & Anr.</u></p> <p>Date: 18.01.2022 Bench Strength: 2 Judges</p>	<p><u>Civil Law - Civil Procedure Code:</u></p> <p>While discussing the scope of Rule 3 of Order XXXVII of CPC, the Supreme Court held that the grant of leave to defend (with or without conditions) is the ordinary rule; and denial of leave to defend is an exception. Further, the prayer for leave to defend is to be denied in such cases where the defendant has practically no defence and is unable to give out even a semblance of triable issues before the Court.</p>
	<p><u>Shiv Developers Through its Partner Sunilbhai Somabhai Ajmeri v. Aksharay Developers & Ors.</u></p> <p>Date: 31.01.2022 Bench Strength: 2 Judges</p>	<p><u>Civil Law - Civil Procedure Code:</u></p> <p>The Supreme Court while setting aside the order of the High Court and confirming the order of the Trial Court which dismissed the Application of the Defendant/Respondent for Rejection of Plaintiff under Order VII Rule 11(d) of CPC r/w. Sec. 69(2) of the Indian Partnership Act, 1932, on the ground that the suit filed by and on behalf of an unregistered partnership firm was barred by law, held that the transaction in question was not the one entered into by the plaintiff firm/Appellant during the course of its business and it had been an independent transaction of sale, of the firm's share in the suit property, to the contesting defendants.</p> <p>Moreover, the subject suit cannot be said to be the one for enforcement of right arising from a contract; rather the one where the plaintiff seeks common law remedies with the allegations of fraud as also of the statutory rights of injunction and declaration. Therefore, the bar of Sec. 69(2) does not apply to the present case.</p> <p>The Supreme Court held that to attract the bar of Section 69(2) of the Partnership Act of 1932, the contract in question must be the one entered into by firm with the third-party defendant and must also be the one entered into by the plaintiff firm in the course of its business dealings; and that Section 69(2) of the Act of 1932 is not a bar to a suit filed by an unregistered firm, if the same is for enforcement of a statutory right or a common law right.</p>

<p>Hon'ble Mr. Justice Dinesh Maheshwari</p>	<p><u>M/s Agmatel India Pvt. Ltd. v. M/s Resoursys Telecom & Ors.</u></p> <p>Date: 31.01.2022 Bench Strength: 2 Judges</p>	<p><u>Tender Matters:</u></p> <p>The Supreme Court was deciding Appeals filed by the successful bidder and the tender inviting authority challenging the Order of the High Court setting aside the rejection of a technical bid of another bidder. It was held that the author of the tender document is the best person to understand and appreciate its requirements; and if its interpretation is in consonance with the language of the tender document or subserving the purchase of the tender, the Court would prefer to maintain restraint.</p> <p>It was held that technical evaluation or comparison by the Court is impermissible; and even if the interpretation given to the tender document by the person inviting offers is not as such acceptable to the Constitutional Court, that, by itself, would not be a reason for interfering with the interpretation given.</p> <p>It was held that the interference by the High Court was not justified, since there was no allegation of <i>mala fide</i>, or bias. Every decision of the administrative authority which may not appear plausible to the Court cannot, for that reason alone, be called arbitrary or whimsical.</p>
 <p>Hon'ble Mr. Justice Bhushan Ramkrishna Gavai</p>	<p><u>Renaissance Hotel Holdings Inc. v. B. Vijaya Sai and Others</u></p> <p>Date: 19.01.2022 Bench Strength: 3 Judges</p>	<p><u>Trademark Infringement:</u></p> <p>The Supreme Court held that for availing the benefit of Section 30 of the Trade Marks Act, 1999, it is required that twin conditions are fulfilled: (i) the use of the impugned trade mark being in accordance with the honest practices in industrial or commercial matters, and (ii) such a use is not such as to take unfair advantage of or be detrimental to the distinctive character or repute of the trade mark.</p> <p>In this case, the Court restrained the Respondent from using the Trademark “Sai Renaissance” which was phonetically and visually similar to the Trademark of the Petitioner i.e. “Renaissance” and thus constituted an infringement in view of S.29(9) of the Trademarks Act.</p>

 <p>Hon'ble Mr. Justice Ajjikuttira Somaiah Bopanna</p>	<p><u>Velagacharla Jayaram Reddy & Ors. v. M.Venkata Ramana & Ors .Etc.</u></p> <p>Date: 11.01.2022 Bench Strength: 3 Judges</p>	<p><u>Civil Law - Matters relating to Co-operative Societies:</u></p> <p>The Supreme Court held that former office bearers of a Society and other non-members cannot invoke provisions of the Andhra Pradesh Co-operative Societies Act to challenge the allotment of plot to a member of the Society. It was held that the High Court had rightly set aside the Order of the Andhra Pradesh Co-operative Tribunal, which allowed the challenge made by former members and non-members. It was concluded that the challenge made by such persons to the allotment made in favour of a member cannot be considered to be <i>bonafide</i>.</p>
 <p>Hon'ble Mr. Justice Krishna Murari</p>	<p><u>Hardev Singh v. Prescribed Authority, Kashipur & Anr.</u></p> <p>Date: 10.01.2022 Bench Strength: 2 Judges</p>	<p><u>Civil / Land Laws - Matters relating to Urban Land Ceiling:</u></p> <p>The Supreme Court held that sub-lessees cannot acquire the status of 'Tenure Holder' under the Uttar Pradesh Imposition of Ceiling on Land Holdings Act, 1960. In the facts of the case, the Court held that the provisions of the Ceiling Act would be applicable in case of grantee of Government under a lease agreement, the grantee being a lessee from the Government has no right to transfer the land without fulfilling the two conditions stipulated in Clause 9 of lease deed. The terms of the lease deed though provide for sub-lease for agricultural purposes but sub-lessees can claim no independent rights as a tenure holder.</p>
	<p><u>Arunachala Gounder (Dead) By Lrs. v. Ponnusamy And Ors.</u></p> <p>Date: 20.01.2022 Bench Strength: 2 Judges</p>	<p><u>Civil Law - Hindu Succession:</u></p> <p>The Supreme Court held that if a property of a male Hindu dying intestate is a self-acquired property, or obtained in partition of a coparcenary, or a family property, the same would devolve by inheritance, and not by survivorship, and a daughter of such a male Hindu would be entitled to inherit such property in preference to other collaterals. The Court also traced the sources of Hindu Law, and elucidated the scheme of the Hindu Succession Act. The Court also held that the legislative intent of enacting Section 14(1) of the Hindu Succession Act was to remedy the limitation of a Hindu woman, who could not claim absolute interest in the properties inherited by her, but only had a life interest in the estate so inherited.</p>



**Hon'ble Mr.
Justice S.
Ravindra Bhat**

[Parsi Zoroastrain Anjuman Mhow v. The Sub Divisional Officer/The Registrar of Public Trusts & Anr.](#)

Date: 28.01.2022
Bench Strength: 3 Judges

Religious & Charitable Endowments:

The Supreme Court held that under Section 14(2) of the Madhya Pradesh Public Trust Act, 1951, the Registrar shall not refuse sanction to alienation / transfer of immovable properties of a Trust, unless the alienation is prejudicial to the interests of the Trust. Under the M.P. Public Trust Act, the grant or refusal of sanction by the Registrar must be based on either “*the directions in the instrument of trust*”, or “*any direction given under this (i.e., M.P. Public Trusts Act) or any other law by any court*”.

It was held that the Registrar is not empowered to read into it his / her own notions of what is beneficial and what is prejudicial to the trust. The refusal has to be specific to the requirement of law, wherever such law clearly stipulates so, or any specific provision of the trust document. The Court set aside the Order of the High Court (upholding the Order of the Registrar), and directed the Appellant to implement its decision to sell the properties of the Trust.



[United Bank of India v. Biswanath Bhattacharjee](#)


Date : 31.01.2022
Bench Strength : 2 Judges


Service Law- Departmental Enquiry:

The Supreme Court while dismissing an Appeal filed by the Appellant-Bank against the decision of the High Court setting aside the orders of the appellate and disciplinary authorities which terminated the employment of the Respondent-Employee for alleged misappropriation of the funds of the Appellant-bank held that where the findings of the disciplinary authority are not based on evidence, or based on a consideration of irrelevant material, or ignoring relevant material, are mala fide, or where the findings are perverse, the remedies under Article 226 are available, and intervention, warranted.



The Court also observed that for any court to ascertain if any findings were beyond the record (i.e., no evidence) or based on any irrelevant or extraneous factors, or by ignoring material evidence, necessarily some amount of scrutiny is necessary. A finding of “no evidence” or perversity, cannot be rendered sans such basic scrutiny of the materials, and the findings of the disciplinary authority. However, the margin of appreciation of the court under Article 226 would be different; it is not appellate in character.



 <p>Hon'ble Mr. Justice V. Ramasubramanian</p>	<p><u>Devas Multimedia Private Ltd. v. Antrix Corporation Ltd. & Anr.</u></p> <p>Date: 17.01.2022 Bench Strength: 2 Judges</p>	<p><u>Insolvency and Bankruptcy Law:</u></p> <p>The Supreme Court, while upholding the Order of the NCLAT directing winding up of Devas Multimedia, held that the date of commencement of winding up proceedings may change depending on the acts of omission / commission on the part of the party against whom the action is initiated. These acts of omission and commission constitute the bundle of facts, which determine the question whether an action is barred by limitation or not.</p> <p>It was held that the words "the conduct of the affairs of a company in a fraudulent manner" in Section 271(c) of the Companies Act, 2013 indicate that the process was a continuing one. If the conduct of the affairs of the company in a fraudulent manner is a continuing process, the right to apply becomes recurring.</p> <p>The Court observed that if the seeds of the commercial relationship between Antrix and Devas were a product of fraud perpetrated by Devas, every part of the plant that grew out of those seeds, such as the Agreement, the disputes, arbitral awards etc., are all infected with the poison of fraud. A product of fraud is in conflict with the public policy of any country including India.</p>
 <p>Hon'ble Mr. Justice Hrishikesh Roy</p>	<p><u>Small Industries Development Bank of India v. M/s. Sibco Investment Pvt. Ltd.</u></p> <p>Date: 03.01.2022 Bench Strength: 2 Judges</p>	<p><u>Simple Money & Mortgage Matters - Powers of RBI:</u></p> <p>The Court held that directions issued by the RBI u/S. 45MB(2) of the RBI Act, or S.35-A of the Banking Regulation Act are binding on a Banking Institution (in this case, the Small Industries Development Bank of India). It was held that any direction by the RBI, is compelling and enforceable, similarly like the provisions of the RBI Act by its very nature.</p> <p>The RBI has wide supervisory powers over financial institutions, like SIDBI, in furtherance of which, any direction issued by the RBI, deriving power from the RBI Act, or the Banking Regulation Act is statutorily binding on a banking institution.</p>


<p>Hon'ble Mr. Justice Hrishikesh Roy</p>	<p><u>Union of India & Ors. v. Manju Arora & Anr.</u></p> <p>Date: 03.01.2022 Bench Strength: 2 Judges</p>	<p><u>Service Law:</u></p> <p>The Supreme Court held that if an employee who is offered a regular promotion, refuses the same, he / she is disentitled to financial upgradation benefits. This is because, it is not a case of lack of promotional opportunities, but an employee opting to forfeit offered promotion, for his / her own personal reasons.</p> <p>The Court held that the Scottish Doctrine of “Approbate and Reprobate” applied in such a case. The doctrine applies if a person is given a choice between two rights, and such person irrevocably and with knowledge adopts one, he cannot afterwards assert the other. However, where employees are not offered regular promotion, but conditional promotion on officiating basis, subject to reversion, such employees would not be disentitled from the benefit of promotional benefits, since they cannot be said to have exercised a choice between alternatives.</p>
 <p>Hon'ble Mr. Justice Abhay. S. Oka</p>	<p><u>Deepak s/o Laxman Dongre v. The State of Maharashtra & Ors.</u></p> <p>Date: 28.01.2022 Bench Strength: 2 Judges</p>	<p><u>Criminal Law: Orders of Externment under Maharashtra Police Act, 1951:</u></p> <p>The Supreme Court held that judicial review of an Order of Externment is permissible on the grounds of <i>mala fide</i>, unreasonableness or arbitrariness, as in the case of other administrative orders. It was held that an Order of Externment takes away the fundamental right of a person under Article 19(1)(d) of the Constitution, it must therefore, stand the test of reasonableness contemplated by Article 19 (5). An Order of Externment must be passed sparingly, considering that it is an extraordinary measure. While considering the legality of an Order of Externment passed u/S. 56 of the Maharashtra Police Act, the Supreme Court held that while passing such an Order, the competent authority must record its subjective satisfaction of the existence of one of the grounds in Sec. 56(1) on the basis of objective material placed before it. The Court, while testing such an Order cannot examine the sufficiency of material based on which the subjective satisfaction was recorded. However, the Court can consider whether there existed any material on the basis of which a subjective satisfaction could have been recorded.</p>

 <p>Hon'ble Justice Kohli</p> <p>Ms. Hima</p>	<p><u>Shri Kshetrimayum Maheshkumar Singh v. The Manipur University And Ors</u></p> <p>Date: 05.01.2022 Bench Strength: 2 Judges</p>	<p><u>Reservation Law - Educational Institutions:</u></p> <p>The Supreme Court held that after the 2012 Amendment to the Central Educational Institutions (Reservation in Admission) Act, 2006, the Manipur University had to follow the reservation norms of 2% for SC candidates, 31% for ST candidates and 17% for OBC candidates which is in consonance with the <i>second proviso</i> to Section 3 of the Reservation Act inserted by the Amendment Act.</p> <p>Accordingly, the Court dismissed the challenge raised by the Appellants against the decision of the Manipur High Court, which held that the University was right in reverting to the position prevalent immediately before the commencement of the Reservation Act i.e. by reserving seats in respect of ST, SC and OBC candidates at 31%, 2% and 17% respectively, which was also in consonance with the Manipur State Reservation Policy.</p>
	<p><u>UHL Power Company Ltd. v. State of Himachal Pradesh</u></p> <p>Date: 07.01.2022 Bench Strength: 3 Judges</p>	<p><u>Arbitration Law:</u></p> <p>The Supreme Court reiterated the Judgment in <i>Hyder Consulting (UK) Ltd. V. Governor, State of Orissa through Chief Engineer</i> (2015) 2 SCC 189, which held that an arbitrator can award compound interest.</p> <p>The Court, on a reading of the terms of the Agreements, came to a conclusion that one of the Agreements (in this case, the Implementation Agreement) suggested that another Agreement (in this case, the MoU) had merged with the former.</p> <p>Thus, the disputes arising in the latter agreement would be referable to arbitration, even though the said agreement did not contain a separate arbitration clause.</p> <p>The Court also held that the scope of interference at the Section 34 stage is narrow, it was not open for the Single Judge to act as a Court of Appeal while exercising powers u/S. 34 of the Arbitration Act. Further, the power u/S. 37 is even more circumscribed.</p>

<p>Hon'ble Ms. Justice Hima Kohli</p>	<p><u>State By (Ncb) Bengaluru v. Pallulabid Ahmad Arimutta & Anr.</u></p> <p>Date: 10.01.2022 Bench Strength: 3 Judges</p>	<p><u>Criminal Law - NDPS matters:</u></p> <p>While deciding an Appeal filed by the Narcotics Control Bureau for cancellation of bail, the Supreme Court relied upon the Judgment in <i>Tofan Singh Vs. State of Tamil Nadu</i>, (2021) 4 SCC 1, and reiterated that the arrests on the basis of the confession of the co-accused u/s 67 of the NDPS Act, cannot form the basis for overturning the order releasing the Accused on bail. The Supreme Court however, cancelled bail of a co-accused against whom specific allegations levelled regarding recovery of substantial commercial quantities of drugs.</p>
	<p><u>State of Madhya Pradesh v. Jogendra & Anr.</u></p> <p>Date: 11.01.2022 Bench Strength: 3 Judges</p>	<p><u>Criminal Law - Modification / Enhancement of Conviction:</u></p> <p>The Supreme Court held that demanding money for construction of a house amounts to “dowry”. The Court restored the conviction u/S. 304-B and 498-A I.P.C. as awarded by the Trial Court. However, the Supreme Court reduced the sentence awarded from Life Imprisonment to 7 years. Further, the Court upheld the acquittal u/S. 306 I.P.C. due to lack of conclusive evidence to demonstrate abetment of suicide of the deceased-victim.</p>
	<p><u>Atlanta Limited v. Union Of India</u></p> <p>Date: 18.01.2022 Bench Strength: 3 Judges</p>	<p><u>Arbitration Law:</u></p> <p>The Supreme Court set aside the Judgment of the Division High Court interfering with the Arbitral Award. In this case, the Single Judge upheld the Award; however, the Division Bench interfered with the concurrent findings of the Arbitrator and the Single Judge. The Court held that despite the Division Bench of the High Court acknowledging the limitations imposed while deciding a challenge to an award under the 1940 Act, it erroneously re-appreciated the terms of the contract, evidence of the parties.</p> <p>It was held that the Division Bench ought not to have sat over the decisions of the Arbitrator and the Single Judge, and substituted its view for that of the Arbitrator. It was held that it was beyond the jurisdiction of the Appellate Court to assign to itself, the task of construing the terms and conditions of the contract and its provisions and take a view on certain amounts awarded in favour of a party.</p>

 <p>Hon'ble Mrs. Justice B. V. Nagarathna</p>	<p><u>Rajesh Prasad v. The State of Bihar</u></p> <p>Date: 07.01.2022 Bench Strength: 3 Judges</p> <p><u>K. Arumuga Velaiah v. P.R. Ramasamy And Anr.</u></p> <p>Date: 27.01.2022 Bench Strength: 3 Judges</p>	<p><u>Criminal law - Appeal against Acquittal:</u></p> <p>The Supreme Court reiterated and summarized the circumstances / instances where it may entertain an Appeal against an Order of Acquittal passed by the High Court.</p> <p>In the facts of this case, the Supreme Court upheld the Judgment of the High Court, which reversed the Judgment of conviction passed by the Fast-Track Court, which failed to appreciate the evidence of Prosecution Witnesses in their proper perspective.</p> <p><u>Civil Law - Registration Act, 1908:</u></p> <p>A document of partition which provides for effectuating a division of properties in future would be exempted from registration under Section 17 (2) (v) of the Registration Act, 1908. The test in such a case is whether the document itself creates an interest in a specific immovable property or merely creates a right to obtain another document of title. If a document does not by itself create a right or interest in immovable property, but merely creates a right to obtain another document, which will, when executed create a right in the person claiming relief, the former document does not require registration and is accordingly admissible in evidence.</p>
 <p>Hon'ble Mr. Justice C.T. Ravikumar</p>	<p><u>Union of India v. Alapan Bandyopadhyay</u></p> <p>Date: 06.01.2022 Bench Strength: 2 Judges</p>	<p><u>Judicial Review - Territorial Jurisdiction:</u></p> <p>The Supreme Court set aside the Order of the Calcutta High Court which interfered with a Transfer Order passed by the Principal Bench of CAT (Delhi). It was held that the power of judicial review of an Order transferring an Original Application pending before a Bench of the Tribunal to another Bench can be exercised only by a Division Bench of the High Court within whose territorial jurisdiction the Bench passing the same, falls.</p> <p>It was held that, in the facts of the case, the Calcutta High Court lacked territorial jurisdiction to set aside the transfer order passed by CAT Principal Bench at New Delhi.</p>

 <p>Hon'ble Mr. Justice M. M. Sundresh</p>	<p><u>Jasdeep Singh @ Jassu v. State of Punjab</u></p> <p>Date: 07.01.2022 Bench Strength: 2 Judges</p> <p><u>Bank of Baroda & Anr. v. Mbl Infrastructures Limited & Ors</u></p> <p>Date: 18.01.2022 Bench Strength: 2 Judges</p>	<p><u>Criminal Law - Appeal against Conviction:</u></p> <p>The Supreme Court while allowing the Appeals against conviction u/S.. 304 Part I r/w 34 IPC filed by the Accused, expounded the principles of Section 34 IPC (Common Intention).</p> <p>The Court while drawing an analogy said that the game of football involves several positions manned by many, such as defender, mid-fielder, striker, and a keeper. A striker may hit the target, while a keeper may stop an attack. The consequence of the match, either a win or a loss, is borne by all the players, though they may have their distinct roles. A goal scored or saved may be the final act, but the result is what matters.</p> <p><u>Insolvency and Bankruptcy Law:</u></p> <p>While interpreting S.29A(h) of the IBC, the Supreme Court held that mere existence of a personal guarantee, which is invoked by any creditor, leads to a disqualification of that Guarantor from submitting a Resolution Plan, notwithstanding that the application for initiation of CIRP was filed by another creditor.</p> <p>It was held that the words “such creditor” in S.29A(h) has to be interpreted to mean similarly placed creditors, after the application for insolvency is admitted by the adjudicating authority.</p>
 <p>Hon'ble Ms. Justice Bela M. Trivedi</p>	<p><u>Sunil Kumar Maity v. State Bank of India and Anr</u></p> <p>Date: 21.01.2022 Bench Strength: 2 Judges</p>	<p><u>Consumer Law:</u></p> <p>While setting aside the decision passed by the National Consumer Dispute Redressal Commission, the Supreme Court reiterated that the Revisional jurisdiction of the NCDRC shall be exercised only in cases when it appears that the State Commission had exercised a jurisdiction not vested in it by law, or had failed to exercise jurisdiction so vested, or had acted in the exercise of its jurisdiction illegally or with material irregularity. It was further held that Section 5 of the Limitation Act does not apply to the institution of civil suit in the Civil Court.</p>

<p>Hon'ble Ms. Justice Bela M. Trivedi</p>	<p><u>State of Madhya Pradesh v. R. D. Sharma</u></p> <p>Date: 27.01.2022 Bench Strength: 2 Judges</p>	<p><u>Service Law:</u></p> <p>“Equal pay for equal work” is not a fundamental right vested in any employee, though it is a constitutional goal to be achieved by the Government.”</p> <p>The Respondent No. 1/ R.D. Sharma retired from the post of PCCF in 2001 and in 2011 he made a representation to the Government of India requesting it to revise his pension from Rs.37,750/- (50% of HAG Scale 75000-80000) to Rs. 40,000/- (50% of apex scale 80000) as per the Indian Forests Service (Pay) Second Amendment Rules, 2008 which came to be rejected. Aggrieved by the same, the Respondent approached CAT, Madhya Pradesh and the same was dismissed.</p> <p>The High Court reversed the Order of the tribunal and held that the respondent no. 1 was eligible to get the benefit of Rs. 40,000/- as pension at par with the other officers, as per the Rules of 2008.</p> <p>While setting aside the decision of the High Court, the Supreme Court held that the High Court had thoroughly misdirected itself by applying the principle of "equal pay for equal work" and wrongly placing reliance on the decision in <i>State of Punjab and Ors. Vs. Jagjit Singh</i>.</p>
 <p>Hon'ble Mr. Justice Pamidighantam Sri Narasimha</p>	<p><u>Sushil Kumar v. The State of Haryana & Ors.</u></p> <p>Date: 19.01.2022 Bench Strength: 2 Judges</p>	<p><u>Service Law - Promotion:</u></p> <p>While dismissing the Appeal seeking retrospective promotion to the post of Head Constable in the State of Haryana, the Supreme Court relied upon the Punjab Police Rules, 1934 and held that the recommendation of the DPC does not give any indefinite right to be appointed as Head Constable and that in Judicial Review Proceedings, Courts are concerned with the decision-making process, and not the decision itself.</p>