



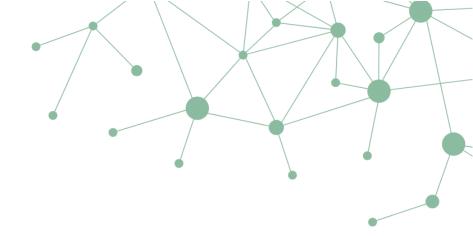


BOMBAY HIGH COURT

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THAKUR INFRAPROJECTS PVT LTD VS STATE OF MAHARASHTRA AND ORS [WP/13976/2024]

Bench: Chief Justice Alok Aradhe, Justice Makarand Subhash Karnik

The rejection of the technical bids submitted by Thakur Infraprojects Pvt. Ltd. for two infrastructure tenders was deemed arbitrary and irrational. Thakur Infraprojects met the essential eligibility criteria, and the cited grounds for rejection, such as the foreign partner's non-signing of the integrity pact and certification issues, lacked validity. The decision-making process was considered unfair, as the concerns raised by Thakur Infraprojects regarding other bidders were not adequately addressed. Work orders to other successful bidders were quashed, and the tendering authority CIDCO was instructed to reevaluate the financial bids of Thakur Infraprojects and other eligible bidders.

M/S. MAHINDRA AND MAHINDRA LTD VS THE COMMISSIONER OF INCOME-TAX, CITY-II, MUMBAI. [ITXA/416/2003]

Bench: Chief Justice Alok Aradhe, Justice Makarand Subhash Karnik

The expenditure incurred by the assessee for its subsidiary, MMC, and the write-off of deposits and interest due from MMC were deemed allowable as business deductions under Section 28 of the Income Tax Act, 1961, as they were for commercial expediency to maintain business reputation. The Assessing Officer lacked the authority to question the accuracy of the profit and loss account prepared according to the Companies Act, as per Section 115J(1A) of the Income Tax Act. Rulings from prior cases established that scrutiny is limited to specified adjustments in the relevant section. The Tribunal's order was set aside in favor of the assessee.



THE MAHARASHTRA PUBLIC SERVICE COMMISSION VS SARSWATI D/O. KESHAVRAO MAKNE [WP/1284/2025]☑

Bench: Justice A.S. Chandurkar, Justice M. M. Sathaye

Clause 5 of the government resolution dated 04/05/2023 was deemed unconstitutional for arbitrarily creating sub-classes within female candidates. The judgment is limited to the parties involved in the proceedings regarding Advertisement Nos. 83 of 2021, 107 of 2021, and 12 of 2022. Recruitments that commenced from 17/09/2021 remain undisturbed, as they were not addressed in the proceedings. An interim order from a separate writ petition was vacated.

MAHARASHTRA INDUSTRIAL DEVELOPMENT CORPORATION VS UNION BANK F INDIA THR. AUTHORIZED HARI KRISHNAN K AND ORS [IA/10133/2022]

Bench: Justice A.S. Chandurkar, Justice M. M. Sathaye

The mortgage deed executed by Benelon Industries in favor of Union Bank of India was deemed valid despite the lack of prior consent from the Maharashtra Industrial Development Corporation (MIDC), which did not take steps to terminate the lease. MIDC's Regulations lacked a clear basis for imposing subletting charges; therefore, the requirement to pay these charges only applied from the time MIDC noticed the subletting until the auction sale. The argument regarding the bank's decree against the lessee being obtained through fraud was dismissed due to its previous omission. The decision overall upheld the DRAT's directions for dispute resolution among the parties.

MAHENDRASINGH DIGVIJAYSINGH MUKNE VS THE STATE OF MAHARASHTRA AND ORS. [WP/2727/2018] Bench: Justice A.S. Chandurkar, Justice Rajesh S. Patil

The validity of Rule 4(1)(a) of the Maharashtra Land Revenue (Transfer of Occupancy by Tribals to Non-Tribals) Rules, 1975 is upheld, which restricts the transfer of tribal occupancies to non-tribals for agricultural purposes. This restriction is linked to the objective of protecting the interests of tribals under Article 46 of the Constitution. Tribals can still transfer occupancies to other tribals or non-tribals for non-agricultural purposes. The argument regarding limitations on the Collector's discretion under Section 36A of the Code was rejected, affirming that the Collector retains full discretion to grant or deny sanction. The provisions are not considered manifestly arbitrary and have functioned effectively for decades. A writ petition challenging the validity of the rule was dismissed.



VAHBIZ PERVEZ DUMASIA VS NILOUFER PERVEZ DUMASIA [GP/8/2025]

Bench: Justice Abhay Ahuja

The High Court of Bombay has the authority to appoint guardians for mentally ill or incapacitated individuals, even without specific statutory provisions. Pervez Dumasia suffers from Hypoxic Ischemic Encephalopathy, rendering him incapable of managing his affairs. This condition is categorized as "lunacy," allowing for the appointment of guardians. The petitioners were appointed as guardians of Pervez Dumasia's person and property, with the responsibility to manage his affairs and assets for his welfare.



CHOLAMANDALAM M.S. GENERAL INSURANCE CO. LTD. THR. ITS MANAGER VS CHARU ASHOK KHANDAL AND ORS. [IA/957/2022]☑

Bench: Justice G. S. Kulkarni, Justice Advait M. Sethna

The Motor Accidents Claims Tribunal's award of Rs. 62.20 lakhs in compensation to the legal representatives of the deceased original claimant was upheld. The findings regarding the adequacy of medical bills, admissibility of the disability certificate, and the connection between the accident injuries and the claimant's death were affirmed. The claim was properly recognized as a death claim under the Motor Vehicles Act, as the claimant's death was linked to the injuries from the accident.

VIKAS EDUCATION SOCIETY, CHOPADI AND ANR VS THE GRAMPANCHAYAT CHOPADI TAL SANGOLA DIST. SOLAPUR THR SARPANCHA AND ORS [WP/383/2025]

Bench: Justice G. S. Kulkarni, Justice Advait M. Sethna

The writ petition filed by the Vikas Education Society and Sunil Anandrao Babar is not maintainable under Article 226 of the Constitution due to disputed questions of fact regarding the ownership and possession of the property where their laboratory building was located. The respondents claimed the building was on government land and that the petitioners were in unauthorized possession. The building was demolished due to being dilapidated and posing a safety hazard, as stated in a gram sabha resolution. These factual disputes cannot be resolved in a writ petition, and the petitioners are advised to seek remedies available under general law. The writ petition was rejected, allowing the petitioners to approach a civil court or pursue other legal remedies.



NEELKANTH HEIGHTS COOPERATIVE HOUSING SOC AND ORS VS ABHINAV REAL ESTATE PVT LTD [WP/165/2025]

Bench: Justice Amit Borkar

The promoter's arguments for delaying the conveyance of property to the petitioner-Association, which includes three registered cooperative housing societies, are legally unsustainable. Claims that conveyance can be postponed until project completion, that the petitioner-Association was improperly formed, and that a previous court order affects the conveyance were rejected. A certificate of deemed conveyance in favor of the petitioner-Association will be issued, without affecting the respondents' rights to pursue civil claims in another forum.

RAMESHWAR CO-OP HSG SOCIETY LTD THROU. ITS SEC AND ORS VS DIVISIONAL JOINT REGISTRAR CO-OP SOCIETIES KONKAN DIVISION AND ORS [WP/4704/2025] ☑

Bench: Justice Amit Borkar

The order deregistering the petitioners' cooperative housing association was deemed legally unsustainable. The reliance on a contractual clause from flat purchase agreements was incorrect, as it cannot override the statutory rights under the Maharashtra Cooperative Societies Act. Proof of fraud or misrepresentation, required for deregistration under Section 21A, was absent in this case. The formation of the cooperative housing association was a valid exercise of statutory rights.



RASHTRASANT TUKDOJI MAHARAJ TECHNICAL AND EDUCATION SOCIETY, NAGPUR VS SHRI. ARVIND RAMBHAU BHANDARKAR AND OTHERS [WP/2597/2017]

Bench: Justice Anil Laxman Pansare

The removal of employees' names from the muster roll did not constitute termination or retrenchment, as the employees had abandoned their employment by participating in an illegal strike and failing to return to work despite repeated requests. Their prolonged unauthorized absence was deemed abandonment of service and voluntary retirement, which eliminated the need for a domestic inquiry before their names were removed. The action was a consequence of the employees' conduct rather than a termination by the employer. The misconduct was established, leading to the dismissal of the employees' complaints and the orders of lower courts.

RASHTRASANT TUKDOJI MAHARAJ TECHNICAL AND EDUCATION SOCIETY, NAGPUR VS SHRI DINESH SUKHADEORAO BULKUNDE AND OTHERS [WP/2596/2017]

Bench: Justice Anil Laxman Pansare

The removal of employees' names from the muster roll did not constitute termination or retrenchment, as they had abandoned their jobs by being absent without notice despite multiple calls to return. Their prolonged unauthorized absence was deemed misconduct, justifying the employer's assumption of voluntary resignation. No domestic inquiry or adherence to Section 25F and 25G of the Industrial Disputes Act was necessary before their names were removed from the muster roll.

ANILKUMAR S/O TEJLAL SOYAM VS STATE OF MAHA., THR. PRINCIPAL SECRETARY, RURAL DEVELOPMENT AND PANCHAYAT RAJ, MUMBAI AND ORS [WP/1465/2025] Z'

Bench: Justice Anil Laxman Pansare

The word "shall" in Section 39(3) of the Maharashtra Village Panchayats Act, 1959 must be interpreted as mandatory, requiring the appellate authority to decide an appeal within one month of receipt. Guidelines for quasi-judicial authorities specify that if an interim application for stay is not resolved within 15 days, the impugned order is automatically stayed until the appeal is decided.



MOHAMMAD SHFIQUE RAFIQ AHMED SHAIKH VS THE CHAIRMAN, MUMBAI PORT TRUST [WP/2063/2025] Bench: Justice Ravindra V. Ghuge, Justice Ashwin Damodar Bhobe

Mohammad Shafique Rafiq Ahmed Shaikh's application for compassionate pension and retirement benefits was approved after the rejection of his application was quashed. The misconduct leading to his removal from service, classified as unauthorized absenteeism, did not disqualify him from receiving compassionate allowance under established guidelines. His case received special consideration under Regulation 10(a) of the MBPT Pension Regulations, 1965. He is entitled to compassionate pension and other allowances effective from three years before his previous writ petition. No costs were assigned.

RAJESH KHAKAR AND ORS VS STATE OF MAHARASHTRA AND ORS [WP/430/2025] Bench: Justice Ravindra V. Ghuge, Justice Ashwin Damodar Bhobe

The FIR against Rajesh Khakar, Sameer Merchant, and Dharmesh Dattani for offenses under Sections 420 and 406 of the Indian Penal Code should be quashed. The allegations relate to a civil dispute over a commercial contract, lacking the elements necessary for criminal charges of cheating and criminal breach of trust. A previous similar complaint by the respondent was dismissed as a civil matter. The initiation of criminal proceedings is deemed an abuse of process that could lead to a miscarriage of justice.

NEELAM RAJENDRA NANAWARE VS STATE OF MAHARASHTRA [APEAL/350/2025]

Bench: Justice Ravindra V. Ghuge, Justice Ashwin Damodar Bhobe

The dismissal of the appellant's application for discharge under Section 227 of the Code of Criminal Procedure was based on evidence showing the appellant, as the additional director of the company, was involved in a fraudulent scheme that misappropriated investor deposits, warranting a trial. The appellant's claims of lacking responsibility for the company's management were deemed premature, as such matters would be addressed during the trial. Additionally, the 21-year delay in filing the discharge application, without efforts to locate missing case records or assert a right to a speedy trial, was not accepted. The trial court was instructed to expedite the case's resolution within six months.



THE MORMUGAO STEVEDORES ASSOCIATION THR. ITS AUTH. REP. VINOD PARKKOT AND ANR VS THE MORMUGAO PORT AUTHORITY THR. ITS CHAIRPERSON AND 2 ORS [WPST/2750/2024]

Bench: Justice Bharati Dangre, Justice Nivedita P. Mehta

The Mormugao Port Authority's decision to tender Berths 10 and 11 for operation and maintenance on a Public-Private Partnership basis is valid and complies with the law. The authority can exercise its powers under Section 22(1) of the Major Port Authorities Act, 2021, without needing framed regulations. Restrictions on stevedoring operations at these berths do not violate the Petitioners' right to livelihood under Article 19(1)(g), as they can still conduct substantial activities elsewhere in the port. The writ and contempt petitions filed by the Petitioners are dismissed.



KARAN DISTILLERIES PVT. LTD. THR ITS DIRECTOR AND AUTHORISED SIGNATORY VS THE STATE OF MAHARASHTRA THR THE SECRETARY AND ORS [WP/10653/2022]

Bench: Justice G. S. Kulkarni, Justice Advait M. Sethna

Karan Distilleries Pvt. Ltd. is not entitled to the special subsidy of Rs. 10 per bulk liter of alcohol under the State Government's policy from June 8, 2007. Although a previous directive asked for reconsideration of the application, upon review, the company was found not to meet the eligibility criteria, particularly the requirement for new capital expenditure for a new distillery unit. The policy's adherence was upheld, as it was determined to be neither arbitrary, illegal, nor unconstitutional, leading to the rejection of the petitioner's application.

CHANDRU MIRCHANDANI VS THE SETTLEMENT COMMISSIONER FOR COMPEN.POOL PROPERTY CUM CUSTODIAN OF EVACUEE PROPERTY .. AND ORS [WP/11331/2024]

Bench: Justice G. S. Kulkarni, Justice Advait M. Sethna

The writ petition for land allotment, based on a 1968 order issued to the petitioner's father, was dismissed due to delay and laches, as the claim was not pursued for over 56 years after the father's death. The petitioner failed to assert the claim during his father's lifetime, and the prolonged inaction was deemed an abuse of legal process. Claims regarding alternate lands were dismissed since those lands were vested with CIDCO. The petitioner also did not include the Central Government, the relevant authority for land allotment, in the proceedings.

MRS. SUMITRA SHRIDHAR KHANE VS THE DEPUTY COLLECTOR KOLHAPUR AND ORS [WP/4987/2022] Bench: Justice G. S. Kulkarni, Justice Somasekhar Sundaresan

The petitioner's constitutional right under Article 300A was violated due to the acquisition of her land without due process and without compensation. Arguments regarding delay and laches were rejected since the cause of action was deemed ongoing. The land was classified as a deemed acquisition, and the petitioner was awarded compensation along with statutory benefits, as well as legal costs and expenses. Companion petitions were also granted similar relief.



ABHYANKAR JAGANNATH MOTIRAM VS SUBHASH KISAN MORE AND ORS. [AEP/2/2025]

Bench: Justice Gauri Godse

Allegations regarding the illegal addition of 587 ineligible voters to the electoral roll can be examined in an election petition, as the preparation of the electoral roll is part of the election process. Specific allegations that, if proven, could materially affect the election result were made, countering claims that objections to the electoral roll cannot be raised in the petition. The petition presents sufficient cause of action for trial.



VIACOM 18 MEDIA PVT LTD VS DY. COMMISSIONER OF INCOME TAX (INTERNATIONAL TAXATION) -4(3)(1) [ITXA/725/2015]☑

Bench: Justice M.S. Sonak, Justice Jitendra Shantilal Jain

The appeals regarding whether payments for transponder services qualify as "royalty" under the Income Tax Act and the India-USA DTAA are to be remanded to the Commissioner of Income Tax (Appeals) for a factual determination of the services provided by Intelsat Corporation. The Commissioner must verify if Intelsat Corporation has a final tax liability in India, assess whether payments made before the Finance Act, 2012 are exempt from withholding tax, and evaluate the nature of payments made after the Finance Act, 2012 in relation to the definition of "royalty." Precedents and commentaries are not addressed, as their applicability hinges on the forthcoming factual findings.

FCBULKA ADVERTISING PVT LTD. VS ASSISTANT COMMISSIONER OF INCOME TAX CIRCLE 16(1) AND 2 OTHER [WP/3442/2022]

Bench: Justice M.S. Sonak, Justice Jitendra Shantilal Jain

The communication dated 16 June 2022 rejecting the petitioner's refund claim for excess Dividend Distribution Tax (DDT) was invalid due to a lack of opportunity for the petitioner to be heard and failure to examine the merits of the claim. The previous communication from 29 November 2018 was deemed a preliminary determination, not a final statutory order. A writ of mandamus could not be issued based on the earlier communication, which did not conclusively establish the petitioner's entitlement. The impugned communication was quashed, and the respondent was directed to issue a final order on the refund claim after properly considering the merits and providing a chance for the petitioner to be heard.



ARYAN WORLD SCHOOL VS PUNE METROPOLITAN REGIONAL DEVELOPMENT AURHORITY AND ANR [WP/6357/2025]

Bench: Justice A.S. Gadkari, Justice Kamal Khata

The construction by Aryan World School was deemed illegal for lacking necessary approvals from the Pune Metropolitan Regional Development Authority (PMRDA). Unauthorized constructions cannot be legitimized, and strict measures should be taken against illegal buildings. Action was directed against the Gram Panchayat and its Sarpanch for issuing the 'No Objection Certificate' that allowed the construction.

MODERN PAINT AND AUTO CORPORATION AND ORS VS MUNICIPAL CORPORATION OF GREATER MUMBAI [WPL/9816/2025]☑

Bench: Justice A.S. Gadkari, Justice Kamal Khata

The Brihanmumbai Municipal Corporation (BMC) issued a notice under Section 351(1A) of the Mumbai Municipal Corporation Act, 1888, and a demolition order was deemed valid due to unauthorized alterations made by the petitioners that changed the fundamental character of the structure. Although BMC's selective enforcement was criticized, illegalities and unauthorized constructions cannot be condoned. BMC was directed to remove only the unauthorized portions while preserving legitimate repairs. The implementation of this judgment was stayed for two weeks to allow for a challenge before the Supreme Court.

DILIP GOPAL PEWEKAR VS MAHARASHTRA HOUSING ARA DND DEVELOPMENT AUTHORITY [WPL/7193/2024] ☑

Bench: Justice A.S. Gadkari, Justice Kamal Khata

The writ petition against a private developer was dismissed, as the reliefs sought did not fall under writ jurisdiction. The developer, being a private entity, was not considered a "State" under Article 12, and the disputes were deemed private, involving contractual obligations and rights between the parties.



ANANDA RAGHO PURI DIED THROUGH LRS SOMWAR ANANDA PURI AND OTHERS VS THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS [WP/2755/2023]

Bench: Justice Kishore Chandrakant Sant

The writ petition was dismissed, as the petitioners' claim to tenancy rights under the Hyderabad Tenancy and Agricultural Lands Act, 1950, had been previously rejected. Earlier declarations of the petitioners as protected tenants were determined likely to have been obtained by fraud. A protected tenant declared as a deemed purchaser under Section 38(E) cannot be evicted through summary proceedings under Section 98, but if that declaration was fraudulently obtained, it is considered a nullity. The decision favored the respondent landlords.



ASSOCIATION OF MANAGEMENT OF HOMOEOPATHIC MEDICAL COLLEGES OF MAHARASHTRA THROUGH ITS COMPETENT AUT VS THE STATE OF MAHARASHTRA AND OTHERS [IA/2096/2021]

Bench: Justice A.S. Chandurkar, Justice M. M. Sathaye

The Petitioner Association of Homeopathic Colleges and its member colleges have the right to admit students based on 12th standard/HSC marks for vacant seats, even after the first round of CET-based admissions. The eligibility criteria set by the Central Council for Homeopathy require only passing 12th standard with PCB subjects, without mandating specific CET scores. Communications from MUHS and the Admissions Regulation Committee disapproving these admissions have been quashed.

SHANTANU BHOPALE VS THE UNION OF INDIA THR. THE DEPARTMENT OF HIGHER EDUCATION AND ORS [WP/5574/2025]

Bench: Justice A.S. Chandurkar, Justice M. M. Sathaye

The writ petitions filed by an IIT aspirant challenging discrepancies in his JEE (Mains) exam score card were dismissed. The petitioner's score card was found to be manipulated and fabricated, with verification processes confirming discrepancies with the National Testing Agency's recorded percentile. Interference with the NTA's evaluation was not warranted, as the writ court avoids detailed factual assessments of individual answers. The petitioner is debarred from the JEE (Mains) exams for 2025–26 and 2026–27, with the option to challenge the debarment through appropriate proceedings.

CANARA BANK ARM BRANCH VS DEPUTY COMMISSIONER SALES TAX OFFICE AND ORS [WP/10533/2023] Bench: Justice A.S. Chandurkar, Justice M. M. Sathaye

The dues of the secured creditor (the petitioner bank) have priority over the MVAT dues claimed by the state tax authorities under Section 26E of the SARFAESI Act. The priority of secured creditors prevails over all other debts, including taxes owed to the government. The state tax authorities failed to comply with the procedural requirements of attachment and proclamation before the secured asset was sold. As a result, the state's claim does not have priority, and the state authorities must remove the encumbrance of the MVAT dues from the revenue records, as the asset was sold free from such encumbrances.



KISANLAL BAIRUDAS JAIN DEC THR LEGAL HEIR HITENDRA KISANLAL JAIN VS UNION OF INDIA THR ITS DEPUTY SECRETARY AND ORS [WP/9608/2023]

Bench: Justice M.S. Sonak, Justice Jitendra Shantilal Jain

A batch of writ petitions was allowed, entitling the petitioners to statutory benefits of solatium and interest as established in Tarsem Singh v. Union of India. The argument that an alternate remedy under the Arbitration Act existed was rejected due to its ineffectiveness. It was noted that all authorities must adhere to Supreme Court declarations. The NHAI was directed to pay the statutory benefits to the petitioners within four months without the need for contempt petitions.

LAXMAN SHRIPATI DALIMKAR AND ORS VS THE STATE OF MAHARASHTRA THRO. THE SECRETARY REVENUE AND FOREST DEPT. [WP/15411/2024]

Bench: Justice M.S. Sonak, Justice Jitendra Shantilal Jain

The respondents took over the petitioners' land in 2004 for a percolation tank without following due process. Property rights are recognized as constitutional and human rights, necessitating timely acquisition proceedings and compensation. An interim compensation of Rs. 62,92,350 is to be paid to the petitioners within six weeks, with the acquisition proceedings to be initiated and concluded within one year. Delays and bureaucratic inaction over the past 21 years should not hinder compensation payment or the acquisition process.



MAKSUD SHEIKH GAFFUR SHEIKH AND ANOTHER VS STATE OF MAHARASHTRA, THR. P.S.O. RAMNAGAR POLICE STATION, CHANDRAPUR [APEAL/336/2016]

Bench: Justice Nitin B. Suryawanshi, Justice M. W. Chandwani

The testimony of the prosecutrix was deemed reliable for convicting the accused of criminal trespass, assault, outraging modesty, and gang rape, despite the lack of corroborating medical evidence. Aggravating and mitigating factors were considered, leading to a reduction of the life sentence for attempt to murder and gang rape to 20 years of rigorous imprisonment. Appeals were decided unanimously.



RAM SHANKAR SINHA VS RITESH V. PATEL AND ANR [WP/3767/2025]

Bench: Justice Madhav J. Jamdar

The Competent Authority, when deciding an application for leave to defend under Section 43(4) of the Maharashtra Rent Control Act, 1999, must adhere to Explanation (b) to Section 24, which states that a written leave and license agreement is conclusive evidence of its contents. The authority cannot consider evidence that contradicts the written agreement. An alleged oral agreement for the sale of the premises falls outside the eviction proceedings and should be addressed in civil court. The order of the Additional Divisional Commissioner to remand the matter for further trial was quashed, and the original decision rejecting the leave to defend was restored.



S. A. YADAV VS UNION OF INDIA THROUGH CHIEF ENGINEER (C/SOUTH) [WPL/14272/2025]

Bench: Chief Justice Alok Aradhe, Justice Makarand Subhash Karnik

A contractor filed a writ petition for the acceptance of an amended bank guarantee submitted for bid security in a tender by the Union of India. The original guarantee had a shorter validity period due to an honest mistake in interpreting the tender conditions. Upon realizing the error, the contractor promptly submitted a corrected guarantee with the appropriate validity. Acceptance of the amended guarantee was deemed to not cause any prejudice to the respondent, aligning with principles of equity concerning material mistakes in bids prior to formal contract formation.

SANJAY S/O GIRISH KUMAR SINGH VS KARAN JOHAR ALSO KNOWN AS RAHUL JOHAR [COMAPL/9786/2025]☑

Bench: Chief Justice Alok Aradhe, Justice Makarand Subhash Karnik

The interim injunction against the appellant was upheld, preventing the use of the name "Karan Johar" or any related personality traits in the film "Shaadi Ke Director Karan Aur Johar." Karan Johar has demonstrated a strong prima facie case of infringement on his personality and publicity rights, as his name functions as a valuable brand for commercial purposes. Arguments against the existence of "celebrity rights" in India and claims that "Karan" and "Johar" are not directly linked to him were rejected. The title's usage, in conjunction with the film's theme about Bollywood directors, clearly identifies Karan Johar and constitutes unauthorized commercial exploitation of his name and reputation.

OMKARA ASSET RECONSTRUCTION PVT LTD VS JC FLOWERS ASSET RECONSTRUCTIONS PVT LTD [IAL/7074/2025] ☑

Bench: Chief Justice Alok Aradhe, Justice Makarand Subhash Karnik

The mortgage deeds executed by Sumer Radius and Sumer Buildcorp in favor of Piramal Capital on July 30, 2018, violated the prior mortgage in favor of J.C. Flowers due to the absence of a necessary No Objection Certificate. The subsequent mortgage deeds are void or voidable at the instance of J.C. Flowers, as they infringed on J.C. Flowers' rights as the exclusive charge holder. The argument that the subsequent mortgage should be considered a second charge was rejected as it would imply endorsement of a dishonest transaction.



VIKAS CHANDRAKANT PATIL VS THE STATE OF MAHARASHTRA [BA/1963/2025]

Bench: Justice Milind N. Jadhav

The applicant, incarcerated for over six years without a concluded trial, was granted bail due to unreasonable delays violating the right to a speedy trial under Article 21 of the Constitution. The importance of personal liberty in light of prolonged incarceration was emphasized, despite the seriousness of the offence. Bail conditions included furnishing a personal bond, reporting to the investigating officer, and regular attendance at the trial court. Legal aid assistance in the bail application was acknowledged.

NIKLESH PRAKASH PATIL VS THE STATE OF MAHARASHTRA [BA/1208/2025]

Bench: Justice Milind N. Jadhav

Niklesh Prakash Patil was granted regular bail after being incarcerated for over 7 years 8 months pending trial for serious offences. The prolonged detention and delays in the trial, along with the co-accused being granted bail, prompted concerns about his fundamental right to a speedy trial. It was emphasized that bail is generally the norm, and the presumption of innocence should be maintained unless there are compelling reasons for detention. Conditions for bail included cooperation with the trial, avoidance of evidence tampering, and no influence on witnesses. The observations made pertained solely to the bail application and did not address the case's merits.



JYOTI W/O RAMPRASAD KAWADE VS DIVISIONAL COMMISSIONER, NAGPUR DIVISION, NAGPUR AND OTHERS [WP/6035/2024]

Bench: Justice Mukulika Shrikant Jawalkar

The writ petition by Jyoti challenged the termination of her services as an Anganwadi Madatni. The termination was found to violate principles of natural justice, as she was not given an opportunity to be heard, and the complaint against her was submitted after the 30-day limit set by government resolution. The orders upholding her termination were quashed, and she was to be reinstated to her original position.

THE AMRAVATI DISTRICT CENTRAL CO-OPERATIVE BANK LTD. AMRAVATI THR. ITS C.E.O. VS M/S PRONETSOFT SOLUTIONS PVT. LTD. 105 KALINGA ARCADE, NAGPUR [WP/2186/2024]

Bench: Justice Mukulika Shrikant Jawalkar

The writ petition by Amravati District Central Co-operative Bank Ltd. against M/S. Pronetsoft Solutions Pvt. Ltd. was allowed based on the conclusion that execution proceedings were barred by a 12-year limitation period. The arbitral award was issued on 10.01.2010, and the limitation period expired on 18.01.2020, extendable to 18.05.2022 considering the 3-month appeal window. The limitation period is not automatically stayed or suspended by the filing of an application under Section 34. This case is treated as an individual matter, not part of a batch.

BHARTIDEVI WD/O MOTIRAM MORYANI VS STATE OF MAHARASHTRA, THR. ITS SECRETARY, DEPARTMENT OF STATE EXCISE, MUMBAI AND ORS [WP/6228/2024]

Bench: Justice Mukulika Shrikant Jawalkar

The order dated 24/09/2024 by the Minister of State Excise Department rejecting the Petitioner's Revision Petition was deemed erroneous and illegal. It was based on conjectures, disregarding Rule 28 of the Maharashtra Country Liquor Rules, 1973, which grants the Collector exclusive authority to transfer licenses or adjust partnerships. The Government Policy cited by the Minister lacked statutory force as it was not published in the Official Gazette as required by Section 139(2) of the Bombay Prohibition Act. Additionally, the Respondent No. 6's claim as a legal heir was unsupported by evidence and raised after 15 years, leading to the conclusion that the Minister's decision regarding her was misguided. The impugned orders were quashed, and the Collector was directed to restore possession of the liquor shop to the Petitioner.



AMOL S/O. SURESHRAO DAHAKEY VS THE VIDHARBHA IRRIGATION DEV. COOP., THR. EXECUTIVE ENGINEER, YAVATMAL AND ANR. [WP/2353/2025]☑

Bench: Justice Nitin W. Sambre, Justice Vrushali V. Joshi

The petitioner submitted an affidavit on Rs. 100/- non-judicial stamp paper, sworn before a Notary. This was considered substantial compliance with the tender condition, as Notaries have the authority to administer oaths and take affidavits similar to Executive/District Magistrates. As a result, the petitioner's act did not constitute non-compliance that would lead to disqualification. The order disqualifying the petitioner was quashed, and the respondent was directed to consider the financial bid.

MAYUR MADAN JAISWAL VS THE STATE OF MAHARASHTRA, THR. ITS SECRETARY, STATE EXCISE, MUMBAI AND OTHERS [WP/3903/2024]

Bench: Justice Nitin W. Sambre, Justice Vrushali V. Joshi

Orders issued under Section 142 of the Maharashtra Prohibition Act, 1949, allowing temporary closure of liquor shops for public peace, are administrative and not quasi-judicial. A prior judgment characterizing them as quasi-judicial was declared incorrect due to lack of consideration of relevant Supreme Court precedent. Writ petitions challenging these orders are maintainable, as the statute states such orders are final, and the only remedy is through a constitutional writ under Article 226/227.

ANAND CHANDRAKUMAR JAISWAL VS STATE OF MAHA., THR. PRINCIPAL SECY., HOME DEPT., MUMBAI AND ORS. [WP/616/2025]

Bench: Justice Nitin W. Sambre, Justice Vrushali V. Joshi

Orders under Section 142 of the Maharashtra Prohibition Act, 1949, permitting the closure of liquor shops to maintain public peace, are classified as administrative rather than quasi-judicial. These orders do not involve a dispute between parties or the need for judicial conduct, focusing instead on policy and expediency. Writ petitions challenging these orders are maintainable before a Division Bench, not a Single Judge, as specified by the Bombay High Court Appellate Side Rules. A prior Single Judge judgment that categorized these orders as quasi-judicial is considered per incuriam for failing to take into account relevant Supreme Court precedent.



GURPREET SINGH, THROUGH POA VIPIN KUMAR VS DEPUTY COMMISSIONER OF INCOME TAX AND 2 ORS [WP/315/2023] ☑

Bench: Justice A.S. Chandurkar, Justice Nivedita P. Mehta

The notice issued by the Deputy Commissioner of Income Tax on 29/07/2022 under Section 148 of the Income Tax Act for the Assessment Year 2013-14 was deemed time-barred, as the deadline for issuing the reassessment notice had expired on 23/07/2022. As a result, the reassessment order dated 29/05/2023 based on this notice was quashed.



NILKANTH PANDITRAO AGHOR VS THE STATE OF MAHARASHTRA AND OTHERS [WP/5268/2019] Bench: Justice Mangesh S. Patil, Justice Prafulla S. Khubalkar

The writ petition by Nilkanth Aghor was dismissed due to the incorrect pay fixation at Rs. 7,100/- instead of the proper Rs. 6,500/- as per government guidelines. The petitioner had previously agreed to refund any excess payments, leading to the validity of recovering Rs. 5,41,658/- from his pension according to the Maharashtra Civil Services (Pension) Rules, 1982. The petitioner's reliance on the Rafiq Masih (2015) judgment was deemed inappropriate in light of precedents.



Bench: Justice R. I. Chagla

The Writ Petition by three slum dwellers against the amalgamation of the Yogiraj and Galaxy Slum Rehabilitation Schemes was dismissed. The slum dwellers lacked legal standing to challenge the schemes, as the lands are categorized as "censused slums" and the schemes had majority consent among the slum residents. Although there were isolated inaccuracies in the previous order, the overall decision was upheld due to the admitted facts and absence of legal injury to the Petitioners. New arguments not presented to the lower authority were not considered.



RESHU SINGH VS UNION OF INDIA [WP/1238/2024]

Bench: Justice Ravindra V. Ghuge, Justice Ashwin Damodar Bhobe

The petitioner, an assistant professor, worked as a probationer for 6 years and 10 months, which was deemed exploitative. The 2-year probation period exceeded the UGC Regulations that allow a maximum of 2 years for probation. A confirmation order was ordered to be issued effective June 20, 2020, along with all consequential benefits, including promotion and increments.



YESHODABAI W/O BATUKJI DEVANI VS NANDKISHOR S/O GOPALDAS SHARMA [CAS/280/2022] Bench: Justice Rohit W. Joshi

The second appeal by the defendant was dismissed on the basis that even if the arguments regarding questions of law were accepted, the outcome of the plaintiff's suit for possession would remain unchanged. The unregistered agreement of sale prevented the defendant from claiming protection under Section 53A of the Transfer of Property Act, despite her willingness to perform her part of the contract. Additional evidence proposed by the defendant was rejected as it would not influence the suit's final outcome. The substantial questions of law in the appeal were deemed irrelevant, as the suit for possession would be decreed in favor of the plaintiff regardless of their answers.



RAVI BHASKAR WATTAMWAR VS BABANRAO NARBAJI MORE ALIAS BABA NARU MORE AND ORS [CRA/28/2023]

Bench: Justice S. G. Chapalgaonkar

The plaintiff claimed a 1/3rd ownership share in a property, contesting sale deeds from 1972 and 1975. Despite being aware of these transactions for over 43 years, the plaintiff filed the suit in 2022, which was barred by the 12-year limitation period. The right to challenge the sale deeds was established when the plaintiff reached majority in 1978. The argument that the cause of action arose from a 2021 suit dismissal was deemed insubstantial, as the plaintiff could have acted sooner. The suit lacked a genuine cause of action and was rejected for being barred by limitation.

MOTIRAM BAJIRAO PATIL. VS THE STATE OF MAH.THRO.G.P. [SA/320/1995]

Bench: Justice S. G. Chapalgaonkar

The plaintiff's second appeal was dismissed, with findings that he did not establish ownership of the disputed land through adverse possession. The claim of independent title and adverse possession was deemed contradictory. Evidence did not support continuous and uninterrupted possession for the required statutory period. The land was recorded in the name of the State or the Village Panchayat, and the plaintiff failed to demonstrate a superior title to that of the defendant–State. Despite the dismissal, a 12-week interim relief was granted for the plaintiff to approach the Supreme Court.

ATMARAM DAULATRAO POLE AND ORS VS SHANKARRAO NARAYAN KANAKDANDE DIED LRS PRAKASH AND ORS [SA/224/2017]

Bench: Justice S. G. Chapalgaonkar

The appellants, as pendente lite purchasers of the disputed property, cannot resist the execution of the partition decree. No evidence supported their claim of collusion in obtaining the decree. The provisions of Section 52 of the Transfer of Property Act and Order XXI Rule 102 of the Civil Procedure Code apply to them due to their acquisition of the property during litigation. However, they can seek equitable partition of the property through the Collector, representing the interest of the judgment debtor.



BHARTI AIRTEL LTD VS THE CHIEF CONTROLLING REVENUE AUTHORITY AND ORS [WP/15746/2024]

Bench: Justice Sandeep V. Marne

The Collector of Stamps and the Chief Controlling Revenue Authority incorrectly computed the stamp duty on the Scheme of Arrangement between Bharti Airtel Ltd. and Tata Teleservices (Maharashtra) Limited by using the net worth/enterprise value of TTML's demerged consumer mobile business. The correct stamp duty is 5% of the true market value of TTML's immovable properties in Maharashtra, which exceeds the 0.7% based on the aggregate market value of shares issued by Bharti Airtel.

PRAKASH MEHTA VS THE INSURANCE OMBUDSMAN FOR STATE OF GOA AND MUMBAI METROPOLITAN REGION NAVI MUM. AND THANAND ANR [WP/18745/2024] ☑

Bench: Justice Sandeep V. Marne

The insurance company's rejection of the policyholder's claim was invalid due to the lack of connection between the policyholder's cancer and occasional alcohol consumption. The insurer's renewal of the policy despite knowledge of pre-existing hypertension indicated that it did not significantly influence their decision to provide coverage. The Insurance Ombudsman's decision was set aside, and the insurer was ordered to pay the policyholder Rs. 17,77,151/- with 8% interest from the date of the complaint.

HARESH VIJAYSINH BHATIA AND ORS VS DISTRICT DEPUTY REGISTRARO CO-OP SOCIETIES MUMBAI AND ORS [WP/18739/2024]

Bench: Justice Sandeep V. Marne

Vijay-II Co-operative Housing Society Ltd.'s application for unilateral deemed conveyance was deemed maintainable and not barred by res judicata. The Competent Authority directed conveyance of land and building on an ownership basis for the society, but included the separate Wing-D building and land in error, as Wing-D was not part of the society's structure. The matter was remanded for a fresh certificate of unilateral deemed conveyance excluding Wing-D and its construction land. A petition by Vijay Co-operative Housing Society Ltd. challenging the right of way and setback area benefits granted to Vijay-II CHS was dismissed.

M/S AKANSHA CONSTRUCTION COMPANY THROU. ITS PROP CHANDRAKANT SHRIPAT TAMBODKAR VS THE SYATE OF MAHARASHTRA THROU. GOVT PLEADER AND ORS [WP/19417/2024]

Bench: Justice Sandeep V. Marne

The Competent Authority's order granting deemed conveyance of land to the Torna Co-operative Housing Society was unsustainable due to the third application being barred by res judicata. The Authority could not entertain the third application after rejecting the first two without the society challenging those rejections. The impugned order was set aside, but the society was allowed to challenge the earlier rejection of the second application, which had not been adjudicated on merits. The dispute regarding the area of land to be conveyed remained unexamined.

EMERSON CLIMAT TECHNOLOGIES (INDIA) PRIVATE LIMITED (COPELAND INDIA PRIVATE LIMITED) VS BHARATIYA KAMGAR KARMACHARI MAHASANGH [WP/3761/2025]

Bench: Justice Sandeep V. Marne

The Industrial Tribunal had jurisdiction to examine the existence of an employer-employee relationship and the legitimacy of the contract between the company and the contractor. Evidence showed that most tests for establishing an employer-employee relationship were satisfied, indicating a direct employment connection. The contract was determined to be sham and bogus. The Industrial Tribunal's award was modified to make currently functioning members of the respondent union permanent employees, effective from the date of the order, with a directive to pay the difference in wages from that date onward.

VILAS RAMBHAU CHAUDHARI VS SLUM REHABILITATION AUTHORITY AND AND 6 ORS. [WP/1769/2023] ☑ Bench: Justice Sandeep V. Marne



The Slum Rehabilitation Authority (SRA) did not process multiple proposals simultaneously for the same Slum Rehabilitation Scheme. The SRA reconsidered an earlier No Objection Certificate (NOC) due to concerns about the legitimacy of the Petitioner's majority consent claim. A secret ballot was conducted to ascertain which developer had majority support, following the procedure in Circular 169. This approach was deemed reasonable and fair, with no illegality found in the SRA's decisions or actions by the Apex Grievance Redressal Committee. The Petitioner's claims were dismissed.



ABHIJIT ANKUSH SHELKE AND OTHER VS SAU SHUBHANGI ABHIJIT SHELKE AND OTHERS [WP/1782/2024] Bench: Justice Shailesh P. Brahme

The respondent must provide a voice sample for forensic verification, as the prior rejection of this request was overturned. A Magistrate can compel voice sample provision for investigative purposes, even without explicit statutory authority. Article 20(3) protections against self-incrimination do not apply in Domestic Violence Act proceedings, as parties are not in an "informant-accused" relationship. The electronic evidence submitted, including a compact disc and forensic reports, has prima facie probative value and remains admissible at this stage.



RIZVI EDUCATION SOCIETY AND ORS. VS THE BRIHAN MUMBAI MUNICIPAL CORPORATION AND ORS. [FA/1156/2015] ☑

Bench: Justice Sharmila U. Deshmukh

The Assistant Charity Commissioner had the authority under Section 50A(2) of the Maharashtra Public Trusts Act to approve the amalgamation of the Rizvi Education Society and Kailas Seva Sadan Trust for proper management and administration of the trusts. Although publication of notice in the Official Gazette was mandatory, failure to do so did not invalidate the order, as the municipal corporation had an opportunity to be heard. Objections from the corporation were dismissed, with the focus being on the beneficial interests of the trusts rather than third-party interests. The lower court's judgment that set aside the amalgamation order was quashed, and the original order was restored.



VANASHAKTI, A PUBLIC TRUST VS UNION OF INDIA AND 4 ORS. [PIL/20/2013]

Bench: Justice G. S. Kulkarni, Justice Somasekhar Sundaresan

The Impugned Notification by the Divisional Commissioner to de-notify 119.91 Hectares of land from "protected forest" status was invalid. The original Forest Notification followed proper procedures, including verification and compliance with the Indian Forest Act, 1927. The de-notification violated the Forest Conservation Act, 1980, as it lacked prior approval from the Central Government. The argument that the de-notification was a mere rectification of an error was rejected, and the use of the land for a garbage dump did not circumvent the requirements of the Forest Conservation Act. Thus, the land was restored to "protected forest" status, requiring any future de-notification to adhere to the relevant laws.

GUTE REISE INDIA PVT LTD VS VICTORINOX INDIA PRIVATE LIMITED [CARBPL/7296/2025]

Bench: Justice Somasekhar Sundaresan

The termination of the dealership agreement between Gute Reise and Victorinox India cannot be challenged to enforce product supply, despite Gute Reise's claims that the agreement aimed to bypass foreign direct investment restrictions in India. The agreement was terminable at will, and the termination had already taken effect. Gute Reise did not establish a strong prima facie case to support its argument of subterfuge, and the appropriate venue to address this issue is the arbitral tribunal, not the court.

HIREN RAMESH DESAI AND ANR VS PADMAVATI HOUSING CORPORATION AND ORS [CARAPL/7901/2024] Bench: Justice Somasekhar Sundaresan

The Section 11 court should not address whether claims are barred by limitation and must refer the matter to arbitration, allowing the arbitral tribunal to decide on limitation. The addition of proposed respondents as parties to the arbitration is permitted based on established principles, with the court's examination limited to the existence of the arbitration agreement without making findings on the case's merits.



KETAN SHARAD BADULE VS STATE OF MAH. THR. PSO PS GONDIA CITY GONDIA [REVN/264/2023] Bench: Justice Urmila Sachin Joshi- Phalke

The criminal revision application by a child in conflict with law was dismissed. The Appellate Court's order to remand the matter to the Juvenile Justice Board (JJB) for a new preliminary assessment was considered appropriate. This assessment aims to evaluate the child's mental and physical capacity to commit the offense, their understanding of the consequences, and the circumstances of the alleged crime. The JJB had not reviewed the Social Investigation Report, and the Psychiatric Report lacked information on the tests conducted to assess mental capacity. No illegality was found in the remand for a fresh assessment.



JOAQUIM REGINALDO MENDES AND 10 ORS VS STATE OF GOA, THR. CHIEF SECRETARY AND 18 ORS [WP/403/2022]☑

Bench: Justice Makarand Subhash Karnik, Justice Valmiki Sa Menezes

The primary responsibility for enforcing bans on LED fishing, bull trawling, and pair trawling rests with the Coast Guard under the Coast Guard Act and the Goa Coastal Police within territorial waters, while the Director of Fisheries must also enforce these bans using powers under the Marine Fishing Act. A lack of enforcement resources exists, necessitating regular vessel inspections, a complaint redressal mechanism, more patrol vessels, and a dedicated enforcement wing within the Fisheries Department. Regular patrolling and enforcement of the bans in maritime zones is required, supported by the Coastal Police and Fisheries Department, with periodic compliance reports needed from the authorities.

BERNARDO FERNANDES VS STATE OF GOA, THR. THE CHIEF SECRETARY AND ANR [WP/205/2025] Bench: Justice Valmiki Sa Menezes

Bernardo Fernandes received adequate notice regarding allegations against him in a show cause notice issued by the Director of Panchayats under Section 210-A of the Goa Panchayat Raj Act. Evidence indicated that he repeatedly failed in his duties as a Panchayat member and acted against the Panchayat's interests, including misusing his authority to issue a no-objection certificate for his brother's operation of a guest house in an illegal structure. Removal from his position as a Panchayat member for three years was upheld as a justified penalty based on his conduct, leading to the dismissal of the writ petition with no grounds for interference found.

MELINDA FANTIN BOTELHO VS THE STATE OF GOA THR. THE CHIEF SECRETARY AND 2 ORS [WP/223/2022] Bench: Justice Valmiki Sa Menezes, Justice Nivedita P. Mehta

Article 19 of Decree Law No. 35461 was struck down in a previous case, rendering the orders of the Ecclesiastical Court regarding the annulment of the Petitioner's marriage without civil effects. The Civil Registrar's refusal to cancel the marriage entry in the Marriage Register was justified, as the necessary involvement under the now-invalidated Article 19 was not available. The writ petition was dismissed.



HEMANG JADAVJI SHAH VS STATE OF MAHARASHTRA AND ORS. [WP/2989/2025]

Bench: Justice Gauri Godse, Justice Somasekhar Sundaresan

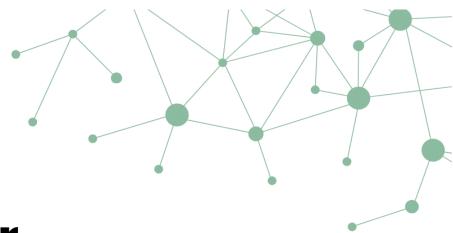
The petitioner's arrest was deemed illegal due to the investigating agency's failure to produce the petitioner before a magistrate within 24 hours, as required by Section 58 of the Bharatiya Nagarik Suraksha Sanhita and Article 22(2) of the Constitution. Additionally, there was non-compliance with Section 48 of the BNSS regarding informing the petitioner's relatives or nominated persons about the grounds of arrest. The petitioner was ordered to be released immediately.



LARSEN AND TOUBRO LIMITED VS MUMBAI METROPOLITAN REGION DEVELOPMENT AUTHORITY (MMRDA) [WPL/15216/2025] ☑

Bench: Justice Kamal Khata, Justice Shri Arif S. Doctor

The writ petition by Larsen & Toubro Limited challenging the Mumbai Metropolitan Region Development Authority's decision to open financial bids was dismissed. Material facts were suppressed by the petitioner, specifically clauses 28.1 and 42.5 of the tender documents, which permit withholding information about bid evaluation until the contract award is communicated. The petitioner cannot claim rights contrary to the accepted tender terms, regardless of their alignment with CVC or PWD guidelines. Given the public importance of the infrastructure project and potential prejudice from delays, the opening of financial bids was not restrained. However, MMRDA was directed to preserve the price bids for two weeks after notifying the petitioner of the rejection of its technical bid.



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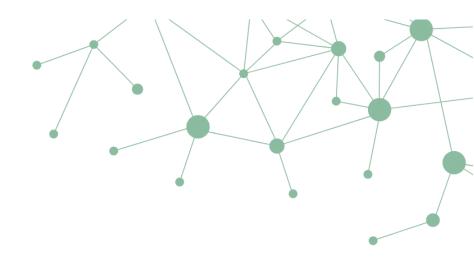
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