
Current's
**MONTHLY DIGEST [CIVIL] - SUPREME COURT AND BOMBAY
HIGH COURT**

2025(1)MDSCBHC(Civil)1

IN THE SUPREME COURT OF INDIA

[Before J B Pardiwala; Manoj Misra]

Contempt Petition (Civil); Civil Appeal; M A (Miscellaneous Application) No 58 of
2024, 159 of 2024; 5542 of 2023, 5543 of 2023; 600 of 2024, 601 of 2024
dated 13/12/2024

Celir Llp vs. Sumati Prasad Bafna & Ors

AUCTION SALE COMPLIANCE

Code of Civil Procedure, 1908 Sec. 11, Or. 7 R. 11 - Transfer of Property Act, 1882 Sec. 52 - Contempt of Courts Act, 1971 Sec. 2 - Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 Sec. 13, Sec. 14, Sec. 17 - Security Interest (Enforcement) Rules, 2002 Rule 9, Rule 8 - Auction Sale Compliance - Appeal concerning contempt petition for alleged non-compliance with Supreme Court's final judgment upholding auction sale under SARFAESI Act - Appellant declared highest bidder and issued sale certificate by bank - Respondent borrower challenged auction, alleging procedural irregularities under SARFAESI Rules - Subsequent transferee claimed ownership via assignment agreement during appeal pendency - Court noted sale certificate issuance mandated transfer of possession to appellant - Borrower and transferee's actions, including filing suits and resisting possession handover, deemed deliberate violations of auction terms and prior judgment - Court directed possession transfer, quashing interim orders obstructing sale enforcement - Contempt Petition Allowed

Law Point: Compliance with judicial orders and auction terms under SARFAESI Act is essential; obstructive actions to resist execution invite contempt proceedings.

Acts Referred:

Code of Civil Procedure, 1908 Sec. 11, Or. 7R. 11

Transfer of Property Act, 1882 Sec. 52

Contempt of Courts Act, 1971 Sec. 2

Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 Sec. 13, Sec. 14, Sec. 17

Security Interest (Enforcement) Rules, 2002 Rule 9, Rule 8

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2025(1)MDSCBHC(Civil)2

IN THE SUPREME COURT OF INDIA

[From NCDRC]

[Before Bela M Trivedi; Satish Chandra Sharma]

Civil Appeal No 13940 of 2024 **dated 13/12/2024**

Indore Development Authority vs. Dr Hemant Mandovra

PLOT ALLOTMENT DISPUTE

Consumer Protection Act, 1986 Sec. 13, Sec. 12 - Plot Allotment Dispute - Appeal arose against orders of State and National Commissions directing appellant to allot plot after respondent failed to pay instalments as per allotment terms under 1994 NIT - Respondent approached District Forum and subsequently State and National Commissions after delay of 28 years - National Commission directed appellant to accept balance payment with interest and deliver possession - Supreme Court held respondent defaulted on multiple occasions and granting relief after 28 years was untenable - Directed appellant to auction plot afresh as per rules - Set aside orders of State and National Commissions - Appeal Allowed

Law Point: Relief sought under consumer law cannot override fundamental default by complainant; delayed claims contrary to procedural fairness and justice may be denied.

Acts Referred:

Consumer Protection Act, 1986 Sec. 13, Sec. 12

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2025(1)MDSCBHC(Civil)3

IN THE SUPREME COURT OF INDIA

[From BOMBAY HIGH COURT]

[Before Dipankar Datta; Prashant Kumar Mishra]

Civil Appeal No 14506 of 2024, 14507 of 2024, 14508 of 2024, 14509 of 2024, 14510 of 2024, 14511 of 2024, 14512 of 2024, 14513 of 2024, 14514 of 2024, 14515 of 2024, 14516 of 2024, 14517 of 2024, 14518 of 2024, 14519 of 2024, 14520 of 2024, 14521 of 2024, 14522 of 2024, 14523 of 2024 **dated 13/12/2024**

Municipal Corporation of Greater Mumbai and Others vs. Vivek V Gawde Etc Etc

EVICTON OF UNAUTHORIZED OCCUPANTS

Mumbai Municipal Corporation Act, 1888 Sec. 105B - Eviction of Unauthorized Occupants - Appeals challenged High Court order framing points for determination in eviction proceedings under Mumbai Municipal Corporation Act - High Court upheld inquiry officer's authority but proceeded to frame issues for inquiry, including limitation and institutional bias - Supreme Court held High Court overstepped jurisdiction by interfering prematurely and substituting its discretion for inquiry officer's statutory role - Directed inquiry to proceed adhering to principles of natural justice without High Court-imposed issues - Set aside High Court directions - Appeals Allowed

Law Point: High Courts must not preempt statutory processes or assume jurisdiction beyond supervisory limits; inquiry officers retain discretion within statutory frameworks.

Acts Referred:

Mumbai Municipal Corporation Act, 1888 Sec. 105B

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2025(1)MDSCBHC(Civil)4

IN THE SUPREME COURT OF INDIA

[From RAJASTHAN HIGH COURT]

[Before Pamidighantam Sri Narasimha; Manoj Misra]

Civil Appeal No 14328 of 2024 **dated 12/12/2024**

Navratan Lal Sharma vs. Radha Mohan Sharma & Ors

RESTORATION OF APPEAL

Code of Civil Procedure, 1908 Or. 23R. 3A, Or. 23R. 3 - Contract Act, 1872 Sec. 28 - Restoration of Appeal - Appellant filed a suit for declaration and injunction against respondents claiming forgery and fraud concerning power of attorney and sale deeds - Suit dismissed by Trial Court - During pendency of appeal, parties entered a compromise with terms for restoration of appeal in case of non-compliance - High Court disposed of appeal based on compromise but refused liberty for restoration - Respondents failed to comply, prompting appellant to seek restoration - High Court dismissed application citing lack of liberty for restoration in prior order - Supreme Court held restoration as a statutory remedy under Order 23 Rule 3 CPC irrespective of explicit liberty - Reiterated that fraudulent or voidable agreements can be challenged under Contract Act - Directed High Court to decide restoration application on merits - Emphasized courts must not curtail statutory remedies and parties retain rights under valid compromise terms - Appeal Allowed

Law Point: Restoration of appeal after compromise decree permissible under Order 23 Rule 3 of CPC when terms remain unfulfilled - Courts cannot curtail statutory remedies - Fraudulent agreements challengeable as voidable under Sec. 19 of Contract Act.

Acts Referred:

Code of Civil Procedure, 1908 Or. 23R. 3A, Or. 23R. 3

Contract Act, 1872 Sec. 28

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2025(1)MDSCBHC(Civil)5

IN THE SUPREME COURT OF INDIA

[From BOMBAY HIGH COURT]

[Before Sudhanshu Dhulia; Ahsanuddin Amanullah]

Civil Appeal No 5193 of 2024 **dated 12/12/2024**

Proposed Vaibhav Cooperative Housing Society Limited vs. State of Maharashtra & Ors

ARBITRARY LAND ALLOTMENT

Arbitrary Land Allotment - Appeal challenges arbitrary allotment of government land to a cooperative housing society (MRCHS) - MRCHS altered its composition multiple times to meet eligibility criteria, violating procedures under Maharashtra Land

Revenue Rules and Government Resolutions - Appellant contended that MRCHS received land it never applied for, and allotment lacked transparency - Letter of Intent issued without adherence to rules requiring public notification and competitive allotment processes - Supreme Court noted arbitrary actions, including discretionary grant of land without valid justification, undermining procedural integrity - Held that land is a vital community resource necessitating transparent and fair allocation - Quashed allotment in favour of MRCHS due to non-compliance with procedural requirements - Directed authorities to decide appellant's eligibility separately - Appeal Allowed

Law Point: Allotment of government land must adhere to transparency and fairness - Discretionary grants require documented justification - Violation of eligibility criteria or procedural lapses render allotments arbitrary and unsustainable.

For Full Judgement visit currentpublications.com or download 'Current Publications' Mobile App. Use Code: **SC24121337708**

2025(1)MDSCBHC(Civil)6

IN THE SUPREME COURT OF INDIA

[From DELHI HIGH COURT]

[Before B R Gavai; K V Viswanathan]

Civil Appeal No 14290 of 2024 **dated 11/12/2024**

Baby Sakshi Greola vs. Manzoor Ahmad Simon and Another

ENHANCEMENT OF COMPENSATION

Motor Vehicles Act, 1988 Sec. 166 - Enhancement of Compensation - Appeal concerns enhancement of compensation granted to a minor for grievous injuries sustained in a motor vehicle accident - Appellant suffered permanent disability assessed at 75%, with implications including moderate mental retardation and dependence on full-time skilled attendant - Tribunal awarded Rs. 5,90,750/- as compensation, later enhanced to Rs. 11,51,000/- by High Court - Supreme Court found further inadequacy in compensation under various heads including attendant charges, pain and suffering, and loss of marriage prospects - Revised total compensation to Rs. 50,87,000/- considering lifelong dependency and impact on quality of life - Directed immediate disbursement of Rs. 10,00,000/- and fixed deposit of remaining amount to ensure sustained financial support - Appeal Allowed

Law Point: Compensation for personal injuries must reflect lifelong impact, including permanent disability and dependency - Adequate enhancement under

relevant heads required to ensure just compensation and sustained financial support for injured.

Acts Referred:

Motor Vehicles Act, 1988 Sec. 166

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2025(1)MDSCBHC(Civil)7

IN THE SUPREME COURT OF INDIA

[From MADRAS HIGH COURT]

[Before Pamidighantam Sri Narasimha; Sandeep Mehta]

Civil Appeal No 14299 of 2024 **dated 11/12/2024**

Dushyant Janbandhu vs. Hyundai Autoever India Pvt Ltd

NON-ARBITRABILITY OF DISPUTE

Industrial Disputes Act, 1947 Sec. 2A - Arbitration and Conciliation Act, 1996 Sec. 11, Sec. 15, Sec. 5, Sec. 8 - Payment of Wages Act, 1936 Sec. 22, Sec. 23 - Non-Arbitrability of Dispute - Appeal challenges High Court's order appointing arbitrator under Arbitration Act for disputes involving non-payment of wages and termination of employment - Appellant contended disputes fell under statutory jurisdiction of Payment of Wages Act and Industrial Disputes Act, rendering them non-arbitrable - Supreme Court found High Court's decision an abuse of process, noting disputes already under adjudication before statutory authorities - Highlighted exclusive jurisdiction of authorities under respective Acts over such disputes - Reiterated that statutory remedies under special legislations prevail over contractual arbitration agreements - Set aside High Court's order and dismissed arbitration petition - Imposed costs on respondent for misuse of legal process - Appeal Allowed

Law Point: Disputes involving statutory rights under special legislations like Payment of Wages Act and Industrial Disputes Act are non-arbitrable - Exclusive jurisdiction of statutory authorities overrides contractual arbitration agreements.

Acts Referred:

Industrial Disputes Act, 1947 Sec. 2A

Arbitration and Conciliation Act, 1996 Sec. 11, Sec. 15, Sec. 5, Sec. 8

Payment of Wages Act, 1936 Sec. 22, Sec. 23

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2025(1)MDSCBHC(Civil)8

IN THE SUPREME COURT OF INDIA

[From PUNJAB AND HARYANA HIGH COURT]

[Before Sudhanshu Dhulia; Prasanna B Varale]

Civil Appeal No 8244 of 2009 **dated 11/12/2024**

Naresh Kumari & Ors vs. Chameli & Ors

REVOCAION OF GIFT

Transfer of Property Act, 1882 Sec. 127, Sec. 123 - Revocation of Gift - Appeal concerns revocation of oral gift made in 1953, where land was gifted by donor to defendants' predecessors for rendering services - Plaintiffs alleged services ceased and sought land reversion based on gift condition - Trial Court decreed suit holding defendants violated terms, but High Court reversed on grounds of limitation and lack of evidence - Supreme Court dismissed appeal, emphasizing plaintiffs failed to prove cessation of services or their demand - Observed gift was valid, complete upon possession transfer, and perpetual service condition could imply forced labor, violating constitutional rights - Interpreted services as past or limited to donor's lifetime, rejecting perpetual service obligation - Held plaintiffs lacked case for land reversion - Appeal Dismissed

Law Point: Conditions requiring perpetual services in gifts are invalid if they imply forced labor - Burden of proving breach of gift terms lies on claimant - Past services or donor-lifetime services suffice for onerous gifts.

Acts Referred:

Transfer of Property Act, 1882 Sec. 127, Sec. 123

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2025(1)MDSCBHC(Civil)9

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

[Before M S Sonak; Jitendra Jain]

Writ Petition No 350 of 2024 **dated 11/12/2024**

Ashwini Ashish Dighe vs. Union of India; Additional Secretary; Director General of Foreign Trade; Joint Director General of Foreign Trade; Additional Director General of Foreign Trade

REJECTION OF MEIS CLAIM

Foreign Trade (Development and Regulation) Act, 1992 Sec. 13, Sec. 15, Sec. 9, Sec. 2 - Rejection of MEIS Claim - Petitioner challenged rejection of MEIS benefit application by JDGFT citing ineligibility of supplies under para 3.06 of Foreign Trade Policy - ADGFT dismissed appeal on ground that rejection letter was not an adjudicating authority's order - High Court held appeal maintainable under Sec. 9 and Sec. 15 of Foreign Trade (Development and Regulation) Act, 1992 - Found JDGFT's order non-speaking and lacking reasoning - Quashed impugned orders and directed reconsideration of petitioner's application with a speaking order - Emphasized necessity of reasoned decisions by quasi-judicial authorities in rejecting applications - Orders Quashed

Law Point: Orders rejecting applications must be reasoned and transparent - Appeal rights under Foreign Trade Act extend to non-adjudicatory decisions affecting applicants - Quasi-judicial authorities must adequately explain conclusions in their orders.

Acts Referred:

Foreign Trade (Development and Regulation) Act, 1992 Sec. 13, Sec. 15, Sec. 9, Sec. 2

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2025(1)MDSCBHC(Civil)10

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

[Before M S Sonak; Jitendra Jain]

Writ Petition No 17122 of 2024 **dated 11/12/2024**

General Motors India Private Limited vs. State of Maharashtra; Assistant Commissioner of State Tax; Authority For Advance Ruling Maharashtra

ADVANCE RULING APPLICATION

Maharashtra Goods and Services Tax Act, 2017 Sec. 98, Sec. 103, Sec. 73 - Maharashtra Goods and Services Tax Rules, 2017 Rule 142 - Advance Ruling Application - Writ Petition challenged pre-show cause notice issued under Maharashtra GST Act and sought disposal of advance ruling application filed earlier - Petitioner contended that pre-show cause notice might prejudice pending ruling application - High Court directed authority to decide application on merits within three months as mandated by statutory provisions - Clarified that subsequent issuance of pre-show cause notice does not bar deciding advance ruling application if issue was not pending when application was filed - Declined petitioner's request to restrain proceedings under pre-show cause notice, emphasizing minimal interference with such notices - Observed tendency of premature petitions bypassing statutory remedies and discouraged such practices - Disposed of petition with directions to concerned authority - Petition Disposed

Law Point: Pending advance ruling applications must be decided on merits unless issues were already pending at filing - Issuance of subsequent notices does not preclude authority's decision - Minimal interference allowed with pre-show cause notices.

Acts Referred:

Maharashtra Goods and Services Tax Act, 2017 Sec. 98, Sec. 103, Sec. 73

Maharashtra Goods and Services Tax Rules, 2017 Rule 142

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2025(1)MDSCBHC(Civil)11

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

[Before G S Kulkarni; Advait M Sethna]

Writ Petition No 997 of 2021 **dated 11/12/2024**

Laxman Mahadev Katkar; Vimal Laxman Katkar; Kaka Laxman Katkar; Pandurang Laxman Katkar vs. State of Maharashtra; Divisional Commissioner, Pune Revenue Department; Special Land Acquisition Officer; Sub Divisional Officer

LAPSE OF ACQUISITION

Constitution of India Art. 300A, Art. 226, Art. 21, Art. 14 - Land Acquisition Act, 1894 Sec. 6, Sec. 48, Sec. 11A, Sec. 11, Sec. 4 - Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 Sec. 24 - Lapse of Acquisition - Petition challenged validity of land acquisition proceedings

under Sec. 11A of Land Acquisition Act, 1894 on grounds of inordinate delay and lack of physical possession - Petitioners' lands excluded from original award dated 15 October 1999 - No subsequent acquisition proceedings or compensation initiated within stipulated period - Court observed gross delay of 17 years in issuing hearing notice and breach of natural justice principles in impugned order - Held that absence of fresh proceedings or compliance with statutory requirements under Sec. 11A led to lapsing of entire acquisition process - Found arbitrary actions violated Articles 21, 14, and 300A of Constitution - Quashed impugned order and declared acquisition proceedings as lapsed - Acquisition Lapsed

Law Point: Acquisition proceedings under Land Acquisition Act lapse if award is not made within two years of declaration under Sec. 6 - Delay, procedural lapses, and non-compliance with statutory requirements invalidate acquisition.

Acts Referred:

Constitution of India Art. 300A, Art. 226, Art. 21, Art. 14

Land Acquisition Act, 1894 Sec. 6, Sec. 48, Sec. 11A, Sec. 11, Sec. 4

Right to Fair Compensation and Transparency In Land Acquisition, Rehabilitation and Resettlement Act, 2013 Sec. 24

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2025(1)MDSCBHC(Civil)12

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

[Before Sandeep V Marne]

Civil Revision Application No 333 of 2023 **dated 11/12/2024**

Pradeep Kumar Lalit Kumar Pandya vs. Harisingh J Kapadia; Ruxmani Harisingh Kapadia; Kartik Harisingh Kapadia; Kusum G Vyas; Kandarp S Upadhyaya; Janardhan D Upadhyaya; Madhu D Upadhyaya; Rama H Rawal

TRANSMISSION OF TENANCY

Code of Civil Procedure, 1908 Sec. 115 - Maharashtra Rent Control Act, 1999 Sec. 16, Sec. 15, Sec. 7 - Transmission of Tenancy - Revision Applicant challenged dismissal of his suit seeking declaration of tenancy under Section 7(15)(d) of Maharashtra Rent Control Act, 1999 - Applicant claimed tenancy as a family member residing with deceased tenant, but failed to establish continuous residence or close familial relationship - Trial Court and Appellate Bench of Small Causes Court rejected claim based on lack of credible evidence and contradictions in Applicant's witnesses' statements - High Court upheld findings, emphasizing need for concrete proof of co-residence and family membership -

Noted inclusion of Applicant's name in ration card shortly before tenant's death and absence of proof for prolonged residence - Held tenancy rights cannot be transmitted without satisfying statutory criteria - Application dismissed

Law Point: Transmission of tenancy requires evidence of residence with deceased tenant as a family member - Mere distant relation or temporary residence insufficient - Burden of proof lies on claimant to establish statutory criteria under Rent Control Act.

Acts Referred:

Code of Civil Procedure, 1908 Sec. 115

Maharashtra Rent Control Act, 1999 Sec. 16, Sec. 15, Sec. 7

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2025(1)MDSCBHC(Civil)13

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

[Before Milind N Jadhav]

Land Acquisition Reference No 18 of 1988, 19 of 1988 **dated 11/12/2024**

Special Land Acquisition Officer (3); A H Wadia Charity Trust & Others vs. Airport Authority of India

LAND VALUATION DISPUTE

Land Acquisition Act, 1894 Sec. 51A, Sec. 34, Sec. 16, Sec. 28, Sec. 23, Sec. 9, Sec. 10, Sec. 11, Sec. 18, Sec. 17, Sec. 25, Sec. 4 - Land Valuation Dispute - References sought enhanced market value for lands acquired for Mumbai Airport extension under Land Acquisition Act - Lands were requisitioned since 1942, later acquired under separate notifications with distinct valuation dates - Claimants challenged awards by SLAO alleging undervaluation - Claimants provided evidence of expert valuers and comparable sale instances showing higher market value - SLAO defended awards citing limitations under unamended Sec. 25 of Act, lack of access, and restrictions on land use - Court examined market value considering factors like access, development potential, and comparable sales - Held SLAO undervalued lands - Enhanced compensation awarded considering statutory benefits - Court dismissed SLAO's claims that unamended Sec. 25 barred higher compensation - Enhanced Compensation Allowed

Law Point: Courts can determine market value afresh under Land Acquisition Act - Unamended Sec. 25 does not preclude enhanced compensation if proven by evidence - Comparable sales, development potential, and statutory benefits essential for fair valuation.

Acts Referred:

Land Acquisition Act, 1894 Sec. 51A, Sec. 34, Sec. 16, Sec. 28, Sec. 23, Sec. 9, Sec. 10, Sec. 11, Sec. 18, Sec. 17, Sec. 25, Sec. 4

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2025(1)MDSCBHC(Civil)14

IN THE SUPREME COURT OF INDIA

[From PUNJAB AND HARYANA HIGH COURT]

[Before B R Gavai; K V Viswanathan]

Civil Appeal No 13348 of 2024 **dated 10/12/2024**

Banwari and Others vs. Haryana State Industrial and Infrastructure Development Corporation Limited (Hsiidc) and Another

APPLICATION REDETERMINATION

Land Acquisition Act, 1894 Sec. 54 - Sec. 28A - Sec. 11 - Sec. 18 - Application Redetermination - Appeal arose from High Court judgment quashing an order of Land Acquisition Collector enhancing compensation under Sec. 28A of Land Acquisition Act - High Court relied on earlier rulings restricting applications under Sec. 28A to awards by Reference Courts and not appellate courts - Appellants argued benefit must align with legislative intent to assist inarticulate and poor landowners - Supreme Court analyzed conflicting interpretations in earlier precedents - Held provision aims to remove inequality in compensation and must be construed liberally - Found applications under Sec. 28A validly filed within three months from High Court's enhanced compensation order - Concluded High Court erred in its interpretation - Quashed High Court's decision and restored Collector's order granting enhanced compensation - Appeals Allowed

Law Point: Sec. 28A of Land Acquisition Act provides liberal interpretation to address inequality in compensation - Application valid if filed within three months of relevant award - Applies to all similarly circumstanced landowners.

Acts Referred:

Land Acquisition Act, 1894 Sec. 54, Sec. 28A, Sec. 11, Sec. 18

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2025(1)MDSCBHC(Civil)15

IN THE SUPREME COURT OF INDIA

[From DELHI HIGH COURT]

[Before Vikram Nath; Prasanna B Varale]

Civil Appeal No 14277 of 2024 **dated 10/12/2024**

Parvin Kumar Jain vs. Anju Jain

MAINTENANCE AND DIVORCE

Hindu Marriage Act, 1955 Sec. 26, Sec. 13, Sec. 24 - Maintenance and Divorce - Appeal challenges enhancement of interim maintenance and dismissal of husband's petition challenging interim maintenance - Parties separated for over two decades after five years of cohabitation - High Court enhanced maintenance under Sec. 24 HMA, dismissed appellant's challenge to interim maintenance, and emphasized welfare of dependent wife and child - Supreme Court dissolved marriage under Article 142 of Constitution citing irretrievable breakdown and prolonged separation - Directed one-time settlement of Rs. 5 crores for wife and Rs. 1 crore for son's maintenance considering standard of living, financial needs, and appellant's capacity - Ensured financial security for dependent wife and child post dissolution - Appeals Disposed

Law Point: Interim maintenance and permanent alimony aim to protect dependent spouse and child - Court may order one-time settlement considering financial capacity, lifestyle, and welfare to ensure fair and just support after marriage dissolution.

Acts Referred:

Hindu Marriage Act, 1955 Sec. 26, Sec. 13, Sec. 24

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2025(1)MDSCBHC(Civil)16

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

[Before M S Sonak; Jitendra Jain]

Writ Petition No 1883 of 2023 **dated 10/12/2024**

Bramhanand Kanojia vs. Union of India; Commissioner of Cgst and Central Excise; Joint Commissioner of Cgst and Central Excise; Deputy Director Dggi; Senior Intelligence Officer, Dggi; Designated Committee

ELIGIBILITY UNDER SVLDRS

Finance Act, 1994 Sec. 83 - Sabka Vishwas (Legacy Dispute Resolution) Scheme, 2019 Sec. 127, Sec. 125, Sec. 126 - Eligibility under SVLDRS - Writ petition challenged rejection of applications under Sabka Vishwas (Legacy Dispute Resolution) Scheme citing duty not quantified before 30 June 2019 - Petitioner argued quantification admitted in statement dated 28 June 2018 and tax liability partially paid - Court held quantification valid under Scheme and rejection of application erroneous - Directed authorities to re-calculate payable amount including interest, allowing petitioner to comply within specified time - Petition Allowed

Law Point: Duty quantification admitted during inquiry suffices for eligibility under SVLDRS; rejections on incorrect grounds warrant recalculation and compliance directions.

Acts Referred:

Finance Act, 1994 Sec. 83

Sabka Vishwas (Legacy Dispute Resolution) Scheme, 2019 Sec. 127, Sec. 125, Sec. 126

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2025(1)MDSCBHC(Civil)17

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

[Before G S Kulkarni; Advait M Sethna]

Writ Petition No 4091 of 2024 **dated 10/12/2024**

Gourang Anil Wakade (Legal Heir of Late Meena Anil Wakade) vs. Income Tax Officer; Principal Chief Commissioner of Income-tax; National Faceless Assessment Centre; Union of India

NOTICE TO DECEASED ASSESSEE

Income Tax Act, 1961 Sec. 148, Sec. 147, Sec. 148A - Notice to Deceased Assessee - Writ petition challenged reassessment notices issued under Sec. 148 and Sec. 148A of Income Tax Act against a deceased assessee - Court held notices issued after assessee's death were non-est and void ab initio as compliance with Sec. 148A provisions including hearing cannot be achieved against a dead person - Permitted Revenue to issue fresh notice to legal heirs within limitation period if reassessment conditions are met - Petition Allowed

Law Point: Reassessment notices issued to a deceased assessee are void; legal heirs may be served fresh notices subject to statutory compliance and limitation periods.

Acts Referred:

Income Tax Act, 1961 Sec. 148, Sec. 147, Sec. 148A

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2025(1)MDSCBHC(Civil)18

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

[Before M S Sonak; Jitendra Jain]

Writ Petition No 5080 of 2024 **dated 09/12/2024**

Nalwa Sons Investments Limited; Mahender Kumar Goel; Rakesh Kumar Garg; Rajinder Parkash Jindal; Bhartendu Harit; Prithavi Raj Jindal; Arti Jindal; Siddeshwari Tradex Private Limited; Sahyog Holdings vs. Securities and Exchange Board of India

SHOW CAUSE NOTICE

Code of Civil Procedure, 1908 Or. 7 R. 11 - Securities Contracts (Regulation) Act, 1956 Sec. 24, Sec. 23A - Securities and Exchange Board of India Act, 1992 Sec. 11B, Sec. 11, Sec. 15HA - Securities and Exchange Board of India (Procedure for Holding Inquiry and Imposing Penalties by Adjudicating Officer) Rules, 1995 Rule 5 - Securities and Exchange Board of India (Settlement Proceedings) Regulations, 2018 Reg 8 - Securities Contracts (Regulation) (Procedure For Holding Inquiry and Imposing Penalties) Rules, 2005 Rule 5 - Show Cause Notice - Writ Petition filed challenging show cause notice issued by SEBI regarding alleged violations related to a 2014 reorganization - Petitioners claimed delay in issuance of notice, res judicata, and lack of material disclosure by SEBI - SEBI argued for dismissal citing no merit, stating Petitioners could respond to notice - Court declined to interfere, holding show cause notice did not violate principles of natural justice or jurisdiction - Directed SEBI to provide specific documents as agreed - Petitioners allowed additional time to respond to notice - Petition dismissed emphasizing procedural fairness and allowing adjudication to proceed - Petition Dismissed

Law Point: Courts typically refrain from interfering with show cause notices at preliminary stages unless jurisdictional or procedural violations are evident, emphasizing fair adjudication and procedural opportunity.

Acts Referred:

Code of Civil Procedure, 1908 Or. 7R. 11

Securities Contracts (Regulation) Act, 1956 Sec. 24, Sec. 23A

Securities and Exchange Board of India Act, 1992 Sec. 11B, Sec. 11, Sec. 15HA

Securities and Exchange Board of India (Procedure for Holding Inquiry and Imposing Penalties by Adjudicating Officer) Rules, 1995 Rule 5

Securities and Exchange Board of India (Settlement Proceedings) Regulations, 2018 Reg 8

Securities Contracts (Regulation) (Procedure For Holding Inquiry and Imposing Penalties) Rules, 2005 Rule 5

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2025(1)MDSCBHC(Civil)19

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

[Before B P Colabawalla; Somasekhar Sundaresan]

Writ Petition No 2693 of 2024 **dated 09/12/2024**

Raj Realtors vs. State of Maharashtra; Collector; Divisional Commissioner, Town Planning Department; Tahsildar

OCCUPATION CERTIFICATE

Maharashtra Regional and Town Planning Act, 1966 Sec. 14, Sec. 18, Sec. 16, Sec. 15 - Unified Development Control and Promotion Regulations for Maharashtra State, 2020 Reg 5 - Occupation Certificate - Writ Petition filed seeking issuance of Occupation Certificate (OC) for ten buildings developed under permissions granted by authorities - Authorities withheld OC citing applicability of restrictions under Unified Development Control and Promotion Regulations (UDCPR) and Maharashtra Regional and Town Planning (MRTP) Act - Court observed development permissions granted prior to effective dates of applicable regulations, including revised permissions consistent with laws - Held withholding OC unjustified under factual and legal analysis - Directed respondents to issue OC within specified timeline ensuring compliance with earlier permissions - Petition disposed directing prompt action - Petition Allowed

Law Point: Development undertaken under valid permissions prior to regulatory changes cannot be impeded by subsequent regulatory restrictions; Occupation Certificate must be issued adhering to permissions granted in compliance with existing laws.

Acts Referred:

Maharashtra Regional and Town Planning Act, 1966 Sec. 14, Sec. 18, Sec. 16, Sec. 15
Unified Development Control and Promotion Regulations for Maharashtra State, 2020
Reg 5

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2025(1)MDSCBHC(Civil)20

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

[Before M S Sonak; Jitendra Jain]

Writ Petition No 659 of 2023 **dated 09/12/2024**

*Fork Media Pvt Ltd vs. Union of India; Central Board of Indirect Taxes and Customs
Department of Revenue; Assistant Commissioner, Cgst & C Ex; Sabka Vishwas
Designated Committee; Additional Assistant Director, Dggi*

CENVAT CREDIT DISPUTE

Service Tax Rules, 1994 Rule 6, Rule 7, Rule 5 - Finance (No. 2) Act, 2019 Sec. 124 -
CENVAT Credit Dispute - Petition challenged demand under Sabka Vishwas Scheme
alleging improper consideration of CENVAT credit - Petitioner argued input credit
utilized post-investigation initiation should reduce liability - Respondents contended
credit pre-dated inquiry and evidence lacked clarity - High Court noted petitioner
failed to establish dates of utilization through credible material - Observed multiple
misstatements and shifting stances by petitioner - Held respondents' findings consistent
with statutory framework and Scheme objectives - Petition dismissed with no relief
granted

**Law Point: Declarants under Sabka Vishwas Scheme must substantiate claims
with credible evidence - Courts cannot favor petitioners with inconsistent stances
or unsupported assertions.**

Acts Referred:

Service Tax Rules, 1994 Rule 6, Rule 7, Rule 5

Finance (No. 2) Act, 2019 Sec. 124

For Full Judgement visit currentpublications.com or download 'Current Publications'
Mobile App. Use Code: **BHC24121132789**

2025(1)MDSCBHC(Civil)21

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

[Before M S Sonak; Jitendra Jain]

Writ Petition; Interim Application No 2903 of 2021, 706 of 2024; 424 of 2022
dated 09/12/2024

Bharat Hirji Dedhia; Oriental Insurance Co Ltd vs. Union of India; Oriental Insurance Company Ltd; Office of Insurance Ombudsman; Bharat H Dedhia

INSURANCE CLAIM COMPLIANCE

Insurance Ombudsman Rules, 2017 Rule 13 - Insurance Claim Compliance - Writ Petitions arise from non-compliance with Insurance Ombudsman's award directing payment under health insurance policy - Insurance Company delayed compliance despite clear directives under IRDA Notification requiring resolution within 30 days - High Court criticized suppression of documents, prolonged litigation, and lack of interim relief by Insurance Company - Dismissed challenge to Ombudsman's award citing frivolous grounds, emphasized binding nature of such awards - Directed payment with 7% interest from July 2021 and exemplary costs of Rs. 1 lakh to policyholder - Ordered inquiry into officials responsible for delay, recovery of costs from salaries, and compliance reporting to ensure accountability - Petition Partly Allowed

Law Point: Insurance Ombudsman's awards bind insurers under IRDA rules - Delays and non-compliance invite interest, costs, and accountability for responsible officials - High Courts ensure compliance with Ombudsman directives to protect policyholders.

Acts Referred:

Insurance Ombudsman Rules, 2017 Rule 13

For Full Judgement visit currentpublications.com or download 'Current Publications' Mobile App. Use Code: **BHC24121232215**

2025(1)MDSCBHC(Civil)22

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

[From AURANGABAD BENCH]

[Before Mangesh S Patil; Prafulla S Khubalkar]

Writ Petition No 13391 of 2024 **dated 09/12/2024**

Parshuram Shahaji Boyane vs. State of Maharashtra

CASTE CERTIFICATE VALIDATION

Maharashtra Scheduled Castes, Scheduled Tribes, De-Notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification Of) Caste Certificate Act, 2000 Sec. 7 - Caste Certificate Validation - Writ petition challenged Scrutiny Committee's decision invalidating petitioner's Koli Mahadev Scheduled Tribe certificate - Court noted common vigilance enquiry relied on same evidence for petitioner and others, including real brother, who were granted validity certificates in earlier proceedings - Directed issuance of validity certificate to petitioner subject to re-examination of validity holders by Scrutiny Committee - Petition Allowed

Law Point: Uniform evidence considered in caste validation must ensure consistent decisions; invalidation for one cannot stand when others on identical grounds are validated.

Acts Referred:

Maharashtra Scheduled Castes, Scheduled Tribes, De-Notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification Of) Caste Certificate Act, 2000 Sec. 7

For Full Judgement visit currentpublications.com or download 'Current Publications' Mobile App. Use Code: **BHC24121634150**

2025(1)MDSCBHC(Civil)23

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

[Before M S Sonak; Jitendra Jain]

Writ Petition No 3072 of 2019 **dated 06/12/2024**

Manvi Hakka Sanrakshan and Jagruti; Abhishek Subhash Haridas vs. Charity Commissioner of Maharashtra; Chairperson, Maharashtra State Human Rights Commission; Joint Charity Commissioner; State of Maharashtra

CIRCULAR ON TRUST NAMES

Maharashtra Co-Operative Societies Act, 1960 Sec. 3A - Bombay Public Trusts Act, 1950 Sec. 22, Sec. 21, Sec. 9, Sec. 37, Sec. 41B, Sec. 18, Sec. 69 - Bombay Public Trusts Rules, 1951 Rule 8A - Protection of Human Rights Act, 1993 Sec. 2 - Tamil Nadu Societies Registration Act, 1975 Sec. 9 - Companies Act, 2013 Sec. 4 - Circular on Trust Names - Revised Circular No. 543 issued by Charity Commissioner directed Trusts to remove words like "Bhrashtachar" and "Human Rights" from their titles - Appellants argued it violated charitable purpose under Maharashtra Public Trusts Act Sec. 9 and lacked legal backing - Respondent claimed phrases misled public to believe

Trusts had enforcement powers - High Court held Circular contrary to charitable purpose definition, ignoring "general public utility" advancement clause - Emphasized fighting corruption and protecting human rights are valid public utility objectives - Held authorities lacked power under Act to direct name changes without statutory provision - Circular quashed while permitting lawful action against misuse or impersonation - Circular Quashed

Law Point: Authorities under Maharashtra Public Trusts Act cannot compel Trusts to change names unless explicitly empowered by statutory provisions.

Acts Referred:

Maharashtra Co-Operative Societies Act, 1960 Sec. 3A

Bombay Public Trusts Act, 1950 Sec. 22, Sec. 21, Sec. 9, Sec. 37, Sec. 41B, Sec. 18, Sec. 69

Bombay Public Trusts Rules, 1951 Rule 8A

Protection of Human Rights Act, 1993 Sec. 2

Tamil Nadu Societies Registration Act, 1975 Sec. 9

Companies Act, 2013 Sec. 4

For Full Judgement visit currentpublications.com or download 'Current Publications' Mobile App. Use Code: **BHC2412732699**

2025(1)MDSCBHC(Civil)24

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

[Before Amit Borkar]

Writ Petition No 10926 of 2014 **dated 06/12/2024**

Sharadchandra Ramkrishna Deshmukh Since Deceased; Shailaja Sharadchandra Deshmukh; Anita Pushkarraj Deshpande vs. Kuldeep Builders; Amol Giridharlal Karava; Atul Ashok Purandare; Amul Giridharlal Karwa; Amol Pandurang Patilamit Borkar

EXECUTION DISPUTE IN DECREE

Code of Civil Procedure, 1908 Or. 21R. 1, Or. 21R. 19 - Execution Dispute in Decree - Decree-holder challenged Executing Court's calculation deducting Rs. 17,00,000 payable to judgment-debtor from principal amount before interest computation and restricting interest to counter-claim date - Decree awarded interest till realization on specified amounts and directed mutual adjustment of liabilities - Executing Court's interpretation of Order XXI Rule 19 exceeded intent by overriding explicit decree terms - High Court held adjustment to occur after calculating accrued interest on

principal till realization - Directed recalculation of payable amount following decree provisions and ensuring interest computation till realization - Impugned order set aside - Order Quashed

Law Point: Adjustment under Order XXI Rule 19 of CPC must not alter express terms of a decree and interest on decretal amount should be computed as specified in decree until realization.

Acts Referred:

Code of Civil Procedure, 1908 Or. 21R. 1, Or. 21R. 19

For Full Judgement visit currentpublications.com or download 'Current Publications' Mobile App. Use Code: **BHC2412733260**

2025(1)MDSCBHC(Civil)25

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

[Before M S Sonak; Jitendra Jain]

Writ Petition; Interim Application No 17902 of 2024; 15458 of 2024
dated 06/12/2024

Vertiv Energy Pvt Ltd; Director General of Audit (Central) vs. Union of India; Joint Commissioner of Cgst & Ce; Superintendent, Anti Evasion; Ld Joint Commissioner (In-situ); Superintendent of Range-vi; Director General of Audit (Central)

JURISDICTION ON AUDIT BASIS

Comptroller and Auditor General's (Duties, Powers and Conditions of Service) Act, 1971 Sec. 16 - Central Goods and Services Tax Act, 2017 Sec. 74 - Jurisdiction on Audit Basis - Petitioners challenged show cause notice issued under CGST Act based on CERA audit findings, claiming it violated precedents and jurisdictional limits - Respondents clarified CERA audited governmental departments, not Petitioner - High Court held reliance on audit observations legitimate when used to assess compliance and revenue discrepancies - Found allegations of evasion substantiated by independent scrutiny of returns - Observed principles of natural justice upheld by sharing material and granting time to reply - Declined interference due to existence of alternate remedy - Directed adjudicating authority to ensure sufficient time for Petitioner to respond - Petition Dismissed

Law Point: Audit observations of departments under CAG can form basis for independent scrutiny of taxpayer compliance by authorities under CGST Act without constituting direct audit of taxpayer.

Acts Referred:

Comptroller and Auditor Generals (Duties, Powers and Conditions of Service) Act, 1971 Sec. 16

Central Goods and Services Tax Act, 2017 Sec. 74

For Full Judgement visit currentpublications.com or download 'Current Publications' Mobile App. Use Code: **BHC2412733636**

2025(1)MDSCBHC(Civil)26

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

[Before Manish Pitale]

Writ Petition (L) No 12916 of 2024 **dated 05/12/2024**

Raian Nogi Karanjawala and Another vs. Board of Mumbai Port Authority and Others

JURISDICTIONAL AUTHORITY

Bombay Rents, Hotel and Lodging House Rates Control Act, 1947 Sec. 4 - Major Port Trusts Act, 1963 Sec. 5 - Public Premises (Eviction of Unauthorised Occupants) Act, 1971 Sec. 2 - Jurisdictional Authority - Petitioners contended that eviction proceedings initiated by respondent through Estate Officer under Public Premises Act lacked jurisdiction - Petitioners claimed protection under Rent Control Legislations based on lease granted in 1962 - Respondent terminated lease citing violations and filed eviction petition arguing premises constituted public premises - Petitioners argued exception under Bombay Rent Control Act applied to lease and that amendments to Public Premises Act could not negate prior protections - It was determined that protection under Rent Control Act was available only to sub-lessees or tenants, not to original lessee against lessor - Estate Officer's jurisdiction upheld, eviction petition allowed to proceed - Writ petition dismissed with directive to expedite eviction proceedings - Petitions Dismissed

Law Point: Protection under Rent Control Legislations is restricted to sub-lessees or tenants; original lessee cannot invoke such protections against lessor for premises classified as public under Public Premises Act.

Acts Referred:

Bombay Rents, Hotel and Lodging House Rates Control Act, 1947 Sec. 4

Major Port Trusts Act, 1963 Sec. 5

Public Premises (Eviction of Unauthorised Occupants) Act, 1971 Sec. 2

For Full Judgement visit currentpublications.com or download 'Current Publications' Mobile App. Use Code: **BHC2412632874**

Monthly Digest [Civil] - Supreme Court and Bombay High Court

2025(1)MDSCBHC(Civil)27

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

[Before Sandeep V Marne]

Writ Petition No 6858 of 1998 **dated 05/12/2024**

Ashok Mohanshankar Vernekar Since Deceased; Jyotsna Ashok Vernekar; Tanmay Ashok Vernekar vs. Shantaram M Bhat (Since Deceased); Sulochana S Bhat; Nootan Shantaram Bhat

STANDARD RENT REDUCTION

Bombay Rents, Hotel and Lodging House Rates Control Act, 1947 Sec. 5, Sec. 11, Sec. 7 - Maharashtra Rent Control Act, 1999 Sec. 11, Sec. 7 - Standard Rent Reduction - Tenant applied for reduction of contractual rent under Bombay Rent Act claiming excessive charge - Trial Court rejected application finding rent reasonable based on evidence - Appellate Court reduced rent from Rs. 2,000/- to Rs. 1,000/- relying on outdated valuation and ignoring landlord's evidence - High Court reinstated Trial Court's decision, ruling no valid grounds existed for reduction and emphasizing tenant's long acceptance of agreed rent without objection - Tenant liable to pay difference in rent with 8% interest as per Maharashtra Rent Control Act - Petition Allowed

Law Point: Contractual rent agreed upon and consistently paid cannot be arbitrarily reduced absent valid grounds, and statutory provisions must ensure fairness without undue advantage to tenants.

Acts Referred:

Bombay Rents, Hotel and Lodging House Rates Control Act, 1947 Sec. 5, Sec. 11, Sec. 7
Maharashtra Rent Control Act, 1999 Sec. 11, Sec. 7

For Full Judgement visit currentpublications.com or download 'Current Publications' Mobile App. Use Code: **BHC2412732142**

2025(1)MDSCBHC(Civil)28

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

[Before B P Colabawalla; Firdosh P Pooniwalla]

Writ Petition No 14732 of 2023 **dated 04/12/2024**

Govind Milk and Milk Products Pvt Ltd vs. State of Maharashtra & Anr

EXPORT SUBSIDY CLAIM

Constitution of India Art. 166 - Maharashtra Government Rules of Business, 1975 Rule 9, Rule 11 - Export Subsidy Claim - Petitioner sought release of export subsidy

as per Government Resolution dated 31st July 2018 for exporting 250 metric tons of milk powder - Respondents argued non-adherence to procedural requirements and potential double benefits - Court noted Respondent's prior admission of entitlement and lack of evidence for double benefit claim - Held that delay in subsidy release violated Article 14 due to differential treatment compared to similarly placed entities - Directed Respondents to disburse Rs.1,25,00,000/- within six weeks - Reserved issue of interest for separate proceedings - Petition Allowed

Law Point: Procedural delays or unsupported claims cannot deny benefits under welfare schemes; differential treatment violating Article 14 warrants judicial correction.

Acts Referred:

Constitution of India Art. 166

Maharashtra Government Rules of Business, 1975 Rule 9, Rule 11

For Full Judgement visit currentpublications.com or download 'Current Publications' Mobile App. Use Code: **BHC2412632709**

2025(1)MDSCBHC(Civil)29

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

[Before B P Colabawalla; Firdosh P Pooniwalla]

Writ Petition No 10543 of 2023 **dated 04/12/2024**

S R Thorat Milk Product Pvt Ltd vs. State of Maharashtra & Ors

EXPORT SUBSIDY ENTITLEMENT

Constitution of India Art. 166, Art. 14 - Export Subsidy Entitlement - Petitioner claimed export subsidy under Government Resolution dated 31st July 2018 for exporting 314.488 metric tons of milk powder - Respondents delayed payment citing procedural irregularities and potential double benefit - Court noted prior decisions confirming entitlement and rejected double benefit argument as unsupported - Held that differential treatment violates Article 14 as similarly placed entities had received subsidy - Directed Respondents to disburse Rs.1,57,24,400/- within six weeks - Left issue of interest open for separate proceedings - Petition Allowed

Law Point: Procedural delays and unsupported claims cannot deny lawful entitlements; equal treatment under welfare schemes must align with Article 14 guarantees.

Acts Referred:

Constitution of India Art. 166, Art. 14

For Full Judgement visit currentpublications.com or download 'Current Publications'
Mobile App. Use Code: **BHC2412632927**

2025(1)MDSCBHC(Civil)30

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

[Before B P Colabawalla; Firdosh P Pooniwalla]

Writ Petition No 199 of 2024 **dated 04/12/2024***Sunfresh Agro Industries Pvt Ltd vs. State of Maharashtra & Anr***SUBSIDY NON-DISBURSAL**

Maharashtra Government Rules of Business, 1975 Rule 9, Rule 11 - Subsidy Non-Disbursal - Petitioner sought release of Rs.75,00,000/- export subsidy under Government Resolution dated 31st July 2018 for exporting 150 metric tons of milk powder - Respondents delayed payment citing procedural lapses and risk of double benefit - Court rejected double benefit argument and noted prior orders confirming entitlement - Held that denial violates Article 14 due to differential treatment - Directed disbursement within six weeks - Left claim for interest open for separate proceedings - Petition Allowed

Law Point: Delayed implementation of welfare schemes without valid reasoning breaches Article 14; similarly placed beneficiaries must be treated equitably under government resolutions.

Acts Referred:

Maharashtra Government Rules of Business, 1975 Rule 9, Rule 11

For Full Judgement visit currentpublications.com or download 'Current Publications'
Mobile App. Use Code: **BHC2412633028**

2025(1)MDSCBHC(Civil)31

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

[Before B P Colabawalla; Firdosh P Pooniwalla]

Writ Petition No 10540 of 2023 **dated 04/12/2024***Vrs Foods Limited vs. State of Maharashtra & Ors***EXPORT SUBSIDY PAYMENT**

Maharashtra Government Rules of Business, 1975 Rule 9, Rule 11 - Export Subsidy Payment - Petitioner sought release of Rs.4,79,94,000/- export subsidy under Government Resolution dated 31st July 2018 for exporting 959.88 metric tons of milk

powder - Respondents delayed payment citing procedural lapses and double benefit risk - Court rejected double benefit argument and confirmed entitlement based on prior orders - Held that denial violates Article 14 due to differential treatment - Directed disbursement within six weeks - Reserved issue of interest for separate proceedings - Petition Allowed

Law Point: Denial of legitimate subsidy claims citing unsupported procedural lapses breaches Article 14; beneficiaries must receive equal treatment under welfare resolutions.

Acts Referred:

Maharashtra Government Rules of Business, 1975 Rule 9, Rule 11

For Full Judgement visit currentpublications.com or download 'Current Publications' Mobile App. Use Code: **BHC2412633173**

2025(1)MDSCBHC(Civil)32

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

[Before Abhay Ahuja]

Execution Application; Notice No 2866 of 2015; 66 of 2016 **dated 04/12/2024**

Chetraj N Khadka vs. Dighi Port Limited

DECREE HOLDER IN CIRP

Insolvency and Bankruptcy Code, 2016 Sec. 3, Sec. 9, Sec. 31, Sec. 60, Sec. 5 - Decree Holder in CIRP - Appellant sought execution of decree against respondent despite NCLT-approved resolution plan under IBC - Respondent argued that operational creditors, including appellant, were to receive NIL payment as per resolution plan, rendering execution application infructuous - Appellant contended decree holder forms distinct creditor class not addressed in plan - Court held operational creditors' claims extinguished upon resolution plan approval under IBC Sec. 31 - Affirmed Supreme Court precedent barring proceedings for excluded claims post-plan approval - Execution application dismissed

Law Point: Claims not included in an IBC-approved resolution plan are extinguished, precluding continuation of execution or legal proceedings for such claims.

Acts Referred:

Insolvency and Bankruptcy Code, 2016 Sec. 3, Sec. 9, Sec. 31, Sec. 60, Sec. 5

For Full Judgement visit currentpublications.com or download 'Current Publications' Mobile App. Use Code: **BHC2412732297**

Monthly Digest [Civil] - Supreme Court and Bombay High Court

2025(1)MDSCBHC(Civil)33

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

[Before Sandeep V Marne]

Civil Revision Application No 103 of 2024 **dated 03/12/2024**

Metal Box India Ltd vs. S F Engineer

TENANT PROTECTION LOSS

Code of Civil Procedure, 1908 Or. 20R 12, Sec. 115 - Transfer of Property Act, 1882 Sec. 105, Sec. 106 - Sick Industrial Companies (Special Provisions) Act, 1985 Sec. 18 - Maharashtra Rent Control Act, 1999 Sec. 16, Sec. 15, Sec. 3 - Tenant Protection Loss - Tenant challenged eviction order premised on loss of Maharashtra Rent Control Act (MRC Act) protection due to paid-up share capital exceeding Rs.1 crore as of Act's enforcement - Defendant claimed restoration of protection citing subsequent capital reduction under a rehabilitation scheme - Small Causes Court and Appellate Court held protection could not be regained by retrospective or voluntary capital reduction - High Court upheld findings, emphasizing legislative intent to exclude economically capable entities from rent control benefits - Application Dismissed

Law Point: Protection under MRC Act once lost due to eligibility criteria cannot be restored through retrospective or voluntary reduction in qualifying factors; legislative intent favors exclusion of cash-rich entities.

Acts Referred:

Code of Civil Procedure, 1908 Or. 20R 12, Sec. 115

Transfer of Property Act, 1882 Sec. 105, Sec. 106

Sick Industrial Companies (Special Provisions) Act, 1985 Sec. 18

Maharashtra Rent Control Act, 1999 Sec. 16, Sec. 15, Sec. 3

For Full Judgement visit currentpublications.com or download 'Current Publications' Mobile App. Use Code: **BHC2412732797**

2025(1)MDSCBHC(Civil)34

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

[Before A S Gadkari; Kamal Khata]

Writ Petition No 1796 of 2023 **dated 03/12/2024**

Sagar Hanumanta Daunde; Nanasaheb Anandrao Patil vs. Municipal Corporation of Greater Mumbai; Deputy Chief Engineer (Roads), Eastern Suburbs Mumbai Municipal Corporation

CIRCULAR ON REPETITIVE COMPLAINTS

Right to Information Act, 2005 Sec. 12 - Circular on Repetitive Complaints - Petitioners challenged a Circular designating them as "Persona Non-Grata" for repetitive complaints on identical issues against municipal authorities, claiming it violated fundamental rights and principles of natural justice - Court held Circular aimed at streamlining administrative responses without precluding new grievances or appeals under RTI Act - Found it neither discriminatory nor infringing upon constitutional rights, as it addressed misuse of complaint mechanisms to harass public officials - Observed Circular allowed reasonable exceptions and mandated action for substantiated grievances - Petition dismissed

Law Point: Administrative measures to manage repetitive and vexatious complaints do not infringe fundamental rights when reasonable exceptions are provided, ensuring balance between accountability and administrative efficiency.

Acts Referred:

Right to Information Act, 2005 Sec. 12

For Full Judgement visit currentpublications.com or download 'Current Publications' Mobile App. Use Code: **BHC2412733154**

2025(1)MDSCBHC(Civil)35

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

[Before M S Sonak; Jitendra Jain]

Writ Petition No 4844 of 2024 **dated 02/12/2024**

Harsh Mehta vs. Securities and Exchange Board of India; Reliance Capital Ltd; Indusind International Holdings Limited

SEBI DELISTING CHALLENGE

Constitution of India Art. 14 - Companies Act Sec. 424D - Reserve Bank of India Act Sec. 45IE - Securities Contracts (Regulation) Act Sec. 21, Sec. 31, Sec. 21A - SEBI Act Sec. 11A, Sec. 32, Sec. 30, Sec. 11 - Insolvency and Bankruptcy Code Sec. 238, Sec. 30, Sec. 231, Sec. 31 - Insolvency and Bankruptcy Board of India (Insolvency Resolution Process For Corporate Persons) Regulations Reg 37 - SEBI (Delisting of Equity Shares) Regulations Reg 3 (2009, 2021) - SEBI Delisting Challenge - Petition challenged vires of SEBI Delisting Regulation 3(2)(b)(i) exempting delisting under resolution plans approved under IBC - Petitioner alleged regulation contravenes SEBI Act's objectives to protect investor interests and violates Article 14 of Constitution - Court held SEBI acted within powers under SEBI Act and SCRA - Found regulation aligned with IBC's overriding non-obstante clause ensuring resolutions under IBC bind

all stakeholders including shareholders - Emphasized IBC's later enactment prevails in conflicts with SEBI Act - Rejected contention of arbitrariness citing safeguards under IBC - Highlighted economic legislation's broad policy latitude - Dismissed petition as meritless - Petition Dismissed

Law Point: SEBI Delisting Regulations exempting IBC-approved resolutions do not violate SEBI Act or Constitution; IBC's statutory framework and overriding clause govern delisting procedures effectively.

Acts Referred:

Constitution of India Art. 14

Companies Act, 1956 Sec. 424D

Reserve Bank of India Act, 1934 Sec. 45IE

Securities Contracts (Regulation) Act, 1956 Sec. 21, Sec. 31, Sec. 21A

Securities and Exchange Board of India Act, 1992 Sec. 11A, Sec. 32, Sec. 30, Sec. 11

Insolvency and Bankruptcy Code, 2016 Sec. 238, Sec. 30, Sec. 231, Sec. 31

Insolvency and Bankruptcy Board of India (Insolvency Resolution Process For Corporate Persons) Regulations, 2016 Reg 37

Securities and Exchange Board of India (Delisting of Equity Shares) Regulations, 2009 Reg 3

Securities and Exchange Board of India (Delisting of Equity Shares) Regulations, 2021 Reg 3

For Full Judgement visit currentpublications.com or download 'Current Publications' Mobile App. Use Code: **BHC2412333849**

2025(1)MDSCBHC(Civil)36

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

[Before Sandeep V Marne]

Writ Petition No 6980 of 1998 **dated 02/12/2024**

Laxman Pralhad Ganaji Dayme; Paras Son of Laxman Dayme; Suresh Son of Laxman Dayme; Sarojdevi Wd/o of Laxman Dayme vs. Vinayak Mahadeo Pradhan; Dr Suhas Vinayak Pradhan

TENANT CONSTRUCTION RIGHTS

Bombay Rents, Hotel and Lodging House Rates Control Act Sec. 13 - Transfer of Property Act Sec. 108 - Tenant Construction Rights - Petition challenged eviction decree under Bombay Rent Act alleging permanent alterations and damages to rented premises - Tenant argued alterations carried out with prior written consent of earlier

landlord or constituted minor repairs for beneficial use - Evidence showed unauthorized constructions including bathroom, loft, water tank, rolling shutters, and demolition of original structures - Courts found works involved embedding into load-bearing walls and alterations of fundamental nature without landlord consent - Dismissed claims of minor repairs citing extensive modifications and contradictory defenses by tenant - Eviction upheld as works deemed permanent under Sec. 13(1)(b) of Bombay Rent Act causing structural changes - Petition dismissed with conditional time for vacating premises - Petition Dismissed

Law Point: Unauthorized structural alterations without landlord consent, resulting in permanent changes, justify eviction under Bombay Rent Act; tenant cannot claim protection for wholesale renovations contravening tenancy conditions

Acts Referred:

Bombay Rents, Hotel and Lodging House Rates Control Act, 1947 Sec. 13

Transfer of Property Act, 1882 Sec. 108

For Full Judgement visit currentpublications.com or download 'Current Publications' Mobile App. Use Code: **BHC2412334435**

2025(1)MDSCBHC(Civil)37

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

[From AURANGABAD BENCH]

[Before S G Mehare; Shailesh P Brahme]

Writ Petition No 2650 of 2019 **dated 02/12/2024**

Shejal Bahuuddeshiya Shikshan Sanstha vs. State of Maharashtra; Vice Chancellor, Dr Babasaheb Ambedkar Marathwada University

REJECTION OF L.O.I

Maharashtra Public Universities Act, 2016 Sec. 109, Sec. 107, Sec. 31, Sec. 37 - Rejection of L.O.I - Petitioner sought issuance of Letter of Intent (L.O.I.) for opening a new college for academic year 2019-2020 citing positive recommendation from university - Respondent-State cited deficiencies in compliance with norms, including land documents and financial details, and rejected proposal - High Court upheld rejection emphasizing State's discretion under Sec. 109 of Act, 2016 and expiry of relevant perspective and annual plans - Found delay in State's response irrelevant as rejection reasons were communicated in 2019 - Petition dismissed with liberty to pursue remedies against university for non-communication

Law Point: State discretion to issue L.O.I. under Maharashtra Public Universities Act prevails over university recommendations; claims must comply with statutory plans and timelines.

Acts Referred:

Maharashtra Public Universities Act, 2016 Sec. 109, Sec. 107, Sec. 31, Sec. 37

For Full Judgement visit currentpublications.com or download 'Current Publications' Mobile App. Use Code: **BHC2412733305**

2025(1)MDSCBHC(Civil)38

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

[Before Sandeep V Marne]

Civil Revision Application; Interim Application No 210 of 2022; 3223 of 2022, 3222 of 2022 **dated 02/12/2024**

Uma Ramji Tiwari vs. Ashok Manilal Dubey (Deceased)

EVICITION FOR RENT DEFAULT

Code of Civil Procedure, 1908 Or. 20R 12, Sec. 115 - Bombay Rents, Hotel and Lodging House Rates Control Act, 1947 Sec. 12, Sec. 13 - Transfer of Property Act, 1882 Sec. 108 - Maharashtra Rent Control Act, 1999 Sec. 16, Sec. 11, Sec. 7 - Eviction for Rent Default - Tenant challenged eviction decree sustained by lower courts on grounds of default in rent payment and acquisition of alternate accommodation - Court observed tenant failed to deposit arrears, interest, and costs as per Sec. 12(3) Bombay Rent Act despite multiple opportunities - Found no valid reason to interfere with factual findings on demand notice service or statutory compliance - Decree upheld, with alternate accommodation ground rendered unnecessary for decision - Tenant granted time to vacate premises while barred from creating third-party rights - Revision Dismissed

Law Point: Tenants failing to meet statutory requirements for rent deposit under Sec. 12(3) Bombay Rent Act lose protection against eviction; compliance must include arrears, interest, and costs.

Acts Referred:

Code of Civil Procedure, 1908 Or. 20R 12, Sec. 115

Bombay Rents, Hotel and Lodging House Rates Control Act, 1947 Sec. 12, Sec. 13

Transfer of Property Act, 1882 Sec. 108

Maharashtra Rent Control Act, 1999 Sec. 16, Sec. 11, Sec. 7

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2025(1)MDSCBHC(Civil)39

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

[Before R I Chagla]

Chamber Summons; Suit; Interim Application; Notice Of Motion No 397 of 2019; 463 of 2016; 55 of 2019; 1798 of 2017 **dated 29/11/2024**

Zenith Enterprises; Vinesh Rashmikant Shah and Ors vs. Pee Jay Traders and Ors

SPECIFIC PERFORMANCE

Code of Civil Procedure, 1908 Or. 23R. 3 - Or. 12R. 6 - Evidence Act, 1872 Sec. 91, Sec. 92 - Transfer of Property Act, 1882 Sec. 53A, Sec. 48, Sec. 8, Sec. 3 - Specific Relief Act, 1963 Sec. 19 - Maharashtra Ownership Flats (Regulation of Promotion of Construction, Sale, Management and Transfer) Act, 1963 Sec. 4 - Specific Performance - Chamber Summons filed for impleadment in specific performance suit regarding flats - Plaintiff entered prior registered agreements for sale with defendants - Zenith later executed agreements with defendants for same flats and sought to displace plaintiff's claim - Plaintiff opposed impleadment arguing Zenith's agreements were void ab initio as earlier registered agreements prevail under Section 48 of Transfer of Property Act - Court held plaintiff dominus litis and cannot be forced to include Zenith - Zenith's possession, based on later agreements, held insufficient for impleadment or to affect plaintiff's rights - Court affirmed first registered agreements take precedence - Chamber Summons Dismissed

Law Point: In specific performance suits, earlier registered agreements supersede subsequent agreements; third parties with later claims cannot displace original parties' rights through impleadment applications.

Acts Referred:

Code of Civil Procedure, 1908 Or. 23R. 3, Or. 12R. 6

Evidence Act, 1872 Sec. 91, Sec. 92

Transfer of Property Act, 1882 Sec. 53A, Sec. 48, Sec. 8, Sec. 3

Specific Relief Act, 1963 Sec. 19

Maharashtra Ownership Flats (Regulation of The Promotion of Construction, Sale, Management and Transfer) Act, 1963 Sec. 4

For Full Judgement visit currentpublications.com or download 'Current Publications' Mobile App. Use Code: **BHC2412232990**

Monthly Digest [Civil] - Supreme Court and Bombay High Court

2025(1)MDSCBHC(Civil)40

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

[Before Ravindra V Ghuge; Ashwin D Bhohe]

Writ Petition No 16128 of 2024 **dated 29/11/2024**

Pooja Yogesh Singh; Shanti Shikshan Prachar Mandal vs. State of Maharashtra; Deputy Director of Education; Education Officer (Secondary)

APPOINTMENT REJECTION

Constitution of India Art. 16 - National Commission For Minority Educational Institutions Act, 2004 Sec. 2 - Maharashtra Employees of Private Schools (Conditions of Service) Rules, 1981 Rule 9 - Appointment Rejection - Petitioners sought approval for appointment of Petitioner No. 1 as Shikshan Sevak in an aided school managed by Petitioner No. 2 - Respondents rejected approval citing non-compliance with Rule 9(2-A) of MEPS Rules due to advertisement being published in a fortnightly newspaper lacking wide circulation - Court observed compliance with Rule 9(2-A) mandatory to ensure transparency and equality in public employment - Held that advertisement and selection process failed to meet legal standards - Petition dismissed as defective advertisement rendered recruitment process invalid - Petition Dismissed

Law Point: Non-compliance with mandatory advertisement norms under Rule 9(2-A) of MEPS Rules violates principles of transparency and equal opportunity in public employment, invalidating selection process.

Acts Referred:

Constitution of India Art. 16

National Commission For Minority Educational Institutions Act, 2004 Sec. 2

Maharashtra Employees of Private Schools (Conditions of Service) Rules, 1981 Rule 9

For Full Judgement visit currentpublications.com or download 'Current Publications' Mobile App. Use Code: **BHC2412454277**

2025(1)MDSCBHC(Civil)41

IN THE SUPREME COURT OF INDIA

[From ALLAHABAD HIGH COURT]

[Before B R Gavai; K V Viswanathan]

Civil Appeal No 13309 of 2024, 13310 of 2024 **dated 28/11/2024**

Anek Singh Etc vs. State of Uttar Pradesh & Anr

LAND COMPENSATION

Land Acquisition Act, 1894 Sec. 6, Sec. 18, Sec. 4 - Land Compensation - Appeal under Section 18 of Land Acquisition Act challenging denial of adequate compensation for land acquired for industrial development near Mathura refinery - Appellants' land located just across refinery gate granted Rs.1.93 per sq. mtr. while nearby land received Rs.15 per sq. mtr - High Court upheld award based on soil quality - Supreme Court observed land proximity to refinery undisputed and valuation by Collector matched compensation of Rs.15 per sq. mtr. for comparable lands - Held that reliance on soil type was flawed given location and circle rates - Award quashed; compensation enhanced to Rs.15 per sq. mtr. with statutory benefits and interest payable within eight weeks - Appeals Allowed

Law Point: Compensation under land acquisition must consider proximity and comparative land valuations; soil-based rates invalid when evidence supports higher location-specific valuation.

Acts Referred:

Land Acquisition Act, 1894 Sec. 6, Sec. 18, Sec. 4

For Full Judgement visit currentpublications.com or download 'Current Publications' Mobile App. Use Code: **SC2412232521**

2025(1)MDSCBHC(Civil)42

IN THE SUPREME COURT OF INDIA

[From CALCUTTA HIGH COURT]

[Before Pamidighantam Sri Narasimha; Sandeep Mehta]

Civil Appeal No 13187 of 2024 **dated 27/11/2024**

Government of West Bengal & Ors vs. Amal Satpathi & Ors

RETROSPECTIVE PROMOTION

West Bengal Service Rules, Part-I - Rule 54(1)(a) - Retrospective Promotion - Appeal considered whether a government employee is entitled to retrospective promotion and related financial benefits post-superannuation - Respondent promoted on officiating basis and later recommended for promotion to a higher post before retirement - Procedural delays led to final promotion approval post-retirement - Tribunal awarded notional financial benefits without granting actual promotion, upheld by High Court - Appellants argued Rule 54(1)(a) of West Bengal Service Rules precludes retrospective promotion without assuming duties - Court observed promotion effective only upon assumption of higher post responsibilities - Held respondent cannot claim financial

benefits of higher post not served - Tribunal and High Court orders set aside - Appeal allowed - Appeals Allowed

Law Point: Retrospective promotion and financial benefits cannot be granted to a government employee who retires before assuming charge of promotional post, as promotion requires actual assumption of duties per Rule 54(1)(a) of West Bengal Service Rules.

For Full Judgement visit currentpublications.com or download 'Current Publications' Mobile App. Use Code: **SC24112832883**

2025(1)MDSCBHC(Civil)43

IN THE SUPREME COURT OF INDIA

[Before B R Gavai; K V Viswanathan]

Civil Appeal No 9202 of 2022, 9203 of 2022 **dated 27/11/2024**

Benzo Chem Industrial Private Limited vs. Arvind Manohar Mahajan & Ors

ENVIRONMENTAL PENALTY

Environmental Penalty - Appeals filed challenging NGT orders imposing Rs.25 Crore penalty for alleged environmental violations - NGT relied on revenue range (100-500 Crores) without precise data to calculate penalty - MPCB and NEERI inspections confirmed compliance from 2011 to 2020, contradicting NGT's claim of persistent violations - Supreme Court found penalty calculation flawed and unrelated to environmental damages - Held NGT violated principles of natural justice by not issuing notice before imposing penalty - Orders quashed with liberty for concerned parties to approach appropriate forum if violations occur - Appeals Allowed

Law Point: Penalty for environmental violations must be evidence-based and adhere to principles of natural justice; arbitrary methods and revenue-based calculations are unsustainable in law.

For Full Judgement visit currentpublications.com or download 'Current Publications' Mobile App. Use Code: **SC2412232587**

2025(1)MDSCBHC(Civil)44

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

[Before Sandeep V Marne]

Civil Revision Application No 470 of 2022 **dated 27/11/2024**

Sangita Ravindra Sathe vs. Ramakant Tulshiram Salunke

EVICTION SUIT

Code of Civil Procedure, 1908 Sec. 115 - Maharashtra Rent Control Act, 1999 Sec. 15 - Eviction Suit - Revision sought against concurrent findings of eviction decree on grounds of rent default and bonafide requirement - Trial and Appellate Courts found Defendant failed to deposit rent as mandated under Section 15(3) MRC Act, including interest and costs, and irregularly deposited rent during suit pendency - Bonafide requirement of Plaintiff established for family accommodation due to insufficient living space - Comparative hardship favored Plaintiff - High Court held Section 15 of MRC Act requires strict compliance-No discretion to waive default - Time granted for vacating premises subject to conditions - Revision Dismissed

Law Point: Strict compliance with Section 15(3) of MRC Act required for avoiding eviction-Failure to deposit rent regularly or comply with interest/costs mandates eviction.

Acts Referred:

Code of Civil Procedure, 1908 Sec. 115

Maharashtra Rent Control Act, 1999 Sec. 15

For Full Judgement visit currentpublications.com or download 'Current Publications' Mobile App. Use Code: **BHC2412336105**

2025(1)MDSCBHC(Civil)45

IN THE SUPREME COURT OF INDIA

[From MADRAS HIGH COURT]

[Before Pankaj Mithal; R Mahadevan]

Civil Appeal No 13086 of 2024 **dated 26/11/2024**

C Selvarani vs. Special Secretary- Cumdistrict Collector and Others

SCHEDULED CASTE CERTIFICATE

Constitution of India Art. 25 - Art. 341 - Scheduled Caste Certificate - Appeal challenged rejection of Scheduled Caste certificate for appellant under Constitution (Pondicherry) Scheduled Castes Order, 1964 - Appellant claimed Hindu religion and Valluvan caste, citing her father's and family's certificates - Authorities denied certificate citing baptism records and religious affiliation to Christianity - High Court affirmed rejection, citing insufficient evidence of reconversion to Hinduism - Supreme Court emphasized requirements for Scheduled Caste status under Article 341 - Evidence showed continued Christian practices post-birth and no valid reconversion process - Dual claims of religion deemed contradictory and violative of reservation

policy, Concluding appellant did not qualify for Scheduled Caste benefits - Appeal Dismissed

Law Point: Scheduled Caste certificate issuance under Article 341 requires professing Hinduism, Sikhism, or Buddhism - Conversion to Christianity severs caste status unless reconversion with community acceptance is proven.

Acts Referred:

Constitution of India Art. 25, Art. 341

For Full Judgement visit currentpublications.com or download 'Current Publications' Mobile App. Use Code: **SC24112731706**

2025(1)MDSCBHC(Civil)46

IN THE SUPREME COURT OF INDIA

[Before B R Gavai; Sandeep Mehta]

Civil Appeal No 13119 of 2024 **dated 26/11/2024**

Kali Charan and Others vs. State of U P and Others

URGENCY CLAUSE IN ACQUISITION

Land Acquisition Act, 1894 Sec. 4 - Sec. 5A - Sec. 6 - Sec. 17 - Urgency Clause in Acquisition - Appeals arose from land acquisition for Yamuna Expressway project invoking urgency clauses under Sec. 17(1) and 17(4) of Land Acquisition Act, 1894 - Landowners contended deprivation of Sec. 5A hearing rights and challenged necessity of urgency - Allahabad High Court delivered conflicting decisions in Kamal Sharma and Shyoraj Singh cases - Supreme Court held acquisition for integrated Yamuna Expressway development legal, emphasizing its public importance and affirming urgency clauses - Rejected claims of procedural arbitrariness and distinguished Radhy Shyam judgment on different facts - Set aside Shyoraj Singh judgment as per incuriam and upheld Kamal Sharma decision validating acquisition - Compensation enhancement granted by High Court affirmed with 64.7% 'No Litigation Bonus'. - Landowners' Appeals Dismissed

Law Point: Urgency provisions under Sec. 17(1) and 17(4) valid for projects with integrated public utility scope like Yamuna Expressway - Judicial review limited to procedural propriety, not subjective satisfaction of urgency.

Acts Referred:

Land Acquisition Act, 1894 Sec. 6, Sec. 17, Sec. 5A, Sec. 4, Sec. 612

For Full Judgement visit currentpublications.com or download 'Current Publications' Mobile App. Use Code: **SC24112731975**

2025(1)MDSCBHC(Civil)47

IN THE SUPREME COURT OF INDIA

[From BOMBAY HIGH COURT]

[Before B R Gavai; K V Viswanathan]

S L P (C) (Special Leave Petition (Civil)) No 12996 of 2022 **dated 26/11/2024***Shivaji vs. Parwatibai & Ors***PROCEDURAL VIOLATION**

Procedural Violation - Appeal arose from a second appeal decided by High Court without notifying appellant or providing an opportunity to be heard - Questions of law framed during judgment dictation deprived appellant of a chance to address issues - Court criticized such practices as contrary to principles of natural justice - Set aside High Court order and remitted matter for fresh adjudication - Directed expedited resolution within one year given long pendency since 2009 - Appeal Allowed

Law Point: High Court's failure to provide notice and hearing before deciding an appeal violates principles of natural justice and necessitates fresh adjudication.

For Full Judgement visit currentpublications.com or download 'Current Publications' Mobile App. Use Code: **SC2412454380**

2025(1)MDSCBHC(Civil)48**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

[Before Ravindra V Ghuge; Ashwin D Bhobe]

Writ Petition; Writ Petition (St) No 15136 of 2023, 7137 of 2024; 32980 of 2023 **dated 26/11/2024**

Suyesha Arun Vaswade; Anisha Arun Vaswade; Ayush Arun Vaswade vs. State of Maharashtra; Sub-divisional Officer and Competent Authority; Scheduled Tribe Certificate Scrutiny Committee

DENIAL OF TRIBE CERTIFICATE

Maharashtra Schedule Castes, Scheduled Tribes, Denotified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Category (Regulation of Issuance and Verification Of) Caste Certificate Act, 2000 - Denial of Tribe Certificate - Petitioners, biological children of Koli Mahadev Scheduled Tribe certificate holders, were denied Tribe Certificates by SDO citing inconsistent records - High Court held SDO's reasoning lacked significance as father and uncles had valid certificates - Quashed impugned orders, directed issuance of Tribe Certificates to Petitioners within 30 days - Imposed nominal costs on SDO and

Committee members for repeated errors - Clarified validity scrutiny remains independent for future processes under 2000 Act - Petition Partly Allowed

Law Point: Validity of caste or tribe certificates for descendants hinges on direct lineage-SDOs must avoid arbitrary rejection and adhere to legal scrutiny protocols.

Acts Referred:

Maharashtra Schedule Castes, Scheduled Tribes, Denotified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Category (Regulation of Issuance and Verification Of) Caste Certificate Act,2000

For Full Judgement visit currentpublications.com or download 'Current Publications' Mobile App. Use Code: **BHC2412337042**

2025(1)MDSCBHC(Civil)49

IN THE SUPREME COURT OF INDIA

[Before Sanjiv Khanna; Sanjay Kumar]

Writ Petition (Civil); Miscellaneous Application No 645 of 2020, 1467 of 2020; 835 of 2024 **dated 25/11/2024**

Dr Balram Singh and Others vs. Union of India and Another

AMENDMENT CHALLENGE

Constitution of India Art. 16 - Art. 15 - Art. 368 - Art. 14 - Amendment Challenge - Writ petitions filed questioning insertion of words 'socialist' and 'secular' into Preamble of Constitution through Constitution (Forty-second Amendment) Act 1976 - Petitioners argued against retrospectivity, stating words deliberately excluded by Constituent Assembly - Claimed Parliament had no mandate to amend during Emergency post Lok Sabha's normal tenure - Argument of retrospectivity and absence of will of people rejected, stating power to amend rests with Parliament under Article 368 - Constitution as a living document permits amendments aligning with its basic structure - 'Secular' interpreted to represent equal treatment of all religions while 'socialist' reflects welfare State principles without mandating a specific economic model - Petitioners challenged amendment 44 years post-enactment despite widespread acceptance of terms - Court concluded arguments do not warrant detailed examination as amendment does not impede governance or fundamental rights - Petitions dismissed along with pending applications

Law Point: Words 'socialist' and 'secular' in Preamble represent State's commitment to equality and welfare without restricting governance or impeding

fundamental rights. Amendments to Preamble permissible under Constitution's living nature aligning with its basic structure.

Acts Referred:

Constitution of India Art. 16, Art. 15, Art. 368, Art. 14

For Full Judgement visit currentpublications.com or download 'Current Publications' Mobile App. Use Code: **SC24112632183**

2025(1)MDSCBHC(Civil)50

IN THE SUPREME COURT OF INDIA

[From MADHYA PRADESH HIGH COURT]

[Before Bela M Trivedi; Satish Chandra Sharma]

Civil Appeal No. 13089 of 2024 **dated 25/11/2024**

Indore Vikas Praadhikaran (Ida) & Anr vs. Humud Jain Samaj Trust & Anr

TENDER REJECTION

Tender Rejection - Appeal against Division Bench order directing allotment of land to highest bidder at modified rate - Appellant issued initial tender with base price Rs. 21,120/- per sq. meter, received highest bid of Rs. 25,671.90/- - Tender Committee rejected bids citing undisclosed outstanding property tax and resolved for fresh tender - Fresh NIT issued with base price Rs. 26,000/- per sq. meter; no bids received - Division Bench directed allotment to Respondent at modified rate of Rs. 26,000/- per sq. meter - Supreme Court held highest bidder does not acquire vested right to have the auction concluded in his favour - Government must have discretion to accept or reject bids for valid reasons - Interference with administrative decisions in tender process restricted to arbitrariness or mala fides - Division Bench order quashed - Authority directed to issue fresh tender to maximize revenue - Appeal Allowed

Law Point: Highest bidder does not gain vested rights absent a concluded contract; administrative discretion in tender processes must avoid arbitrariness and mala fides.

For Full Judgement visit currentpublications.com or download 'Current Publications' Mobile App. Use Code: **SC2412139570**

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

[Before Sharmila U Deshmukh]

Writ Petition No 406 of 2018 **dated 25/11/2024**

Alj Residency Co-operative Housing Society Ltd vs. State of Maharashtra; District Deputy Registrar of Co-operative Societies; Ebrahim Abdullah Khan; Abdul Rehman Khan; Zubaida Mukarab Khan; Majhar Mukarab Khan; Afsar Mukarab Khan; Fayyaz Mukarab Khan;

DEEMED CONVEYANCE ENTITLEMENT

Maharashtra Ownership Flats (Regulation of Promotion of Construction, Sale, Management and Transfer) Act, 1963 Sec. 16, Sec. 11, Sec. 2, Sec. 4, Sec. 3; Maharashtra Ownership Flats (Regulation of Promotion of Construction, Sale, Management and Transfer) Rules, 1964 Rule 13 - Deemed Conveyance Entitlement - Writ petition challenged rejection of application for deemed conveyance by Competent Authority under MOFA citing defective documents, illegal structure, and lack of occupation certificate - Court held that MOFA's statutory obligations mandate conveyance of land and building by promoter to flat purchasers' society - Absence of occupation certificate cannot bar conveyance where default lies with promoter - Deemed conveyance does not regularize illegal construction but grants ownership rights enabling society to apply for regularization or redevelopment - Default by promoter cannot disadvantage flat purchasers - Quashed Competent Authority's order and directed issuance of deemed conveyance certificate subject to required self-declaration by society - Petition Allowed

Law Point: Promoter's default in obtaining occupation certificate cannot impede flat purchasers' right to deemed conveyance; ownership transfer under MOFA essential to enable regularization or redevelopment.

Acts Referred:

Maharashtra Ownership Flats (Regulation of The Promotion of Construction, Sale, Management and Transfer) Act, 1963 Sec. 16, Sec. 11, Sec. 2, Sec. 4, Sec. 3

Maharashtra Ownership Flats (Regulation of The Promotion of Construction, Sale, Management and Transfer) Rules, 1964 Rule 13

For Full Judgement visit currentpublications.com or download 'Current Publications' Mobile App. Use Code: **BHC24112731384**

2025(1)MDSCBHC(Civil)52

IN THE SUPREME COURT OF INDIA

[Before Sandeep Mehta; Pamidighantam Narasimha]

Civil Appeal; Special Leave Petition (Civil) No. 13004 of 2024; 2272 of 2024
dated 22/11/2024

Ajay Protech Pvt Ltd vs. General Manager & Anr

EXTENSION OF MANDATE

Arbitration and Conciliation Act, 1996 Sec. 29A - Extension of Mandate - Appeal arose from denial to extend mandate of arbitral tribunal under Arbitration and Conciliation Act, 1996 Sec. 29A(4) - Appellant entered works contract with respondent - Arbitration initiated following disputes - Mandate of tribunal extended mutually but lapsed - Pandemic and procedural delays caused further hindrances - Appellant sought court's intervention post statutory period lapse - High Court dismissed application citing inordinate delay and lack of explanation - Supreme Court held sufficient cause existed for extension citing pandemic exclusions and procedural history - Explained that Sec. 29A allows extension pre and post lapse of tribunal's mandate - Granted extension until December 2024 with parties to bear their costs - Appeal Allowed

Law Point: Under Sec. 29A(4) of Arbitration and Conciliation Act, courts may extend arbitral tribunal's mandate even after lapse of statutory period if sufficient cause justifies delay, ensuring effective dispute resolution.

Acts Referred:

Arbitration and Conciliation Act, 1996 Sec. 29A

For Full Judgement visit currentpublications.com or download 'Current Publications' Mobile App. Use Code: **SC24112328914**

2025(1)MDSCBHC(Civil)53

IN THE SUPREME COURT OF INDIA

[From BOMBAY HIGH COURT]

[Before J B Pardiwala; R Mahadevan]

Petition For Special Leave To Appeal (Civil) No. 27824 of 2024 **dated 22/11/2024**

Nitin Mahadeo Jawale & Ors vs. Bhaskar Mahadeo Mutke

DELAY IN WRITTEN STATEMENT

Delay in Written Statement - Petition challenged High Court order setting aside Trial Court's decision to condone 4½-year delay in filing written statement - Defendants

attributed delay to advocate's negligence - Supreme Court emphasized litigant's duty to remain vigilant about proceedings and not shift entire blame on advocate - Held inordinate delay cannot be excused solely on claims of advocate's negligence - Dismissed petition and affirmed High Court decision - Litigants must actively ensure timely participation in judicial process - Petition Dismissed

Law Point: Long delays in filing pleadings cannot be condoned solely by blaming advocate's negligence; litigants bear responsibility to monitor and participate in proceedings.

For Full Judgement visit currentpublications.com or download 'Current Publications' Mobile App. Use Code: **SC2412139729**

2025(1)MDSCBHC(Civil)54

IN THE SUPREME COURT OF INDIA

[From GUJARAT HIGH COURT]

[Before J B Pardiwala; R Mahadevan]

Civil Appeal No 13001 of 2024 **dated 22/11/2024**

Ramakant Ambalal Choksi vs. Harish Ambalal Choksi & Others

INTERIM INJUNCTION APPEAL

Code of Civil Procedure, 1908 Or. 39R. 1, Or. 39R. 2, Sec. 151 - Interim Injunction Appeal - Appellants sought temporary injunction to restrain sale of joint family property alleging misuse of power of attorney - Trial Court granted injunction noting prima facie case and irreparable harm - High Court reversed citing ongoing litigations and lack of urgency, allowing alienation of property - Supreme Court held High Court overstepped appellate jurisdiction under Order 43 CPC without establishing trial court's order as arbitrary or perverse - Reinstated injunction preserving status quo to prevent further alienation pending suit adjudication - Appeal Allowed

Law Point: Appellate jurisdiction over interim orders under Order 43 CPC requires demonstration of arbitrariness, capriciousness, or perversity in trial court discretion-Maintaining status quo critical in property disputes.

Acts Referred:

Code of Civil Procedure, 1908 Or. 39R. 1, Or. 39R. 2, Sec. 151

For Full Judgement visit currentpublications.com or download 'Current Publications' Mobile App. Use Code: **SC2412335910**

2025(1)MDSCBHC(Civil)55

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

[Before Sharmila U Deshmukh]

Writ Petition No 15253 of 2023 **dated 22/11/2024**

Lodha Belmondo Hsg Federation Ltd vs. State of Maharashtra; Macrotech Developers Ltd; Divisional Joint Registrar, Cooperative Societies; Assistant Registrar, Cooperative Societies Maval

REGISTRATION OF FEDERATION

Maharashtra Co-Operative Societies Act, 1960 Sec. 6, Sec. 152, Sec. 9, Sec. 8, Sec. 154 - Maharashtra Co-Operative Societies Rules, 1961 Rule 4, Rule 10 - Maharashtra Ownership Flats (Regulation of The Promotion of Construction, Sale, Management and Transfer) Act, 1963 Sec. 5A, Sec. 10, Sec. 5, Sec. 11, Sec. 4 - Real Estate (Regulation and Development) Act, 2016 Sec. 89, Sec. 92, Sec. 88 - Maharashtra Real Estate (Regulation and Development) (Registration of Real Estate Projects, Registration of Real Estate Agents, Rates of Interest and Disclosures On Website) Rules, 2017 Rule 9 - Registration of Federation - Petition challenged cancellation of registration of Federal Society formed by six cooperative housing societies in an under-construction layout - Authorities under Maharashtra Co-operative Societies Act (MCS Act) cancelled registration citing premature formation in violation of Rule 9(1)(ii) of RERA Rules 2017, mandating formation post-completion of layout - Petitioner argued statutory compliance under MCS Act and contractual obligations irrelevant to registration - Court held legislative intent requires compliance with applicable laws, including RERA and MOFA, for cooperative society registration - Formation of Federal Society impacts shared amenities, requiring completion of layout for effective governance - Upheld cancellation as consistent with RERA timelines and MOFA agreements - Found no infirmity in authorities' order - Petition Dismissed

Law Point: Registration of cooperative societies under MCS Act requires compliance with applicable laws, including RERA timelines and MOFA agreements, to ensure governance aligns with statutory and contractual obligations.

Acts Referred:

Maharashtra Co-Operative Societies Act, 1960 Sec. 6, Sec. 152, Sec. 9, Sec. 8, Sec. 154

Maharashtra Co-Operative Societies Rules, 1961 Rule 4, Rule 10

Maharashtra Ownership Flats (Regulation of The Promotion of Construction, Sale, Management and Transfer) Act, 1963 Sec. 5A, Sec. 10, Sec. 5, Sec. 11, Sec. 4

Real Estate (Regulation and Development) Act, 2016 Sec. 89, Sec. 92, Sec. 88

Maharashtra Real Estate (Regulation and Development)(Registration of Real Estate Projects, Registration of Real Estate Agents, Rates of Interest and Disclosures On Website) Rules, 2017 Rule 9

For Full Judgement visit currentpublications.com or download 'Current Publications' Mobile App. Use Code: **BHC24112534242**

2025(1)MDSCBHC(Civil)56

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

[Before Ravindra V Ghuge; Ashwin D Bhobe]

Writ Petition No 6346 of 2018 **dated 22/11/2024**

Girija Sasidharan vs. State of Maharashtra; Director of Technical Education; All India Council For Technical Education; Principal, Bhausaheb Vartak Polytechnic; Vidyavardhini

SUPERANNUATION AGE DISCREPANCY

Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977 Sec. 4 - Superannuation Age Discrepancy - Petitioner prematurely retired at 58 years from post of Lecturer in Polytechnic College - Claimed superannuation age was 60 years as per AICTE Regulations conflicting with MEPS Act and Rules - Petitioner filed writ challenging retirement - Identical cases recognized 60 years as retirement age citing AICTE's statutory authority overriding MEPS provisions - Supreme Court upheld High Court's interpretation - Management claimed financial burden due to non-grant status of institution - Court balanced equities granting 50% back wages to Petitioner - Directions for compliance issued - Petition partly allowed

Law Point: In cases of conflict between AICTE Regulations and MEPS Rules regarding age of superannuation, AICTE Regulations prevail due to statutory authority, and equitable relief may balance financial considerations of non-grant institutions.

Acts Referred:

Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977 Sec. 4

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2025(1)MDSCBHC(Civil)57

IN THE SUPREME COURT OF INDIA

[Before C T Ravikumar; Sanjay Karol]

Civil Appeal No 5389 of 2012 **dated 21/11/2024***Kallakuri Pattabhiramaswamy (Dead) vs. Kallakuri Kamaraju & Ors***SUCCESSION OF PROPERTY**

Code of Civil Procedure, 1908 Or. 41R. 22, Sec. 96 - Hindu Succession Act, 1956 Sec. 14(1), Sec. 14(2) - Succession of Property - Appeal challenging High Court judgment affirming trial court's decision - Dispute regarding succession of property among family branches - Respondents sought partition based on a 1933 partition deed granting life interest to stepmother - Appellants contended rights under 1956 Hindu Succession Act enlarged into absolute rights allowing execution of Will - Trial Court held stepmother's rights restricted to life interest, and property devolved equally among successors - High Court upheld findings, differentiating absolute and life interest rights under Hindu Succession Act - Appellants argued full ownership but court rejected - Held rights limited to life interest based on partition deed - Appeal Dismissed

Law Point: Rights granted to a female under a deed creating a restricted estate are not enlarged into absolute ownership under Sec. 14(1) of Hindu Succession Act, 1956, if they do not originate from a pre-existing right.

Acts Referred:

Code of Civil Procedure, 1908 Or. 41R. 22, Sec. 96

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2025(1)MDSCBHC(Civil)58

IN THE SUPREME COURT OF INDIA

[From MADRAS HIGH COURT]

[Before Dipankar Datta; Sanjay Karol]

Civil Appeal No 3015 of 2013, 3016 of 2013 **dated 21/11/2024***R Kandasamy (Since Dead) & Ors; M/s Abt Limited vs. T R K Sarawathy & Anr***SPECIFIC PERFORMANCE**

Code of Civil Procedure, 1908 Sec. 96 - Specific Relief Act, 1963 Sec. 16, Sec. 20, Sec. 10 - Specific Performance - Appeal against High Court reversing Trial Court's dismissal of specific performance suit - Dispute over performance of sale agreement

concerning property with tenants - Agreement provided buyer time to pay consideration subject to vacant possession being given - Sellers contended buyer failed to pay balance in agreed timeframe, despite extension - High Court held buyer ready and willing and decreed specific performance - Supreme Court held buyer failed to prove readiness and willingness, citing financial incapacity and delay - Relief of specific performance denied as discretionary remedy - Suit dismissed, with refund of advance amount directed - Appeal Allowed

Law Point: Relief of specific performance under Specific Relief Act, 1963 is discretionary and requires proof of continuous readiness and willingness by plaintiff. Financial incapacity and delays negate entitlement to such relief.

Acts Referred:

Code of Civil Procedure, 1908 Sec. 96

Specific Relief Act, 1963 Sec. 16, Sec. 20, Sec. 10

For Full Judgement visit currentpublications.com or download 'Current Publications' Mobile App. Use Code: **SC24112235148**

2025(1)MDSCBHC(Civil)59

IN THE SUPREME COURT OF INDIA

[From HIMACHAL PRADESH HIGH COURT]

[Before J B Pardiwala; R Mahadevan]

S L P (Special Leave Petition (Civil)) No 935 of 2021, 936 of 2021 **dated 21/11/2024**

Rajneesh Kumar & Anr vs. Ved Prakash

DELAY CONDONATION

Constitution of India Art. 136 - Delay Condonation - Petitioners appealed against High Court judgment rejecting condonation of 534-day delay in challenging an ex parte order on a counterclaim after dismissal of their original suit and restoration application - First appellate court had condoned delay citing litigant's non-liability for advocate's negligence and adopting a liberal approach - High Court overturned this citing deliberate concealment of material facts by petitioners, attributing blame to counsel, and failing to act vigilantly in pursuing their rights - Supreme Court upheld High Court's findings emphasizing litigants' duty to remain watchful and not misuse legal remedies to justify long inordinate delays - No error found warranting interference under Article 136 - Petitions dismissed with pending applications disposed of

Law Point: Delay in appeals cannot be condoned solely by blaming counsel's negligence. Litigants must exercise due diligence, avoid concealing material facts, and comply with limitation principles to ensure judicial efficiency and fairness.

Acts Referred:

Constitution of India Art. 136

For Full Judgement visit currentpublications.com or download 'Current Publications' Mobile App. Use Code: **SC24112632899**

2025(1)MDSCBHC(Civil)60

IN THE SUPREME COURT OF INDIA

[From PUNJAB AND HARYANA HIGH COURT]

[Before J B Pardiwala; R Mahadevan]

Civil Appeal No. 13066 of 2024 **dated 21/11/2024**

Manjit Singh & Anr vs. Darshana Devi & Ors

SPECIFIC PERFORMANCE

Code of Civil Procedure, 1908 Sec. 100 - Specific Relief Act, 1963 Sec. 19 - General Clauses Act, 1897 Sec. 3 - Bharatiya Nyaya Sanhita, 2023 Sec. 2 - Specific Performance - Appeal against High Court order granting specific performance of oral agreement for sale of property - Plaintiff alleged unregistered agreement of 1986 for sale; property later sold to defendants through registered deed - Trial Court decreed in plaintiff's favor; Appellate Court reversed; High Court restored Trial Court decree - High Court found subsequent purchasers lacked bona fides under Sec. 19(b) of Specific Relief Act due to failure to inquire about property title or possession - Supreme Court upheld High Court decision; held good faith requires inquiry into property title and constructive notice applies to persons in possession - Dismissed appeal and directed plaintiff to proceed with decree execution - Appeal Dismissed

Law Point: Specific performance enforceable against transferees without bona fide purchase and due diligence; subsequent purchasers bear burden to prove good faith under Sec. 19(b) Specific Relief Act.

Acts Referred:

Code of Civil Procedure, 1908 Sec. 100

Specific Relief Act, 1963 Sec. 19

General Clauses Act, 1897 Sec. 3

Bharatiya Nyaya Sanhita, 2023 Sec. 2

For Full Judgement visit currentpublications.com or download 'Current Publications' Mobile App. Use Code: **SC2412139642**

2025(1)MDSCBHC(Civil)61

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

[Before Sharmila U Deshmukh]

Writ Petition No. 2455 of 2023 **dated 21/11/2024**

Blue Heaven Co-op Housing Society Ltd vs. Punit Construction Company Pvt Ltd; Anjani Hrudaynth Patil; Malati Prakash Thakur; Janu Vijay Bhagat; Janabai Shripat Patil; Pravin Shripat Patil; Prasad Shripat Patil; Sandhya Nilesh Patil; Joint Re

DEEMED CONVEYANCE APPLICATION

Maharashtra Co-Operative Societies Act, 1960 Sec. 152, Sec. 21A - Registration Act, 1908 Sec. 49 - Bombay Stamp Act, 1958 Sec. 31 - Maharashtra Ownership Flats (Regulation of The Promotion of Construction, Sale, Management and Transfer) Act, 1963 Sec. 16, Sec. 15, Sec. 10, Sec. 11, Sec. 4 - Maharashtra Ownership Flats (Regulation of The Promotion of Construction, Sale, Management and Transfer) Rules, 1964 Rule 5, Rule 13, Rule 12 - Maharashtra Municipal Corporations Act, 1949 Sec. 264 - Deemed Conveyance Application - Petition concerned rejection of application for unilateral deemed conveyance under Section 11(3) of MOFA - Dispute involved validity of agreements and ownership claims over plot and demolished building - Petitioners alleged non-compliance of MOFA obligations by owners and developer - Competent Authority dismissed application citing defective documents, title disputes, and demolition of building - High Court held Competent Authority exceeded jurisdiction by delving into title issues and agreement validity - Observed MOFA defines promoters broadly, binding owners who caused construction to fulfill obligations - Deemed conveyance right survives demolition if statutory obligations predate it - Directed issuance of certificate for leasehold rights in land in favor of petitioners - Petition Allowed

Law Point: Competent Authority's jurisdiction under MOFA limited to fulfilling promoter's statutory obligations - Title disputes must be addressed in civil court; deemed conveyance survives demolition if statutory obligations existed.

Acts Referred:

Maharashtra Co-Operative Societies Act, 1960 Sec. 152, Sec. 21A

Registration Act, 1908 Sec. 49

Bombay Stamp Act, 1958 Sec. 31

Maharashtra Ownership Flats (Regulation of The Promotion of Construction, Sale, Management and Transfer) Act, 1963 Sec. 16, Sec. 15, Sec. 10, Sec. 11, Sec. 4

Maharashtra Ownership Flats (Regulation of The Promotion of Construction, Sale, Management and Transfer) Rules, 1964 Rule 5, Rule 13, Rule 12

Maharashtra Municipal Corporations Act, 1949 Sec. 264

For Full Judgement visit currentpublications.com or download 'Current Publications' Mobile App. Use Code: **BHC24112328990**

2025(1)MDSCBHC(Civil)62

IN THE SUPREME COURT OF INDIA

[Before B V Nagarathna; Nongmeikapam Kotiswar Singh]

Civil Appeal No 10409 of 2014, 10410 of 2014, 5832 of 2018, 5032 of 2021, 5033 of 2021, 5034 of 2021, 5035 of 2021, 5039 of 2021, 5040 of 2021, 5038 of 2021, 5056 of 2021, 5036 of 2021, 5037 of 2021, 7119 of 2015, 7179 of 2015, 1077 of 2016, 1078 of 2016, 5112 of 2021, 1201 of 2018, 1205 of 2018, 1203 of 2018, 1204 of 2018, 1202 of 2018, 62 of 2022 **dated 20/11/2024**

Bharti Airtel Ltd vs. Commissioner of Central Excise, Pune

CENVAT CREDIT

Central Excise Rules, 2002 Rule 16 - Cenvat Credit Rules, 2004 Rule 2, Rule 3, Rule 4 - CENVAT Credit - Appeals regarding eligibility for CENVAT credit under CENVAT Credit Rules, 2004 - Mobile service providers sought credit on excise duties paid for mobile towers, prefabricated buildings, and accessories - Conflicting decisions by High Courts with Bombay High Court denying credit, holding items as immovable property, and Delhi High Court allowing credit as "capital goods" or "inputs" - Supreme Court analyzed definitions under CENVAT Rules - Held that towers and prefabricated buildings, while integral to telecom services, do not qualify as "capital goods" due to immovability and do not meet requirements under Rule 2(a)(A) - Reaffirmed immovable property cannot be capital goods for credit claims - Appeals allowed for uniform interpretation of provisions

Law Point: CENVAT credit under CENVAT Credit Rules, 2004 is not available for items deemed immovable property, as they do not qualify as "capital goods" or "inputs" under Rule 2(a)(A) or Rule 2(k).

Acts Referred:

Central Excise Rules, 2002 Rule 16

Cenvat Credit Rules, 2004 Rule 2, Rule 3, Rule 4

For Full Judgement visit currentpublications.com or download 'Current Publications' Mobile App. Use Code: **SC24112234702**

2025(1)MDSCBHC(Civil)63

IN THE SUPREME COURT OF INDIA

[From JHARKHAND HIGH COURT]

[Before Abhay S Oka; Ujjal Bhuyan]

Civil Appeal No. 1279 of 2024 **dated 19/11/2024**

State Bank of India & Ors vs. Navin Kumar Sinha

DISCIPLINARY PROCEEDINGS AFTER SUPERANNUATION

State Bank of India Act, 1955 Sec. 43 - State Bank of India Officers Service Rules, 1992 Rule 68, Rule 19, Rule 67 - Disciplinary Proceedings After Superannuation - Appeal challenged disciplinary action initiated by State Bank of India against an officer post-superannuation - Officer superannuated after 30 years of service with extension until 01.10.2010 - Charges included irregularities in loan sanctions during extended service period - Charge memo issued on 18.03.2011 after retirement - Departmental penalty of dismissal upheld by appellate authority but set aside by High Court on grounds of jurisdiction - Disciplinary proceedings initiated post-retirement deemed void-ab-initio - No further service extension granted, severing master-servant relationship as of 01.10.2010 - Supreme Court dismissed appeal - Held, proceedings post-superannuation legally unsustainable - Directed payment of retiral benefits. - Appeals Dismissed

Law Point: Disciplinary proceedings initiated after retirement or extended service period of an employee are void, as master-servant relationship ceases upon superannuation unless explicitly extended under applicable rules.

Acts Referred:

State Bank of India Act, 1955 Sec. 43

State Bank of India Officers Service Rules, 1992 Rule 68, Rule 19, Rule 67

For Full Judgement visit currentpublications.com or download 'Current Publications' Mobile App. Use Code: **SC24112030356**

2025(1)MDSCBHC(Civil)64

IN THE SUPREME COURT OF INDIA

[Before Vikram Nath; Prasanna B Varale]

Civil Appeal; Arising Out Of Slp(C) No 12546 of 2024; 4109 of 2023, 19922 of 2023 **dated 19/11/2024***Dr Rajiv Verghese vs. Rose Chakkramankkil Francis***MAINTENANCE RESTORED**

Divorce Act, 1869 Sec. 10 - Maintenance Restored - Appeals challenged interim maintenance awarded in a pending divorce case under Divorce Act, 1869 - Husband sought reduction while wife sought enhancement - Family Court awarded Rs.1,75,000/- based on husband's assets, income, and wife's accustomed standard of living - High Court reduced amount to Rs.80,000/- considering limited evidence of income - Supreme Court restored Family Court's award - Held High Court overlooked respondent's income sources including multiple properties and possessions - Reiterated that wife's right to maintenance aligns with her standard of living during marriage - Husband's appeal dismissed - Appeal Partly Allowed

Law Point: Maintenance should reflect marital standard of living and account for earning and assets of spouse obligated to pay - Overlooking substantial assets may lead to injustice.

Acts Referred:

Divorce Act, 1869 Sec. 10

For Full Judgement visit currentpublications.com or download 'Current Publications' Mobile App. Use Code: **SC24112132735**

2025(1)MDSCBHC(Civil)65

IN THE SUPREME COURT OF INDIA

[From PUNJAB AND HARYANA HIGH COURT]

[Before Prasanna B Varale; Vikram Nath]

Civil Appeal; Arising Out Of Slp (C) No 12551 of 2024; 25213 of 2024 **dated 19/11/2024***State of Haryana & Anr vs. Amin Lal (Since Deceased)***ADVERSE POSSESSION DENIED**

Code of Civil Procedure, 1908 Or. 8R. 5, Sec. 100, Sec. 80 - Evidence Act, 1872 Sec. 110, Sec. 35 - Limitation Act, 1963 Art. 65 - Adverse Possession Denied - Appeal

challenged High Court's decision restoring trial court's decree favoring plaintiffs in a land possession suit - High Court held State's plea of adverse possession invalid, stating it implied admission of plaintiffs' title - State cannot claim adverse possession over citizens' property as per constitutional principles - Revenue records and sale deeds established plaintiffs' ownership - First Appellate Court erred in shifting burden of proof and ignoring evidence - Supreme Court upheld High Court's ruling, dismissing State's claim - Appeal Dismissed

Law Point: State cannot claim adverse possession against private property - Adverse possession requires hostility and cannot stem from permissive use or public trust obligations.

Acts Referred:

Code of Civil Procedure, 1908 Or. 8R. 5, Sec. 100, Sec. 80

Evidence Act, 1872 Sec. 110, Sec. 35

Limitation Act, 1963 Art. 65

For Full Judgement visit currentpublications.com or download 'Current Publications' Mobile App. Use Code: **SC24112135285**

2025(1)MDSCBHC(Civil)66

IN THE SUPREME COURT OF INDIA

[From PUNJAB AND HARYANA HIGH COURT]

[Before J B Pardiwala; R Mahadevan]

Civil Appeal No 12527 of 2024 **dated 19/11/2024**

State of Punjab & Anr vs. M/s Ferrous Alloy Forgings P Ltd & Ors

SALE CERTIFICATE VALIDITY

Code of Civil Procedure, 1908 Or. 21 R. 94 - Registration Act, 1908 Sec. 17 - Sec. 89 - Stamp Act, 1899 Art. 18 - Art. 23 - Sale Certificate Validity - Appeal challenged High Court decision directing issuance of original sale certificate to auction purchaser and refund of deposited stamp duty - Auction followed winding up of a company and confirmation of sale by High Court - Controversy involved applicability of stamp duty to sale certificates issued post-auction under Order XXI Rule 94 of CPC and interplay with Registration Act and Stamp Act - High Court held that sale certificate evidences title already transferred upon auction confirmation and is not compulsorily registrable unless used for further purposes attracting stamp duty - Supreme Court affirmed legal position that auction sale confirmation transfers title, and sale certificate merely evidences title without requiring registration under Sec. 17(1) of Registration Act - Appeal dismissed citing settled law on sale certificates and discretionary exercise of High Court's writ jurisdiction under Article 226 to address statutory remedy concerns - Appeal Dismissed

Law Point: Sale certificates issued post-court auctions evidence title transferred upon confirmation without requiring registration under Sec. 17(1) of Registration Act. Stamp duty applies only if certificate is used for other purposes necessitating registration.

Acts Referred:

Code of Civil Procedure, 1908 Or. 21R. 94

Registration Act, 1908 Sec. 17, Sec. 89

Stamp Act, 1899 Art. 18, Art. 23

For Full Judgement visit currentpublications.com or download 'Current Publications' Mobile App. Use Code: **SC24112633058**

2025(1)MDSCBHC(Civil)67

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

[Before Devendra Kumar Upadhyaya; Amit Borkar]

Public Interest Litigation No 49 of 2021 **dated 19/11/2024**

Sandeep Pandurang Patil S/o Pandurang Sitaram Patil vs. State of Maharashtra; Maharashtra Real Estate Regulatory Authority; Joint District Registrar, Class; Municipal Commissioner; M/s Sai Builders and Developers

REGULATORY OVERSIGHT

Real Estate (Regulation and Development) Act, 2016 Sec. 34, Sec. 32, Sec. 35, Sec. 7, Sec. 5, Sec. 31, Sec. 11, Sec. 4, Sec. 3 - Maharashtra Municipal Corporations Act, 1949 Sec. 267, Sec. 260, Sec. 268 - Regulatory Oversight - Public Interest Litigation sought enforcement of safeguards under RERA Act to prevent fraudulent project registrations - Highlighted lack of coordination among authorities and misuse of forged certificates - Court upheld RERA's actions including revoking 64 project registrations, freezing accounts, and integrating real-time verification systems - Directed state and municipal authorities to fully integrate digital platforms with MahaRERA for prompt verification - Reiterated promoter's obligation to submit authenticated documents under RERA - Ordered removal of occupants from illegal structures and their demolition - PIL disposed of with directions for transparency and strict compliance - Petition Disposed

Law Point: Real estate project registrations under RERA require strict document verification - Integrated digital systems and proactive measures prevent fraud and ensure consumer protection.

Acts Referred:

Real Estate (Regulation and Development) Act, 2016 Sec. 34, Sec. 32, Sec. 35, Sec. 7, Sec. 5, Sec. 31, Sec. 11, Sec. 4, Sec. 3

Maharashtra Municipal Corporations Act, 1949 Sec. 267, Sec. 260, Sec. 268

For Full Judgement visit currentpublications.com or download 'Current Publications' Mobile App. Use Code: **BHC24112134931**

2025(1)MDSCBHC(Civil)68

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

[Before M S Sonak; Jitendra Jain]

Writ Petition (L) No 34267 of 2024 **dated 19/11/2024**

Lj- Victoria Properties Private Limited vs. Union of India; State of Maharashtra; Asst Commissioner of Sales Tax

AUDIT SCOPE DISPUTE

Central Goods and Services Tax Rules, 2017 Rule 101 - Maharashtra Goods and Services Tax Act, 2017 Sec. 74, Sec. 65, Sec. 2, Sec. 29, Sec. 73 - Audit Scope Dispute - Petitioner challenged notice for GST audit post cancellation of registration, contending audit provisions do not apply to de-registered entities - Respondents argued audit valid for period when Petitioner was registered - Court held GST provisions permit audit of de-registered entities for prior periods, as cancellation does not absolve obligations or liabilities - Noted Petitioner's lack of clarity in pleadings and found no statutory bar against audit - Petition Dismissed

Law Point: GST audit permissible for periods when registration existed even if registration subsequently cancelled; cancellation does not negate prior liabilities or audit obligations.

Acts Referred:

Central Goods and Services Tax Rules, 2017 Rule 101

Maharashtra Goods and Services Tax Act, 2017 Sec. 74, Sec. 65, Sec. 2, Sec. 29, Sec. 73

For Full Judgement visit currentpublications.com or download 'Current Publications' Mobile App. Use Code: **BHC2412454215**

2025(1)MDSCBHC(Civil)69

IN THE SUPREME COURT OF INDIA

[From PUNJAB AND HARYANA HIGH COURT]

[Before Pamidighantam Sri Narasimha; Sandeep Mehta]

Civil Appeal No 17529 of 2017, 17530 of 2017 **dated 18/11/2024***Gurmeet Singh and Ors Etc vs. State of Punjab & Ors***SERVICE REGULARISATION**

Constitution of India Art. 14 - Service Regularisation - Civil appeals arose challenging judgment of High Court that denied appellants benefits under Proficiency Step-up Scheme, 1988 and Assured Career Progression Scheme, 1998 by excluding their work-charged service period - Appellants contended that similar benefits granted to similarly situated employees indicated differential treatment violating Art. 14 - High Court judgments considered Proficiency Step-up Scheme and Assured Career Progression Scheme at par - Court observed government circular regularising work-charged services for pensionary benefits was not properly evaluated - Directed inclusion of work-charged period for calculating Proficiency Step-up benefits - Reversed High Court judgments - Allowed appeals with monetary benefits to be paid within six months - Appeals Allowed

Law Point: Employees regularised from work-charged services entitled to count such service period for benefits under Proficiency Step-up Scheme if policy provides such recognition.

Acts Referred:

Constitution of India Art. 14

For Full Judgement visit currentpublications.com or download 'Current Publications' Mobile App. Use Code: **SC24111934211**

2025(1)MDSCBHC(Civil)70**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

[Before G S Kulkarni; Firdosh P Pooniwalla]

Writ Petition (L) No. 34124 of 2023 **dated 18/11/2024***Sandeep S Ghandat & Others vs. Reserve Bank of India & Others***SUPERSESSION OF COOPERATIVE BANK**

Constitution of India Art. 226, Art. 243ZK, Art. 243ZL, Art. 243ZM, Art. 243ZN, Art. 243ZO, Art. 243ZP, Art. 243ZQ, Art. 243ZR, Art. 243ZS, Art. 243ZT, Art. 243ZH - Maharashtra Co-Operative Societies Act, 1960 Sec. 110A - Banking Regulation Act, 1949

Monthly Digest [Civil] - Supreme Court and Bombay High Court

Sec. 32, Sec. 36AA, Sec. 38, Sec. 56, Sec. 36AAA - Multi State Co-Operative Societies Act, 2002 Sec. 4, Sec. 3, Sec. 123, Sec. 120B, Sec. 120A - Supersession of Cooperative Bank - Petition challenged RBI's order superseding Board of Directors of a Multi-State Co-operative Bank for one year - Petitioners contended Section 36AAA of Banking Regulation Act, 1949 inconsistent with Article 243ZL of Constitution limiting supersession to six months - High Court held Section 36AAA applicable under third proviso to Article 243ZL permitting extended period for banking societies - Determined no conflict existed between Article 243ZL and Section 36AAA - Proviso requiring consultation applied only to Uni-State Cooperative Banks, not Multi-State Cooperative Banks - Found RBI's action within its powers and constitutionally valid - Petition Dismissed

Law Point: RBI's authority under Section 36AAA to supersede Multi-State Co-operative Banks' boards remains valid under Article 243ZL's third proviso; consultation requirement does not extend to Multi-State Cooperative Banks.

Acts Referred:

Constitution of India Art. 226, Art. 243ZK, Art. 243ZL, Art. 243ZM, Art. 243ZN, Art. 243ZO, Art. 243ZP, Art. 243ZQ, Art. 243ZR, Art. 243ZS, Art. 243ZT, Art. 243ZH

Maharashtra Co-Operative Societies Act, 1960 Sec. 110A

Banking Regulation Act, 1949 Sec. 32, Sec. 36AA, Sec. 38, Sec. 56, Sec. 36AAA

Multi State Co-Operative Societies Act, 2002 Sec. 4, Sec. 3, Sec. 123, Sec. 120B, Sec. 120A

For Full Judgement visit currentpublications.com or download 'Current Publications' Mobile App. Use Code: **BHC24112030242**

2025(1)MDSCBHC(Civil)71

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

[Before Madhav J Jamdar]

Writ Petition; Interim Application (L) No 965 of 2023, 983 of 2023; 24166 of 2024, 8818 of 2024, 24159 of 2024, 8816 of 2024 **dated 18/11/2024**

Swapnapurti Sra Co-op Housing Society Ltd; Parshuram Manohar Gaikwad & Ors; Shivraj Developer; Parshuram Manohar Gaikwad vs. Chief Executive Officer, Sra & Ors; Swapnapurti Sra Co-op Housing Society Ltd & Ors; Shivraj Developers & Ors

REDEVELOPMENT DISPUTE

Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 Sec. 13, Sec. 35 - Redevelopment Dispute - Challenge made to orders passed by CEO, SRA, and AGRC regarding verification of developer consent in redevelopment scheme

- CEO, SRA directed a general body meeting to verify consent for Shivraj Developers
 - If consent not secured, society allowed to appoint new developer with reimbursement of expenses incurred by existing developer - Subsequent meetings supervised by SRA showed lack of consent for Shivraj Developers, with majority support for Dharti Developers - Petitioners argued orders exceeded scope of Section 13(2) of Slum Act, but court found basis for orders in law and facts, including discrepancies in original consent process - Court upheld process conducted by SRA, noting protection of prior developer's interests - Petitions dismissed as no case for interference established - Petitions Dismissed

Law Point: SRA holds authority under Section 13(2) of Slum Act to verify consents and take corrective measures, including appointing new developers, when doubts arise about legitimacy of consent process in slum redevelopment schemes.

Acts Referred:

Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971
 Sec. 13, Sec. 35

For Full Judgement visit currentpublications.com or download 'Current Publications' Mobile App. Use Code: **BHC24112833862**

 2025(1)MDSCBHC(Civil)72

IN THE SUPREME COURT OF INDIA

[Before C T Ravikumar; Sanjay Karol]

Civil Appeal No 3034 of 2012 **dated 14/11/2024**

Ramachandra Reddy (Dead) Thr Lrs & Ors vs. Ramulu Ammal (Dead) Thr Lrs

PROPERTY RIGHTS ON FAMILY SETTLEMENT

Property Rights on Family Settlement - Appellants challenged High Court judgment altering concurrent findings of lower courts awarding 2/3rd share in disputed property to Govindammal - Deed executed in 1963 in favor of Govindammal declared her right over 2/3rd share; lower courts concurred that oral partition claimed by defendants did not occur - High Court recharacterized deed as a gift, limiting Govindammal's share to 1/2 and awarded other half to defendants - Appellants argued High Court exceeded its jurisdiction in altering concurrent findings and that deed's nature was mischaracterized - Supreme Court ruled deed represented a settlement, not a gift, and upheld original findings granting 2/3rd share to Govindammal's heirs - Appeal allowed restoring lower court decision

Law Point: High Court should not overturn concurrent findings of lower courts in absence of substantial question of law, particularly on character and entitlement under a family settlement deed

For Full Judgement visit currentpublications.com or download 'Current Publications' Mobile App. Use Code: **SC24111533460**

2025(1)MDSCBHC(Civil)73

IN THE SUPREME COURT OF INDIA

[From KERALA HIGH COURT]

[Before Pamidighantam Sri Narasimha; Manoj Misra]

Petition(S) For Special Leave To Appeal (Civil) No 2188 of 2024 **dated 14/11/2024**

State of Kerala & Ors vs. Durgadas & Anr

APPOINTMENT ELIGIBILITY

Appointment Eligibility - Respondent's exclusion from appointment as Police Constable challenged before Tribunal, which quashed exclusion order based on lack of evidence and erroneous reliance on prosecution allegations - High Court upheld Tribunal's order, observing no material evidence to assess bad character and rejecting reliance on hostile witnesses and unsubstantiated allegations - Supreme Court dismissed State's appeal, noting High Court's decision was based on case-specific facts and did not conflict with established legal principles - Question of law raised by State left open for future consideration - Petition Dismissed

Law Point: Appointment cannot be denied solely on prosecution allegations without substantiated evidence. Bad character assessments must rely on concrete materials and not mere allegations or hostile witnesses.

For Full Judgement visit currentpublications.com or download 'Current Publications' Mobile App. Use Code: **SC24112633006**

2025(1)MDSCBHC(Civil)74

IN THE SUPREME COURT OF INDIA

[Before Hrishikesh Roy; S V N Bhatti]

Civil Appeal No 6591 of 2024, 6592 of 2024 **dated 13/11/2024**

Ganapati Bhikarao Naik vs. Nuclear Power Corporation of India Limited

TERMINATION JUSTIFICATION

Hindu Marriage Act, 1955 Sec. 13 - Termination Justification - Appeal arose from Single Judge's judgment that set aside Labour Court's Award favoring appellant's reinstatement - Appellant alleged unfair termination based on claim of securing job through misrepresentation as son-in-law of land-loser - Labour Court found marriage valid based on evidence including official records and awarded reinstatement with

back wages - Single Judge disregarded such findings and ruled misrepresentation - Supreme Court noted Labour Court's findings should not be disturbed without compelling reasons - Reinstated appellant with service continuity but denied back wages from 2020 till reinstatement - Ordered reinstatement within four weeks - Appeals Allowed

Law Point: Findings of Labour Court based on evidence must not be disturbed by Writ Courts unless compelling reasons exist; procedural fairness in employment matters is essential.

Acts Referred:

Hindu Marriage Act, 1955 Sec. 13

For Full Judgement visit currentpublications.com or download 'Current Publications' Mobile App. Use Code: **SC24111934160**

2025(1)MDSCBHC(Civil)75

IN THE SUPREME COURT OF INDIA

[From HIMACHAL PRADESH HIGH COURT]

[Before S V N Bhatti; Hrishikesh Roy]

Civil Appeal No 4393 of 2010 **dated 13/11/2024**

Life Insurance Corporation of India & Ors vs. Om Parkash

ABANDONMENT OF SERVICE

Abandonment of Service - Appeal challenged High Court's decision granting relief to respondent whose termination was based on abandonment of service under LIC Staff Regulation - Respondent absented for 90 days without intimation, prompting removal order - High Court found termination invalid due to lack of inquiry and granted relief - Supreme Court observed respondent concealed new employment with FCI in writ petition and abandoned service without informing employer - Held such conduct precluded equitable relief - Termination upheld as per regulation - High Court order set aside - Appeal Allowed

Law Point: Unauthorized absence for prolonged periods without intimation constitutes abandonment of service under employment regulations; concealment of facts disentitles equitable relief.

For Full Judgement visit currentpublications.com or download 'Current Publications' Mobile App. Use Code: **SC24111934569**

2025(1)MDSCBHC(Civil)76

IN THE SUPREME COURT OF INDIA

[Before Pamidighantam Narasimha; Manoj Misra]

Civil Appeal No 12279 of 2024 **dated 12/11/2024**

Hitesh Bhuralal Jain vs. Rajpal Amarnath Yadav & Ors

APPOINTMENT OF RECEIVER

Appointment of Receiver - Appeal challenging High Court order appointing a receiver for suit property - Suit involved claim over entitlement to property under development agreement and alleged rights of alternate accommodation - Trial court granted injunction but denied receiver appointment citing lack of compelling reasons - High Court reversed, granting receiver citing prima facie case and potential prejudice to respondent's rights - Supreme Court found no justification for receiver appointment in absence of demonstrated deterioration or harm - Held High Court erred in reversing trial court's order - High Court's order set aside, and trial court's order restored. - Appeal Allowed

Law Point: Appointment of a receiver is an exceptional remedy granted only where compelling reasons or evidence of potential harm to property are shown. Mere prima facie findings or assertions of prejudice are insufficient

For Full Judgement visit currentpublications.com or download 'Current Publications' Mobile App. Use Code: **SC24112234884**

2025(1)MDSCBHC(Civil)77

IN THE SUPREME COURT OF INDIA

[From MADHYA PRADESH HIGH COURT]

[Before B R Gavai; K V Viswanathan]

Civil Appeal No 12235 of 2024 **dated 07/11/2024**

Ramkrishna Medical College Hospital & Research Centre; Rkdf Homeopathy Medical College vs. State of Madhya Pradesh & Ors

VACANT SEAT COMPENSATION REQUEST

Vacant Seat Compensation Request - Appellant medical colleges sought compensatory seats in subsequent academic year due to court-directed vacancy of MBBS seats in 2023-24, as directed in interim High Court orders - Appellants claimed resultant financial loss and resource underutilization - Court noted principles on interim reliefs, holding that keeping seats vacant without a strong prima facie case disregards settled

interim relief norms - Also noted court cannot order compensatory seats in subsequent year; however, ordered that Fee Fixation Committee adjust future fees to offset financial loss - Allowed appellant colleges to approach Committee for monetary adjustment reflecting vacant seat loss, dispersing burden over future fees without significant impact on candidates. - Appeals Partly Allowed

Law Point: Courts cannot mandate compensatory seats for colleges; Fee Fixation Committee may address financial loss from court-ordered vacancies

For Full Judgement visit currentpublications.com or download 'Current Publications' Mobile App. Use Code: **SC24111239789**

2025(1)MDSCBHC(Civil)78

IN THE SUPREME COURT OF INDIA

[Before Sanjiv Khanna; Sanjay Kumar]

Civil Appeal No of 2024 **dated 05/11/2024**

Miss Rushi @ Ruchi Thapa, Through Her Father, Dhan Bahadur Thapa vs. Oriental Insurance Co Ltd and Another

ENHANCED COMPENSATION FOR DISABILITY

Motor Vehicles Act, 1988 - Enhanced Compensation for Disability - Appellant, a minor, sustained 75% permanent disability from a road accident and challenged lower compensation awarded by MACT and High Court - MACT initially awarded Rs.5,59,771/-, reducing disability assessment and future earning capacity, while High Court increased it to Rs.18,97,371/- considering disability at 75% - Appellant sought further increase - Supreme Court adjusted compensation using skilled labor wages, added future earning prospects, increased future medical and attendant charges, determining total at Rs.34,07,771/- with 7.5% interest until payment - Directed balance amount for appellant's use with flexibility for fixed deposit withdrawals as needed. - Appeal Allowed

Law Point: In permanent disability cases, courts should apply skilled labor wages, future earning potential, and appropriate medical expenses to determine fair compensation

Acts Referred:

Motor Vehicles Act, 1988

For Full Judgement visit currentpublications.com or download 'Current Publications' Mobile App. Use Code: **SC2411739297**

2025(1)MDSCBHC(Civil)79

IN THE SUPREME COURT OF INDIA

[From ALLAHABAD HIGH COURT]

[Before B R Gavai; K V Viswanathan]

Miscellaneous Application; Civil Appeal No 9026 of 2019 **dated 05/11/2024**

Mukul Kumar Tyagi vs. State of Uttar Pradesh and Others

REINSTATEMENT WITH CCC QUALIFICATION COMPLIANCE

Constitution of India Art. 16 - Art. 142 - Art. 32 - Reinstatement with CCC Qualification Compliance - Appellant contested termination from UPPCL Technical Grade-II posts due to misinterpretation of CCC certification requirement - Initial selection list included CCC/NIELIT certified candidates but excluded those with certificates post-application deadline - High Court's Single Judge directed exclusion of non-CCC certified candidates, later reversed by Division Bench allowing self-certified equivalence - Supreme Court ruled only CCC/NIELIT-certified candidates by interview date qualified - Ordered reinstatement of such candidates with continuity in service but no back wages - Exercised Art. 142 to correct erroneous terminations and ensure fair employment compliance. - Appeal Allowed

Law Point: CCC certification by interview date mandatory; Art. 142 invoked to reinstate eligible candidates wrongly terminated

Acts Referred:

Constitution of India Art. 16, Art. 142, Art. 32

For Full Judgement visit currentpublications.com or download 'Current Publications' Mobile App. Use Code: **SC2411640846**

2025(1)MDSCBHC(Civil)80

IN THE SUPREME COURT OF INDIA

[From BOMBAY HIGH COURT]

[Before Dr Dhananjaya Y Chandrachud; Hrishikesh Roy; J B Pardiwala; Manoj Misra; Rajesh Bindal; Satish Chandra Sharma; Augustine George Masih; B V Nagarathna; Sudhanshu Dhulia]

Civil Appeal; S L P (C) (Special Leave Petition (Civil)); Writ Petition (Civil) No 1012 of 2002; 5777 of 1992, 5204 of 1992, 8797 of 1992, 7950 of 1992, 4367 of 1992, 6191 of 1992, 6192 of 1992, 6744 of 1993, 2303 of 1995, 13467 of 1995; 934 of 1992, 660 of 1998, 342 of 1999, 469 of 2000, 672 of 2000, 66 of 2024 **dated 05/11/2024**

Property Owners Association & Ors vs. State of Maharashtra & Ors

VALIDITY OF MHADA ACQUISITION PROVISIONS

Constitution of India Art. 31C, Art. 50, Art. 43A, Art. 47, Art. 43B, Art. 46, Art. 300A, Art. 39, Art. 31, Art. 49, Art. 48, Art. 38, Art. 43, Art. 37, Art. 48A, Art. 40, Art. 41, Art. 31B, Art. 39A, Art. 51, Art. 45, Art. 14, Art. 19, Art. 265, Art. 44, Art. 36, Art. 42, Art. 31A - Maharashtra Housing and Area Development Act, 1976 Sec. 103A, Sec. 1A, Sec. 27, Sec. 1, Sec. 188, Sec. 84, Sec. 23, Sec. 103B, Sec. 103C - Validity of MHADA Acquisition Provisions - Appellants challenged Chapter VIII-A provisions in MHADA Act, allowing state to acquire dilapidated buildings in Mumbai for transfer to cooperative societies under Article 31C protection - Appellants argued acquisition without adequate compensation violated property rights, contravening Articles 14 and 19 - State contended Chapter VIII-A provisions aimed at equitable distribution and urban safety, in line with Article 39(b) - Court held Article 31C protection applicable as Chapter VIII-A effectuates public policy on communal welfare and resource distribution, justified by public purpose - Validity upheld; Court dismissed challenges to compensation adequacy, finding legislative intent aligned with Directive Principles. - Appeal Dismissed

Law Point: MHADA Act's acquisition provisions satisfy Article 39(b), enabling Article 31C immunity; laws promoting communal welfare withstand property rights challenges

Acts Referred:

Constitution of India Art. 31C, Art. 50, Art. 43A, Art. 47, Art. 43B, Art. 46, Art. 300A, Art. 39, Art. 31, Art. 49, Art. 48, Art. 38, Art. 43, Art. 37, Art. 48A, Art. 40, Art. 41, Art. 31B, Art. 39A, Art. 51, Art. 45, Art. 14, Art. 19, Art. 265, Art. 44, Art. 36, Art. 42, Art. 31A

Maharashtra Housing and Area Development Act, 1976 Sec. 103A, Sec. 1A, Sec. 27, Sec. 1, Sec. 188, Sec. 84, Sec. 23, Sec. 103B, Sec. 103C

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